

Meaning of Public Prosecutor

As the name suggests, the term public prosecutor means a person which represents or advocates the interest of the common public in a court of law. This concept of "Public Prosecutor" is an essential element of the Latin maxim "*Audi Alteram Partem*" as it ensures that the interest of all the stakeholders is represented before the court.

The statutory definition of Public Prosecutor is given under section 2(u) of the Criminal Procedure Code (CrPC). It states that a person appointed under Section 24 of the CrPC will be known as a public prosecutor.

Section 24 of the Criminal procedure code empowers the central government and the state government to appoint public prosecutors for their respective jurisdictions. The true meaning of public prosecutor was expounded by our hon'ble supreme court in the matter of *Babu vs State of Kerala* wherein it observed that public prosecutors are the source of justice and their main task is to assist the court in the decision making process while ensuring that the interest of the general public is adequately represented.

Qualification and procedure for appointment of Public prosecutor

As per section 24 of the Criminal Procedure code, mainly 3 types of prosecutors are appointed.

1. A prosecutor or additional prosecutors appointment by the central or the state government for a particular High Court
2. A prosecutor is appointed by the central government with the sole purpose of conducting any case or any proceedings in a local area.
3. A prosecutor appointed by the state government for every district falling under its territorial limit.

Qualifications

The primary qualification for a person who desired to be a public prosecutor is that he must have experience of at least 7 years as a practising advocate in a court of law. However, this threshold is increased to 10 years when the prosecutor is appointed by the central government for a particular case.

The Public Prosecutor

Council of Europe



The Public Prosecutor:

The Public Prosecutor Jef Geeraerts, 2010-12-11 A violently funny thriller and vitriolic expos of Opus Dei's influence in judicially corrupt Belgium

The Evolving Role of the Public Prosecutor Victoria Colvin, Philip Stenning, 2018-09-24 The modern public prosecutor is a figure both powerful and enigmatic. Legal scholars and criminologists often identify three essential components of criminal justice systems: police, courts, and corrections. Yet increasingly the public prosecutor occupies a distinct role independent from any of these branches. Acting outside of the court and therefore largely out of the public eye, the prosecutor's control over whether and what charges proceed to court can limit judicial discretion on sentencing, open pathways to alternative measures, and even deny entry into the criminal justice system entirely. In this sense, the prosecutor serves as a true gatekeeper to the criminal process. This book addresses key aspects of the evolving role of domestic and international prosecutors in common law and civil law systems in the twenty-first century and the challenges posed by this evolution. This collection of chapters from respected scholars takes an international comparative approach and explores how these different legal systems have borrowed theorisations and articulations of the prosecutorial role from each other in adapting the office to changing conditions and expectations. The volume is structured around four main themes relating to the role of the modern prosecutor: the nature of the prosecutor's office; the role of the prosecutor in investigations; prosecutorial discretion and how it is exercised; and politicisation and accountability of prosecutors. This book is essential for scholars and students in criminal justice, pre-law, legal studies, criminology, justice studies, and political science, and is useful as a resource for those interested in legal change around the world.

The Public Prosecutor of the Terror, Antoine Quentin Fouquier-Tinville, Alphonse Dunoyer, 1914

The European Public Prosecutor's Office, Lorena Bachmaier Winter, 2018-11-02 This book explores the European Public Prosecutor's Office (EPPO), the creation of which was approved in the Regulation adopted by the Justice and Home Affairs (JHA) Council on 12 October 2017. The EPPO will be an independent European prosecution office tasked with investigating and prosecuting those crimes defined in the recently adopted Regulation 2017/1371 on combating fraud against the Union's financial interests by means of criminal law. As such, it will be a new actor on the EU landscape governed by the principle of loyal cooperation with the national prosecuting authorities. This work clarifies some of the challenges that member states will have to face when dealing with a supranational prosecution authority. In addition, it provides guidelines on how to implement the present Regulation while respecting the fundamental rights of defendants in criminal proceedings. The book is of special interest in so far as the analysis and perspective of academics is completed with the contributions of legal experts who have either been involved in the negotiations to establish the European public prosecutor or will be closely linked as public prosecutors to the functioning of the future European public prosecutor's office.

Public Prosecutors in the United States and Europe, Gwladys Gilliéron, 2014-04-14 This research examines the role of prosecutors within the United States and in Switzerland and is completed by an overview of the prosecution institutions in

France and Germany The research recognizes that despite seemingly very different legal traditions and structures prosecutors in these systems are similar enough that each system might learn from the others Drawing upon the experiences of other nations this research proposes solutions to the problems identified in connection with the position and powers of public prosecutors in the United States Furthermore it outlines the problems related to the increase of prosecutorial power and the lessons the European criminal justice systems surveyed can draw from the experience in the US In terms of methodology this research not only considers formal legal provisions but also systematic structural factors academic literature and statistics revealing how the law and governing principles actually work in practice The Training of Judges and Public Prosecutors in Europe Council of Europe, Centro de Estudos Judiciários (Lisbon, Portugal), 1996-01-01 Verburg and Armando Leandro *The role of public prosecutors outside the criminal justice system - Recommendation CM/Rec(2012)11 and explanatory memorandum* Council of Europe, 2014-01-01 Recommendation CM Rec 2012 11 on the role of public prosecutors outside the criminal justice system complements Recommendation Rec 2000 19 on the role of public prosecution in the criminal justice system which was adopted in autumn 2000 Together these two recommendations set European standards for prosecutorial activities with a comprehensive set of principles defining the status powers and practice of the public prosecution service for all areas of law in a modern democratic State Whatever the nature of their responsibilities whether they be criminal civil administrative law or other it behooves public prosecutors to carry them out in full accordance with the rule of law human rights and other principles which are fundamental to all democratic societies This recommendation draws upon a number of sources as well as on the practice of the prosecution services of many Council of Europe member States that enjoy extensive powers outside the criminal justice system A report prepared in 2008 at the request of the Consultative Council of European Prosecutors CCPE of the Council of Europe not only illustrated the diversity among legal systems but also showed that public prosecutors in most of the Council of Europe's 47 member States are vested with duties that extend beyond the criminal justice system of their countries Such powers are based on the various branches of law with the aim of protecting the public interest as well as the rights and legitimate interests of individuals especially members of socially vulnerable population groups Overall the recommendation represents a step forward in strengthening the protection of human rights and fundamental freedoms as the manner in which public prosecutors exercise their role inside and outside the criminal justice system is crucial to the protection of these rights and freedoms A Handbook for Public Prosecutors D. Chipeta, 2009-05-15 This is the third edition of A Handbook for Public Prosecutors It takes into account multiple changes in the Tanzania law since publication of the first and second editions in 1978 and 1982 respectively and the new Criminal Procedure Act of 1985 A Handbook for Public Prosecutors is written primarily for Public Prosecutors However it is sufficiently comprehensive to be useful to those who are fresh on the Bench or the Bar and to investigators of crime as well as to those who are required to do examinations in Criminal Law Criminal Procedure and the Law of Evidence in order

to advance in their careers While it is based on the Tanzania Penal Act Criminal Procedure Act the Evidence Act and other statutes readers in other East African countries will have no difficulty in finding relevant and equivalent provisions of applicable legislation which are invariably identical to those in their countries This book provides guidance to public prosecutors and others on basic principles of Criminal Law Criminal Procedure and the Law of Evidence and the art of prosecuting cases Report from the Select Committee on Public Prosecutors ,1855

The European Public Prosecutor's Office L. H. Erkelens,A.W.H. Meij,M. Pawlik,2014-09-18 In 2013 the European Commission launched its legislative proposal to create a European Public Prosecutor s Office The proposal provoked fierce debates politically as well as on the academic level Many national parliaments opposed and submitted formally their grievances to the Commission Negotiations on the proposal between Member States are still ongoing The T M C Asser Instituut held the first international conference on this unprecedented proposal This book reflects the main results of that conference It provides a concise background of and reasoning for the introduction of this new EU body entrusted with far reaching judicial powers disclosing important legal and policy implications Within its hitherto limited scope the existing system of judicial cooperation between EU Member States will change fundamentally directly affecting the functioning of national courts and public prosecutions offices How will this evolve This book will help answering fundamental questions involved

Shifting Perspectives on the European Public Prosecutor's Office Willem Geelhoed,Leendert H. Erkelens,Arjen W.H. Meij,2017-12-19 This book provides answers to the following questions Is there a bright future aheadfor a European Public Prosecutor s Office If so is the regulation establishing the officesufficiently clear and balanced to attain that goal Moreover will the office be able toeffectively fight fraud now damaging the EU s budget and will it respect the fundamentalrights of the parties involved Included are issues ranging from EU substantive and procedural criminal law combattingEU fraud the distribution of competences in European law enforcement EU fundamental rights to forum choice The book s aim is to inform academics policy makers and criminal law practitioners about key issues surrounding theattribution of prosecutorial powers to an entirely remodelled European Union body Indoing so it sheds light on this body as fundamentally changed by the Council whichwill undoubtedly have a greater impact on the European criminal justice system thanthe European Arrest Warrant ever did Dr Willem Geelhoed is Assistant Professor in criminal law and criminal procedureat the University of Groningen The Netherlands and Drs Leendert H Erkelensand Prof Mr Arjen W H Meij are both Visiting Research Fellow at the T M C AsserInstituut in The Hague in The Netherlands while the latter is also Honorary Professorat the University of Luxembourg

What Public Prosecution in Europe in the 21st Century Council of Europe,2000-01-01 This volume contains the contributions made at the Pan European Conference for Prosecutors General and other high ranking Prosecutors organized with the French Ecole nationale de la magistrature at the Palais de l Europe in Strasbourg from 22 to 24 May 2000 The contributions provide a comprehensive picture of the present day realities of public prosecution throughout Europe The

cornerstone of the conference was the text of what was then a draft recommendation and has since become Recommendation Rec2000 19 of the Committee of Ministers to member states on the role of public prosecution in the criminal justice system

Performance of the Prosecution Services in Latvia A Comparative Study OECD,2021-01-11 Latvia has embarked on an ambitious agenda to tackle the challenges posed by complex types of criminality to public prosecution services with particular emphasis on economic and financial crimes This report carries out a benchmark analysis of Latvia s prosecution practices along with those in ten OECD member countries international good practices and the experience of globally renowned prosecution experts

Removing Politics from the Administration of Justice United States. Congress. Senate. Committee on the Judiciary,1974 Removing Politics from the Administration of Justice United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Separation of Powers,1974 *Enactments Passed in Council in ...* Federated Malay States. State of Pahang,1905 *Enactments Passed in Council in ...* Federated Malay States. Negri Sembilan,1905 **Justice of the Peace and Local Government Review** ,1870 **The Law Journal** ,1874 **A Handbook for Public Prosecutors** B. D. Chipeta,1990

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