

# GLOSSARY OF LEGAL TERMS

**Abrogate:** To take away or annul a former law by a legislative act.

**Accomplice:** A person who, with knowledge and intent, assists the main offender in the commission of an offence.

**Accused:** A person against whom a criminal proceeding is initiated.

**Acquittal:** The judgement by a court that an accused is not guilty.

**Adjournment:** Postponement of a court proceeding to another time.

**Adjudicate:** Judicial settlement of a legal dispute.

**Adjudication:** The judgement or decision of a court.

**Admission:** The voluntary acknowledgement of the truth of certain facts, usually of an adverse nature, but not serious enough to amount to confession.

**Admonish:** A warning by a court.

**Affidavit:** A written statement of facts, recorded under oath, before a judge or notary public.

**Alimony:** The financial support ordered by a court to a spouse, in a matrimonial dispute.

**Allegation:** A statement or assertion made without proof.

**Allege:** To state something to be a fact, although not yet proven.

**Appeal:** A request to a higher court to review the judgement of a lower court. Thus, cases go in appeal to High Courts and from High Courts to the Supreme Court.

**Appellant:** A person who takes an appeal to a higher court.

**Appellate Court:** A court which has the jurisdiction to receive cases in appeal, like the High Courts and the Supreme Court.

**Arbitration:** Resolution of a dispute where the parties agree to the decision of a third impartial party.

**Arrest:** The legal apprehension of a person charged with a crime.

**Attorney:** A person who represents a party in a legal action.

**Bail:** A sum of money paid to the court for the release of an accused and as a guarantee of appearance, when required by the court.

**Bind:** To create a legal obligation.

**Bona Fide:** In good faith.

**Bond:** A written statement undertaking to pay a sum to another person.

**Brief:** A document submitted by the lawyer to the court, which sets out all the facts and point of law in support of the client.

**Capital Case:** A criminal case in which death may be the punishment.

**Charge:** The statement of accusation against the accused in a criminal case.

**Chattel:** An article of personal property.

**Civil Case:** A legal action for the recovery of property, enforcement of a contract or protection of one's civil rights.

**Complainant:** A person who initiates legal proceedings in the court, against another.

**Confession:** Admission by a person that he or she committed a certain offence.

**Contempt:** Obstructing the orderly conduct of a judicial proceeding, violating the dignity or sanctity of a court.

**Convey:** To transfer the ownership of a property.

**Conviction:** The judgement of guilt by a court, in a criminal case.

**Counsel:** A person qualified to represent clients in a court of law.

**Crime:** Commission or omission of an act which can attract a punishment of death, imprisonment or fine, or removal from office.

**Criminal Case:** A case where a crime has been committed.

**Cross-examination:** The examination and questioning of the testimony given by a witness who represents the other side in a criminal proceeding.

**Custody:** To put under the restraint and physical control of the court, so as to ensure the appearance in court or to imprison an accused after a criminal conviction.

**Decree:** Decree are of two kinds, interlocutory and final. An **interlocutory decree** is the preliminary finding. The **final decree** is the settlement of all issues of a case.

**Defendant:** The person who has been accused of having done a civil or criminal wrong.

**Delinquent:** A minor who has committed an act that would be a crime if it were committed by an adult.

**Detention:** Temporary custody of a person by a law enforcement agency, to prevent the commission of a crime or for a court to form its final decision.

**Dismissal:** The act of ordering the discharge of a case, by a court when it does not find merit in a case so as to continue it.

**Due Process:** The regular course of administration of law through the courts. Following the procedures prescribed by law.

**Eminent Domain:** The right of the State to take private property for public use and provide a fair compensation to the owner.

**Equitable:** To deal fairly and equally with all concerned. This term implies not only a fair or just determination on legal grounds, but also a judgement as would be guided by the common sense notions of fairness and justice.

**Equity:** A system supplemental to the law.

**Estoppel:** An act or statement that precludes a person from later making claims to the contrary.

**Exhibit:** An object shown to a court as an evidence in a case.

**Exonerate:** To clear from blame.

**Ex Parte:** 'From one side only'. The word is used when one side to a case does not appear and the court hears and decides the case in its absence.

**Extradition:** Getting a person apprehended in one country, to get the person delivered in another, where the person is accused or convicted of a crime.

**Forfeiture:** The loss of money or property resulting from a failure to meet a legal obligation.

**Fraud:** A wilful deception which results in financial injury to another person.

**Fugitive:** A person who runs away from the process or custody of law.

**Guilty:** A person found to have committed a crime by a court of law.

**Habeas Corpus:** A Latin word which means 'bring the body'. It is a writ used by the High Courts and the Supreme Court to bring a person before the court, so that the court can decide whether that person is being unlawfully denied his or her freedom.

**Hearing:** A court proceeding where the judges hear out the two parties.

**Impound:** To seize and hold property or documents and keep it in the custody of the law.

**In Camera:** A judicial proceeding where all the spectators are excluded.

**Incarcerate:** To confine to a jail.

**Incriminate:** To hold another or oneself responsible for criminal misconduct.

**Indemnity:** To compensate another person for a loss, damage or injury.

**Infraction:** A minor violation of the law, contract, or right, which cannot be punished by imprisonment.

**Injunction:** A court order restraining a person from doing a specific act.

**Intestate:** To die without making a will or leaving instructions for the disposal of one's property after death.

**Lawsuit:** A legal dispute brought to a court for resolution.

**Lawyer:** A person qualified to represent clients in a court of law and to advise them on legal matters.

**Levy:** To raise, collect, or seize by legal process.

**Libel:** False and malicious written, printed, or published material that is defamatory and injures the reputation of an individual.

**Lien:** A claim by a party on the property of another, for the payment of a debt or obligation. It is not a right to the property itself, but rather stops the owner from doing anything with it.

**Litigants:** The parties involved in a lawsuit.

**Litigate:** To conduct or engage in a lawsuit.

**Litigation:** A lawsuit.

**Magistrate:** A judicial officer having the power to issue arrest warrants.

**Notary Public:** A person authorised under civil law, to administer oaths, to attest and certify that certain documents are authentic.

**Parole:** A conditional release from imprisonment for good conduct, against certain conditions.

**Penalty:** Punishment for violating a law.

**Petition:** A formal, written request, presented to the court, requesting a specific judicial action.

**Petitioner:** One who presents a petition to the court.

**Plaintiff:** A person or entity who initiates a civil action.

**Plea:** A formal statement of a defendant, in response to a criminal accusation.

**Pleading:** A written statement in which one party responds to another's allegations, to narrow the dispute to one or more specific points of difference.

**Prima Facie:** A Latin word which means 'on the face of it'. It is evidence sufficient to support a certain conclusion.

**Proceedings:** Generally, the process of conducting judicial business before a court or other judicial officer.

**Promissory Note:** A written document by which one person promises to pay money to another.

**Prosecution:** Agency responsible for initiating proceedings in a criminal case, against the accused.

**Quash:** To set aside an order of a lower court.

**Remand:** To return a prisoner to custody until proceedings are resumed or the matter is set for further action.

**Respondent:** The person who has to respond against an appeal.

**Sentence:** The pronouncement by a court, of the punishment imposed on a person convicted of an offence.

**Sine Die:** A Latin word which means, 'Without a day'. It is used when no specific date is fixed for further hearing.

**Stay Order:** An order issued by a court, halting certain action.

**Summons:** It is a written order of a court to any person, to appear before it.

**Testify:** To give evidence as a witness under oath.

**Tort:** A private or civil wrong, independent of contract; failure to perform some duty imposed by law or custom, resulting in injury to another.

**Trial:** The hearing and determination of issues of fact and law, in a criminal case, in order to reach a disposition.

**Warrant: (Arrest)** Order of a court to arrest a person. **(Search)** An order of a court to search a premises.

**Writ:** A written order or directive issued by a court to the executive or other courts, that certain action be taken. **Habeas Corpus** is an order to physically produce a person before the court. **Mandamus** is a directive to a person to do his or her legal duty. **Prohibition** prohibits further proceedings of a lower court.