

Wrongful Prosecution: A Perversion in Indian Criminal Justice System

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Abstract

In contemporary India, one of the numerous pertinent issues that trouble the Indian socio-legal framework is that of providing victims of wrongful prosecutions, incarcerated or convicted of a crime have a legal right to compensation from the government. Various law provisions in the Constitution of India, allow victims of unjustified prosecutions, detention, and sentences to seek compensation from the court, and the Supreme Court has developed a rich compensatory jurisprudence via various historic pronouncements on the same subject. The authors finish the paper by highlighting the Law Commission of India's recommendations and also providing their own recommendations for essential reforms to empower victims of unjustified prosecutions, detentions and convictions with a statutory right to compensation.

Keywords: *Wrongful Prosecutions, Incarcerations, and Convictions, Compensation, Law Commission, Fundamental Rights, Criminal Justice System*

Introduction

The criminal justice system in India is facing challenges, which it must overcome in order to survive by earning the faith of the people for which it exists. The common man has no idea of the inherent lacunas in it and he is surprised when he finds that he does not get the relief or remedy, which he may have justly expected and ultimately he loses faith in the system. The system is thus alienated from the people for whom it was introduced and nourished through ages. Some facts and circumstances may be stated in the form of contributory factors that constitute the challenge to the system.

“Miscarriage of justice” refers to wrongful or malicious prosecution, whether or not it leads to a conviction by any court of law and whether or not it leads to any incarceration. These are the cases where the accused was not guilty of the offence and the police and/or the prosecution engaged in some form of misconduct in investigating and/

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