

Concept of Plea Bargaining: overview plea bargaining under the Indian legal system

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Abstract

The famous saying “Justice delayed is justice denied” holds utmost significance when the concept of Plea bargaining is discussed. The number of cases pending in the courts is shocking but at the same time, it has been normalized by people. These astonishing figures are no more astonishing because people have started accepting this as their fate. The concept of plea bargaining was not there in criminal law since its inception. Considering this scenario, Indian Legal scholars and Jurists incorporated this concept in Indian Criminal Law. As the term itself suggests that it is an agreement between accused and the prosecutor. Many countries have accepted this concept in their Criminal Justice System (CJS).

Meaning of Plea Bargaining

Plea bargaining is a pretrial negotiation between the accused and the prosecution where the accused agrees to plead guilty in exchange for certain concessions by the prosecution. It is a bargain where a defendant pleads guilty to a lesser charge and the prosecutors in return drop more serious charges. It is not available for all types of crime e.g. a person cannot claim plea bargaining after committing heinous crimes or for the crimes which are punishable with death or life imprisonment.

History of Plea Bargaining

In the Jury System, the need for plea bargaining was not felt because there was no legal

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