**CRIMINAL CASES**

Pleadings in criminal cases take one of three forms. A criminal accusation can be made through a complaint, information or indictment. One commonly seen pleading, the citation, is actually a subtype of the complaint. There are many rules related to each pleading type and varying legal ramifications.

Complaints  
A complaint is a written document submitted which sets forth the criminal accusations against the defendant. A complaint may be used as the sole pleading in an infraction or misdemeanor case, including driving under the influence, or as the initial (preliminary) pleading for felony cases. In felony cases, the filing of a complaint precedes a preliminary hearing.

Information  
An information is used as the accusatory pleading when a felony is charged, or when felonies accompany misdemeanors. Unlike a complaint which is filed prior to a preliminary hearing, the information is the type of pleading filed subsequent to the preliminary hearing.

Criminal cases involve enforcing public codes of behavior as embodied in the laws, with the government prosecuting individuals or institutions. In a criminal case, the government brings charges against the person alleged to have committed the crime.

In many parts of the world, civil and criminal legal actions are combined into one case, but in our country they are not. If there are serious civil and criminal aspects of an event, there will be two (or more) distinct cases. An example would be a crime leading to a criminal trial of the defendant, with the victims filing a separate civil suit against the defendant to recover damages caused by the crime.

The [Code of Criminal Procedure](http://kanoon.nearlaw.com/2017/12/26/code-of-criminal-procedure-1973/) defines the term ‘complaint’ as any allegation made orally or in writing to a Magistrate. It’s done with a view to his taking action under this Code, that some person, whether known or unknown, has committed an [offence](http://kanoon.nearlaw.com/2017/12/28/offences-code-criminal-procedure/), but does not include a police report.

## Examination of complainant (section 200)

A Magistrate with whom compliant filed, shall examine the complainant and also witnesses on oath. The contents in the compliant shall also examined and reduced in writing in a report. The report shall have signature of complainant, witnesses and also the Magistrate. Provided that, when the complaint made in writing, the Magistrate need not examine the complainant and the witnesses,

1. if a public servant acting or purporting to act in the discharge of his official duties or a [Court](http://kanoon.nearlaw.com/2017/12/27/classes-courts-law-india/) has made the complaint; or
2. if the Magistrate makes over the case for inquiry or trial to another Magistrate under section 192:

Provided further that if the Magistrate transfers the case to another Magistrate under section 192 after examining the complainant and the witnesses, the latter Magistrate need not re-examine them.