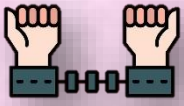
By Dr Neel Mani Tripathi

54 Terminologies Of Criminal Law



Which Every Lawyer Must Know

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1. Abettor

Definition:
An individual who intentionally encourages, supports, or facilitates the commission of a criminal act, even without being physically present during the occurrence.

Example:
“Although the defendant did not participate in the robbery itself, the prosecution argued that he functioned as an abettor by supplying the weapon essential for the crime.”

---

2. Accessory (After the Fact)

Definition:
A person who, with full knowledge that a crime has been committed, actively assists the offender in evading capture or punishment after the event has taken place.

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Example:
"She faced charges as an accessory after the fact after providing a safe haven for the suspect, thereby obstructing the investigation."

---

3. Actus Reus

Definition:
A Latin term meaning "guilty act," which refers to the physical execution or external manifestation of a criminal offense.

Example:
"To secure a conviction for theft, the prosecutor needed to establish both the actus reus and the defendant's intentional state of mind."

---

4. Admonition

By Dr Neel Mani Tripathi

Definition:
A formal warning or instruction issued by a judge to legal participants—such as witnesses or counsel—to uphold courtroom decorum and avoid conduct that might prejudice the legal process.

Example:
“Prior to resuming proceedings, the judge issued an admonition to all courtroom participants, cautioning against independent research or discussion of case details.”

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5. Alford Plea

Definition:
A plea in which the defendant does not admit to the criminal act but concedes that the evidence presented by the prosecution would likely lead to a conviction at trial.

Example:
"Opting for an Alford plea, the defendant effectively avoided a lengthy trial while still accepting the practical consequences of the evidence against him."

---

6. Amicus Curiae

Definition:
Latin for "friend of the court," this designation applies to an individual or organization that, although not a direct party in the case, is granted permission to offer insights or legal arguments that bear upon broader societal or constitutional issues.

Example:
"A prominent civil liberties organization submitted an amicus curiae brief to highlight the broader constitutional ramifications inherent in the dispute."

7. Bill of Attainder

Definition:
A legislative act that singles out an individual or group for punishment without a judicial trial, a practice widely prohibited under modern constitutional frameworks.

Example:
“The defense maintained that the new statute risked transforming into an unconstitutional bill of attainder by pre-emptively condemning dissenters without trial.”

---

8. Breach of Recognizance

Definition:
The failure to comply with the conditions of a bond or promise made before the court, such as neglecting to appear at a scheduled

hearing or failing to adhere to prescribed behavior.

Example:
"Missing the mandatory court appearance was considered a breach of recognizance, prompting immediate legal action to secure the defendant's return."

---

9. Caveat Actor

Definition:
A Latin maxim meaning "let the doer beware," underscoring the principle that individuals must bear the consequences of their deliberate actions.

Example:
"This doctrine of caveat actor reinforces the accountability of those engaging in wrongful

conduct, irrespective of their claims of ignorance."

---

10. Certiorari

Definition:
A writ issued by a higher court, such as a supreme judicial body, directing a lower court to send up the record of a case for review.

Example:
"The appellate process reached its apex when the Supreme Court granted certiorari to scrutinize the lower court's decision."

---

11. Commutation

Definition:
A reduction in the severity of a penal

sentence, typically implemented by an executive authority as a form of clemency.

Example:
"In recognition of exemplary conduct while incarcerated, her sentence was commuted, reducing the length of her imprisonment."

---

12. Concurrent Sentence

Definition:
The practice of imposing multiple sentences that are served simultaneously, thereby limiting the total duration of incarceration.

Example:
"Following convictions on separate counts, the defendant's sentences were ordered to run concurrently, effectively capping his overall prison term."

---

13. Consecutive Sentence

Definition:
The imposition of sequential sentences for multiple offenses, where each sentence begins only after the preceding one has been completed.

Example:
“Given the gravity of the crimes, the court ordered that the defendant serve consecutive sentences, resulting in an aggregate prison term that far exceeded a concurrent arrangement.”

---

14. Contempt of Court

Definition:
Any action or behavior that demonstrates disrespect for the court’s authority or disrupts

the judicial process, which may result in penalties such as fines or imprisonment.

Example:
"Persistent disruptions during court proceedings led to formal charges of contempt of court against the offending party."

---

15. Corpus Delicti

Definition:
A Latin term meaning "body of the crime," referring to the essential elements or factual evidence required to demonstrate that a criminal offense has indeed been committed.

Example:
"Without tangible evidence such as the stolen property, the prosecution struggled to

establish the corpus delicti necessary for a conviction."

---

16. De Facto Segregation

Definition:
Segregation that occurs in practice due to societal, economic, or cultural conditions, rather than as a direct result of statutory mandates.

Example:
"Despite the absence of any legal mandate, de facto segregation persisted in many urban neighborhoods due to entrenched socioeconomic disparities."

---

17. De Jure Segregation

Definition:
Segregation that is explicitly enforced or sanctioned by law.

Example:
“Landmark civil rights cases decisively ruled that de jure segregation violated constitutional principles, leading to widespread legal reform.”

---

18. De Minimis

Definition:
A legal doctrine signifying matters so trivial that they are not warranting judicial consideration or intervention.

Example:
“The court dismissed the complaint as de minimis, emphasizing that the disputed issue

lacked sufficient material significance to merit legal action."

---

19. Defalcation

Definition:
The misappropriation or embezzlement of funds or assets entrusted to an individual, typically within the context of fiduciary responsibility.

Example:
"The accountant was indicted for defalcation after it was revealed that he had systematically diverted corporate funds for personal gain."

---

20. Double Jeopardy

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Definition:
A constitutional safeguard preventing an individual from being prosecuted more than once for the same offense after either an acquittal or a conviction.

Example:
“After being acquitted in the initial trial, the defendant was shielded from subsequent prosecution for the same incident under the doctrine of double jeopardy.”

---

21. Dying Declaration

Definition:
A statement made by a person who believes they are facing imminent death, concerning the circumstances that led to their critical condition; such declarations are admissible under specific evidentiary exceptions.

Example:
"The victim's dying declaration was pivotal in identifying the assailant, thereby bolstering the prosecution's case."

---

22. Embezzlement

Definition:
The fraudulent appropriation of funds or property by an individual entrusted with its care, frequently occurring in employment or fiduciary contexts.

Example:
"An investigation revealed that the bank teller had committed embezzlement by unlawfully transferring small sums from client accounts to his own."

---

23. Entrapment

Definition:
A defense strategy asserting that the defendant was induced by law enforcement officials to commit a criminal act that they otherwise would not have perpetrated.

Example:
“Claiming entrapment, the suspect argued that undercover officers had inappropriately coerced him into engaging in illicit transactions.”

---

24. Exculpatory Evidence

Definition:
Evidence that is favorable to the defendant, suggesting innocence or mitigating the extent of culpability, and which must be disclosed by the prosecution.

Example:
"During the trial, critical exculpatory evidence—such as video footage—was introduced, raising serious doubts about the defendant's involvement."

---

25. Ex Post Facto Law

Definition:
A statute that retroactively alters the legal consequences of actions committed before the enactment of the law, generally prohibited in modern legal systems.

Example:
"Legislative attempts to impose harsher penalties for offenses committed in the past were rejected as they would constitute an ex post facto law."

---

26. Extortion

Definition:
The act of unlawfully obtaining money, property, or services through coercion, intimidation, or the threat of harm.

Example:
“Authorities charged the individual with extortion after evidence emerged that he had threatened to disclose compromising information in exchange for cash.”

---

27. Felony Murder Rule

Definition:
A legal doctrine that permits a charge of murder when a death occurs during the commission of a dangerous felony, regardless of the perpetrator’s intent to kill.

Example:
"Even though the defendant did not directly cause the death, the felony murder rule allowed prosecutors to charge him with murder due to the fatal outcome during the felony."

---

28. Forensic Pathology

Definition:
A specialized branch of pathology focused on determining the cause and manner of death through meticulous postmortem examinations, frequently essential in homicide investigations.

Example:
"Results from forensic pathology conclusively demonstrated that the victim had been poisoned, contradicting earlier assumptions of accidental death."

29. Fruit of the Poisonous Tree

Definition:
A metaphor describing evidence that has been derived from illegal or improper procedures, rendering it inadmissible in court.

Example:
“Since the initial confession was obtained under duress, all subsequent evidence was declared inadmissible as fruit of the poisonous tree.”

---

30. Habeas Corpus

Definition:
A legal writ meaning “you shall have the body,” which compels authorities to present

a detained individual before a court to determine the lawfulness of their detention.

Example:
"Citing violations of constitutional rights, the defense promptly filed a writ of habeas corpus to challenge the legality of the continued detention."

---

31. In Camera Review

Definition:
A judicial procedure whereby a judge privately examines evidence or documents outside the presence of the public or legal adversaries, typically to protect sensitive information or ensure admissibility.

Example:
"To safeguard classified information, the presiding judge conducted an in camera

review before deciding on the admissibility of the documents."

---

32. In Flagrante Delicto

Definition:
A Latin phrase meaning "caught in the very act," referring to the apprehension of an individual while actively engaged in committing a criminal offense.

Example:
"The suspect was apprehended in flagrante delicto, with incriminating items clearly visible at the scene."

---

33. Indigent Defense

Definition:
State-provided legal representation for

defendants who lack the financial resources to secure private counsel, ensuring equitable access to justice.

Example:
"Recognizing his inability to afford legal representation, the court appointed an indigent defense attorney to safeguard his constitutional rights."

---

34. Joinder

Definition:
The consolidation of two or more legal claims or defendants in a single proceeding, justified when the matters involve common questions of fact or law.

Example:
"The prosecution sought a joinder of the cases involving multiple conspirators, given

the overlapping evidence and shared criminal intent."

---

35. Malum in Se

Definition:
A term meaning "wrong in itself," used to denote actions that are inherently immoral or reprehensible by their very nature.

Example:
"Crimes such as murder and rape are classified as malum in se offenses, reflecting their intrinsic moral gravity and societal condemnation."

---

36. Malum Prohibitum

Definition:
A term meaning "wrong because it is

prohibited," referring to activities that are criminalized by statute even though they may not be inherently immoral.

Example:
"Many regulatory infractions, like certain traffic violations, fall under the category of malum prohibitum, being illegal solely due to statutory prohibition."

---

37. Mens Rea

Definition:
A Latin phrase meaning "guilty mind," which signifies the mental state or intent that accompanies the execution of a criminal act.

Example:
"Determining whether the defendant possessed the requisite mens rea was critical

in distinguishing a deliberate crime from an accidental occurrence."

---

38. Misprision of Felony

Definition:
The deliberate concealment or non-disclosure of knowledge regarding the commission of a felony, even when the individual did not actively participate in the criminal act.

Example:
"He was indicted for misprision of felony after it was proven that he intentionally withheld information about the planned bank heist."

---

39. Mitigating Circumstances

Definition:
Factors or conditions that, while not justifying a criminal act, may lessen the degree of culpability or warrant a reduced sentence upon conviction.

Example:
“The defense highlighted mitigating circumstances, including a history of severe childhood trauma, in an effort to secure leniency during sentencing.”

---

40. Modus Operandi (M.O.)

Definition:
A Latin term meaning “method of operation,” referring to the distinctive, habitual pattern or approach a criminal employs when committing offenses.

Example:
"Investigators identified a unique modus operandi in the series of burglaries, which eventually linked the incidents to a single suspect."

---

41. Motion in Limine

Definition:
A pretrial procedural request submitted to the court, seeking to limit or exclude certain evidence from being introduced during the trial to avoid undue prejudice.

Example:
"To prevent the introduction of inflammatory materials, the defense submitted a motion in limine targeting potentially prejudicial photographs."

---

42. Nolo Contendere

Definition:
Latin for “I do not wish to contend,” this plea allows a defendant to accept conviction without admitting guilt, thereby avoiding an admission that could be used in civil litigation.

Example:
“By entering a plea of nolo contendere, the defendant opted to accept the court’s ruling without explicitly acknowledging culpability.”

---

43. Parens Patriae

Definition:
Latin for “parent of the nation,” a legal doctrine that empowers the state to act as a guardian for individuals who are incapable of

caring for themselves, such as minors or the mentally incapacitated.

Example:
"Invoked under the doctrine of parens patriae, the juvenile court assumed responsibility for determining the most appropriate living arrangement for the child."

---

44. Penal Welfarism

Definition:
A criminological philosophy that emphasizes the rehabilitation of offenders through welfare and supportive state interventions rather than focusing exclusively on punitive measures.

Example:
"Proponents of penal welfarism advocate for integrating comprehensive rehabilitation

programs into incarceration to reduce future criminality."

---

45. Perjury

Definition:
The criminal offense of deliberately providing false information or lying under oath during a judicial proceeding.

Example:
"Subsequent investigations revealed that his testimony was inconsistent with established facts, leading to formal charges of perjury."

---

46. Plea Bargain

Definition:
A negotiated agreement in which the defendant agrees to plead guilty to a lesser

charge or accepts a reduced sentence, thereby avoiding the uncertainty and expense of a full trial.

Example:
"Faced with overwhelming evidence, the defendant opted for a plea bargain, resulting in a significant reduction of his potential sentence."

---

47. Post-Conviction Relief

Definition:
A range of legal remedies available to a convicted individual seeking to challenge the conviction or sentence, including appeals, writs of habeas corpus, or motions for a new trial.

Example:
"After exhausting all direct appeals, she

pursued post-conviction relief on the grounds of ineffective assistance of counsel during her trial."

---

48. Preponderance of Evidence

Definition:
A standard of proof primarily used in civil litigation, indicating that a proposition is more likely true than not; it is also applied in certain criminal proceedings involving asset forfeiture or preliminary matters.

Example:
"In civil forfeiture cases, the government may rely on a preponderance of evidence to justify the seizure of assets associated with criminal activities."

---

49. Pro Se Representation

Definition:
The practice of an individual representing themselves in legal proceedings without the assistance of an attorney.

Example:
“Opting for pro se representation, the defendant assumed responsibility for his own legal defense rather than engaging a private lawyer.”

---

50. Quash

Definition:
To nullify or invalidate a legal proceeding, subpoena, or indictment, often due to procedural errors or overreach.

Example:
“The presiding judge moved to quash the subpoena on the grounds that it was

excessively broad and posed an undue burden."

---

51. Racketeering (RICO)

Definition:
Engagement in a pattern of organized criminal activity, often involving schemes such as extortion, money laundering, and other related offenses, as defined under statutes like the Racketeer Influenced and Corrupt Organizations Act.

Example:
"Law enforcement authorities pursued indictments under RICO statutes after accumulating evidence of widespread racketeering and financial fraud within the organization."

---

52. Recidivism

Definition:
The tendency of a convicted offender to relapse into criminal behavior following previous convictions and subsequent release from incarceration.

Example:
“New rehabilitative initiatives aim to address the root causes of recidivism, thereby reducing the rate at which former offenders commit new crimes.”

---

53. Res Ipsa Loquitur

Definition:
A Latin phrase meaning “the thing speaks for itself,” used in legal contexts to imply that the mere occurrence of an accident or injury

implies negligence, without direct evidence of specific wrongdoing.

Example:
"In an unusual twist, the circumstances of the accident were deemed so inherently implausible as an occurrence without negligence that the doctrine of res ipsa loquitur was invoked."

---

54. Subornation of Perjury

Definition:
The act of inducing or persuading another person to commit perjury—that is, to provide false testimony under oath.

Example:
"Authorities charged the executive with subornation of perjury after uncovering

evidence that he had bribed a witness to deliver false testimony during the trial.”

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