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A STUDY ON CAUSES OF DELAY IN TRIALS IN CRIMINAL COURT IN INDIA

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ABSTRACT:

Cr.P.C. is a comprehensive and exhaustive procedural law for conducting a criminal trial in India, including the manner for collection of evidence, examination of witnesses, interrogation of accused, arrests, safeguards and procedure to be adopted by Police and Courts, bail, process of criminal trial, method of conviction, and the rights of the accused for a fair trial. The procedure for a criminal trial in India, is primarily, except as otherwise provided, governed by The Code of Criminal Procedure, 1973 (Cr.P.C.). Any act or omission which is prohibited by law and is punishable by law is a crime. The punishment for such crime is decided by following procedures of criminal trial. The criminal trials in India are well established statutory, administrative and judicial frameworks. According to the Code of Criminal Procedure, a Criminal Trial is of three types. Depending upon the type of criminal trial the different stages of a criminal trial are discussed. One is Warrant trial, summons trial, summary trial. According to Section 2(x) of Code of Criminal Procedure, 1973 a warrant case is one which relates to offences punishable with death, imprisonment for life or imprisonment for a term of seven years or more. The trial in warrant cases starts either by the filing of an FIR in a police station or by filing a complaint before a magistrate. According to Section 2(w) of Code of Criminal Procedure, 1973, Those cases in which an offense is punishable with an imprisonment of fewer than two years is a summons case. A summons case doesn't require the method of preparing the evidence. The summary trials are reserved for small offences to reduce the burden on courts and to save time and money.

KEYWORDS: Criminal trial- Governed by courts- Framework of CrPC- Types- punishment.

INTRODUCTION:

There are various types of criminal trials conducted by the Courts in India. The broad classification of these trials can be made into warrant, summons and summary trials. There is another category of trials known as the Sessions trial; such a case is taken up by the Sessions Court and has its own procedure. While the procedures vary according to the type of trial held, the stages of a criminal trial can be broadly listed as mentioned below. One is Framing of charges that means after considering the police report submitted by the police to the Magistrate, the Magistrate proceeds to examine its contents. The Magistrate is required to decide whether there is prima facie evidence of the commission of the offense by the accused person. After the framing of charges, the Magistrate offers an opportunity to the accused person to plead guilty on the charges levied against him/her. If the accused pleads guilty, the Magistrate proceeds to convict the accused and then impose adequate punishment. Upon pleading not guilty by the accused, the Court directs the prosecution to present evidence in support of its averments. At this stage, the prosecution seeks to establish the guilt of the accused by producing documents and witnesses in this regard. And the next step is Statement of the accused, According to Section 313, the accused is called upon and is examined in a warrants trial. An opportunity is given to the accused to explain the circumstances of the commission and other relevant factors in the furtherance of his defence. Statements of the accused may not be recorded in summons and summary trials. At this stage, the defense produces evidence and witnesses to disprove the allegations made by the prosecution. The general rule of criminal jurisprudence is that the accused is presumed to be innocent until proven guilty; after the prosecution discharges its burden to prove the guilt beyond a reasonable doubt, onus shifts upon the accused to prove that he has not committed the offense. Final arguments and Judgement, Both the prosecution and defence argue before the Court and try to bring out the fallacies in each other's arguments and evidence. After hearing both parties, the Court proceeds to analyse the evidence and facts brought on record

to determine whether the accused is guilty of the offenses alleged. This is a judicial process where the Judge applies his or her mind to the material on record. If the Judge concludes that the accused has not committed the offence, an order of acquittal is granted, whereas if it is sufficiently proved that the accused is guilty, an order of conviction is passed, and the Court proceeds to the sentencing of the accused. Another reason behind the sad state of affairs is that the number of Judges is highly disproportionate to the population. A human being, however intelligent, has a limited capacity to work. So do the judges. The population of our country is over 100 crores, yet the number of judges for the aforesaid population is only 17,615. Thus the number of judges per million of population is 10.5 judges per million [8]. Recently it has gone up to 13 Judges per million as against an estimated requirement of 50 judges per million of the population. In All India Judges Association's Case [9], the Supreme Court has expressed its desire that the number of Judges be increased in a phased manner in 5 years so as to raise the Judge-Population ratio to 50 per million. A comparative study of the number of judges working in other countries can tell us a lot about how far we are lagging behind. Delay in the context of justice denotes the time consumed in the disposal of case, in excess of the time within which a case can be reasonably expected to be decided by the court. An expected life span of a case is an inherent part of the system. No one expects a case to be decided overnight. However, difficulty arises when the actual time taken for disposal of the case far exceeds its expected life span and that is when we say there is delay in dispensation of justice. Delay in disposal of cases not only creates disillusionment amongst the litigants, but also undermines the very capability of the system to impart justice in an efficient and effective manner. Long delay also has the effect of defeating justice in quite a number of cases.

OBJECTIVES:

- To study the importance of the criminal trials in India.
- To study the effectiveness of criminal trials in courts.
- To study the public awareness about criminal trials in India.

REVIEW OF LITERATURE:

J. K. Mittal (1965), The institution of special criminal courts was a British political device to terrorise the freedom fighters. It is no wonder that in the days when India struggled for independence, it was widely condemned. **V. Umakanth (2011)**, Corporate Criminal Liability and Securities Offerings: Rationalising the Iridium-motorola Case [Iridium India Telecom Ltd. v. Motorola Incorporated & Ors. The authors here analyse the decision of the Indian Supreme Court in Iridium India Telecom v. Motorola Inc. with respect to the criminal liability. **A. G. P. Pullan (1946)**, enacted by an Ordinance of James I dated 1623/4, and jury trial became the rule for criminal trials on the original side by the Supreme Court in Calcutta. This system passed on naturally to the Chartered High Courts, but this involved so small a part of the volume of criminal. **Ved Kumari, Ravinder Barn (2017)**, The focus on the high courts also provided a sense of trial court decision-making and the likely differences in the approach between the two courts. Study findings point to an urgent need for training of criminal justice professionals in the area of sentencing, in both the trials. **S.B. Sinha (2012)**, how trial processes in India are prone to mistakes and the problem of convicts sentenced to death languishing on death row due to delays in execution. Justice S.B. Sinha concludes by observing that the Indian judiciary is becoming more reluctant to award the death sentence. **Makau Mutua (2015)**, Makau Mutua of SUNY Buffalo Law School; and Sarah Nouwen of the University of Cambridge. The International Criminal Court : Pro mise and Politics By Makau Mutua† Introduction The International Criminal Court (ICC or Court) is an institution born of necessity after a long and arduous process. **Dilip Lahiri (2010)**, The International Criminal Court: Should India Continue to Stay Out? Dilip Lahiri The International Criminal Court (ICC) is an unprecedented initiative by the world community to go over the heads of national governments and bring them to trial. **S. N. Jain (1976)**, comments Public Participation In Criminal Justice Process- Indian Experience* There ARE multifarious ways in which the public is associated with the administration of the criminal justice process in India. **Elizabeth Kolsky (2005)**, Empire And India Codification and the Rule of Colonial Difference: Criminal Procedure in British India Elizabeth kolsky On July 10, 1833, an aspiring young English lawyer named Thomas Babing- ton Macaulay stood before the Parliament and presented an impassioned argument about the future role of British governance in India. **Sukumar Dam (1964)**, dualism in India as in the U. S. A. Unlike the American judiciary, ours is a single judiciary. In the words of Professor **D. N. Banerjee (2007)** we have in India a single, unified hierarchy of Courts with a Supreme Court at their head as the final Court of appeal. **Hans Koechler (2009)**, Lockerbie Trial and the Rule of Law Hans Koechler* The Lockerbie trial weaves together some of the most interesting notions in municipal criminal law with public international law concepts of state responsibility and personal criminal liability. Employing it as a case study , Professor Koechler analyses the criminal justice system. **Niloufer Bhagwat (1978)**, the citizens of India of their 'civil liberties'. The Janata party which was voted to power had held out to the electorate the promise of repealing the Maintenance of Internal Security Act, 1971, the Defence Gt India Act, and such other laws which authorized detention without trial. **K.N. Chandrasekharan Pillai (2006)**, Criminal Investigation IN India - Human Rights Perspective In India it is generally accepted that investigation into crimes is the prerogative of the police and that the judiciary should keep out of this arena. There is an array of decisions signifying this position from *Emperor v. Nazir Ahmad*. **Robert L. Fletcher (1960)**, the defendant to the police, the supreme court upon extraordinary application directed that the trial court issue its order requiring the inspection. The change in attitude toward criminal procedure reflected in these cases, startling as it is, has been slow in coming. We have long known the administration of criminal law. **Richard J. Pierce Jr. (2017)**, The aim of this article is to engage in a critical comparison of the legal regimes that the United States and India use to implement and enforce their competition laws. In Part I, the author describes the U.S. institutions that play major roles in implementing and enforcing competition law, including their powers. **Asha Bajpai (2005)**, Children in India ASHA BAJPAI I. Introduction India is a multi religious and a multicultural country. The different reli gious groups in India include the Hindus, Muslims, Christians and Parsis. Hindus constitute the majority of the population (80%) followed by Muslims (13.4%), Christians (2.3%) and others (3.8%).1 Because India is home. **T.D. Sethi (1983)**, It differs from the traditional adult criminal court in many respects and reflects the philosophy that an erring child needs protection and should be rehabilitated rather than be forced to defend himself under the contentious criminal justice system meant for adults. **Rám Ráz, H. S. Graeme (1836)**, On the Introduction of Trial by Jury in the Hon. East India Company's Courts of Law, by the late Rám Ráz, Native Judge in Mysore, Member of the Royal Asiatic Society, Author of the " Treatise on Hindú, Architecture. **Sheela Rai (2013)**, organs of the state especially the

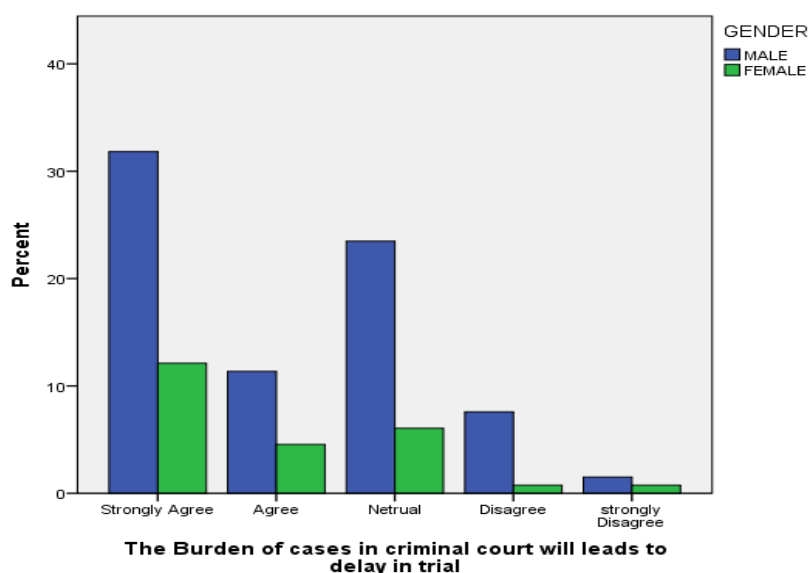
executive and the judiciary, appointment of personnel and autonomy of these bodies have been matters of litigation in the high courts and the Supreme Court for some years now. The issue still does not seem to be completely settled. **Sukumar Dam (1964)**, of Professor D. N. Banerjee, 'we have in India a single, unified hierarchy of Courts with a Supreme Court at their head as the final Court of appeal.' ¹ The Supreme Court of India consists of the Chief Justice of India and thirteen other Judges. The Judges are appointed by the President of India on ministerial advice after consultation. **Robert L. Fletcher (1960)**, stenographic recording of the questions and answers at the trial, the trial court ordered the prosecutor, prior to trial, to furnish a copy to the defendant. The Arizona Supreme Court in denying a writ of prohibition held that the trial court had the power to make such an order.

METHODOLOGY:

The research method followed is descriptive research. Data was obtained from friends and family by means of online. A convenience sampling is a sample where the respondents are selected, in part or in whole, at the convenience of the researcher and data was collected by a structured questionnaire. The independent variables are gender, age, occupation, marital status and the dependent variables are burden of cases in criminal Courts will leads to delay in Trial. Sample size is 200. The questionnaires consisted of demographic data and statements in Likert scale. All data was analysed by computer using IBM Statistics SPSS, Version 23 package.

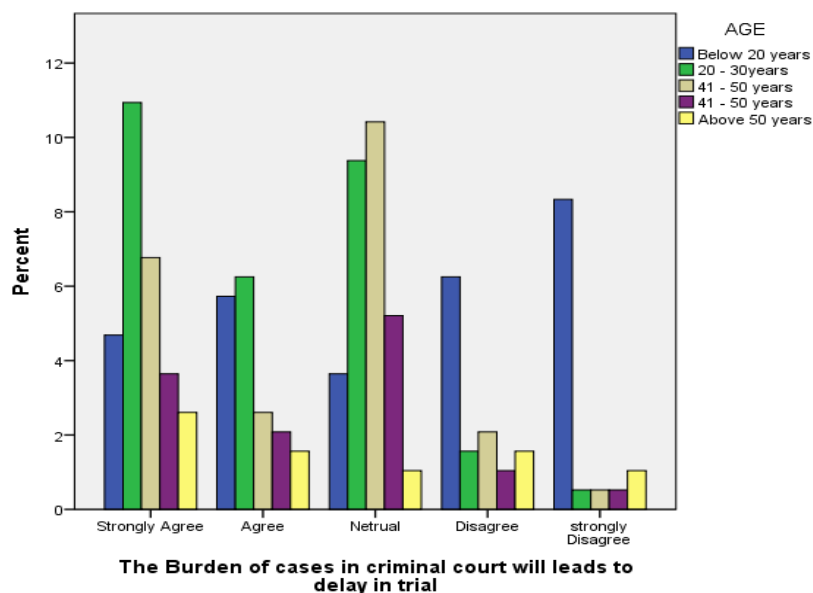
ANALYSIS:

FIGURE 1:



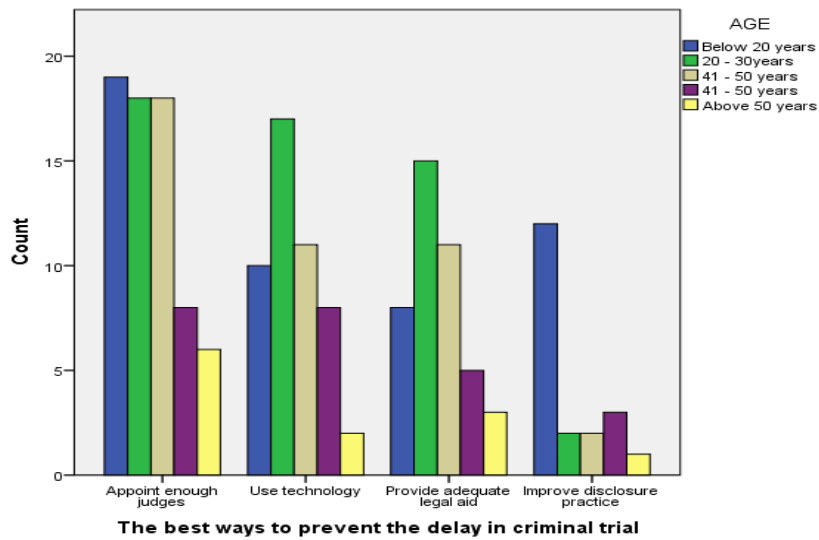
LEGEND: The above chart shows the comparison between gender group with the burden of cases in criminal Courts will leads to delay in Trial.

FIGURE 2:



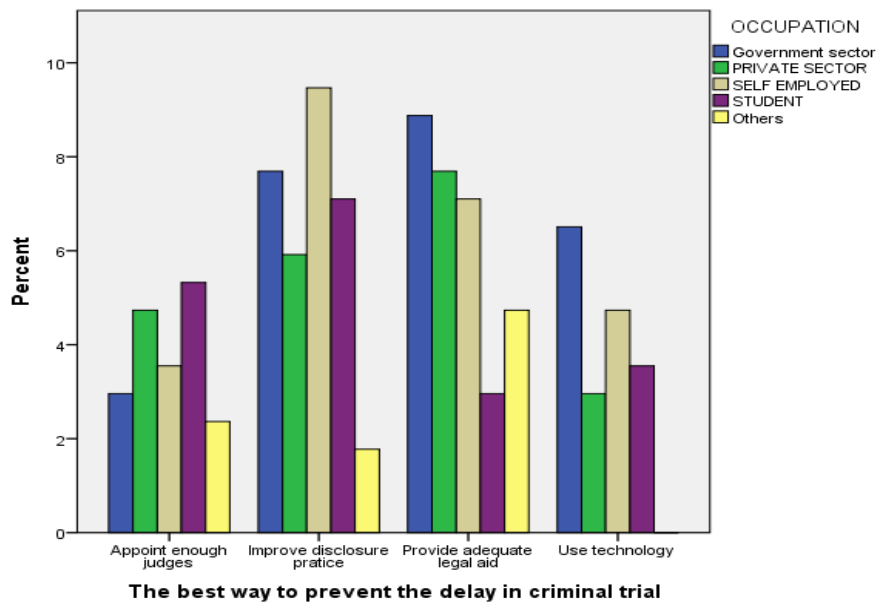
LEGEND: The above chart shows the comparison between age with the burden of cases in Criminal Courts will leads to delay in Trial.

FIGURE 3:



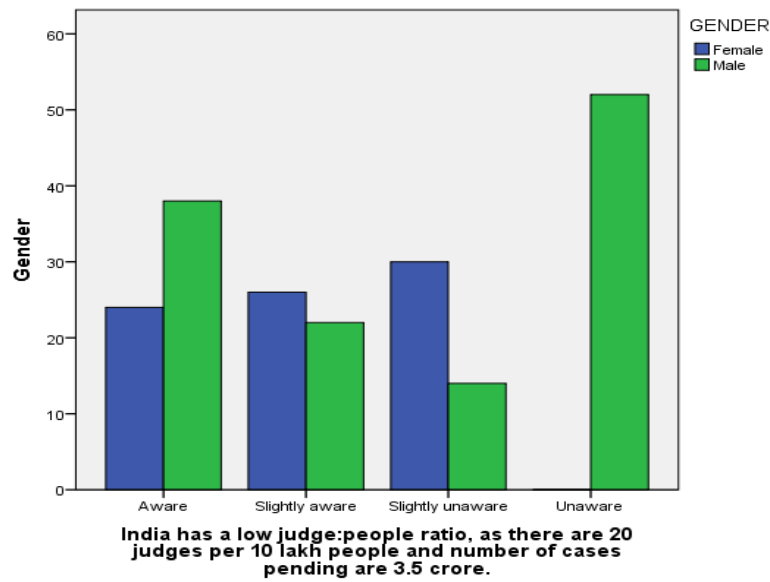
LEGEND: This chart shows the comparison between Age group with the best way to prevent the delay in criminal trial

FIGURE 4:



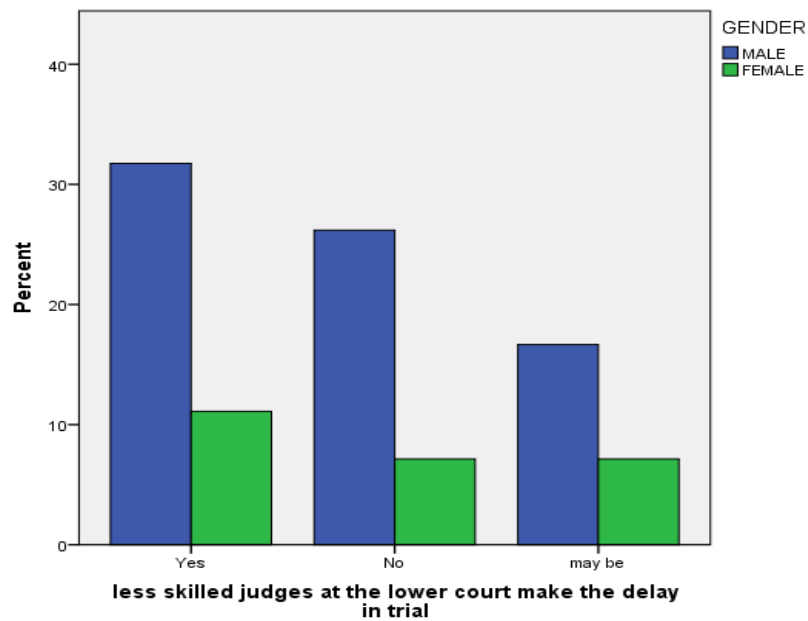
LEGEND: The above graph shows the comparison between occupation categories with the best way to prevent the delay in criminal trials.

FIGURE 5:



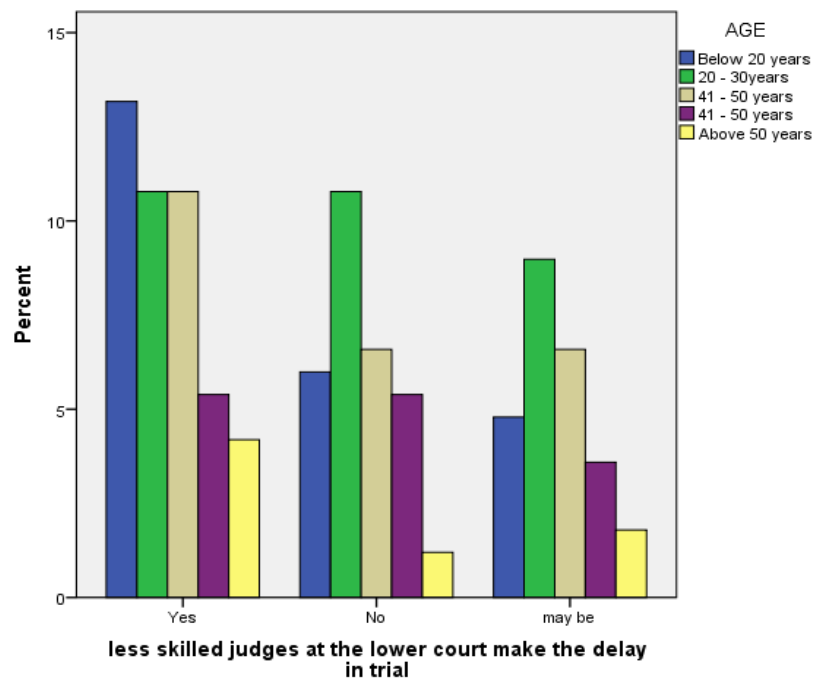
LEGEND: The above chart shows the comparison between gender group with India has a low judge people ratio as there are 20 judges per 10 lakh people and number of cases pending are 3.5 crore

FIGURE 6:



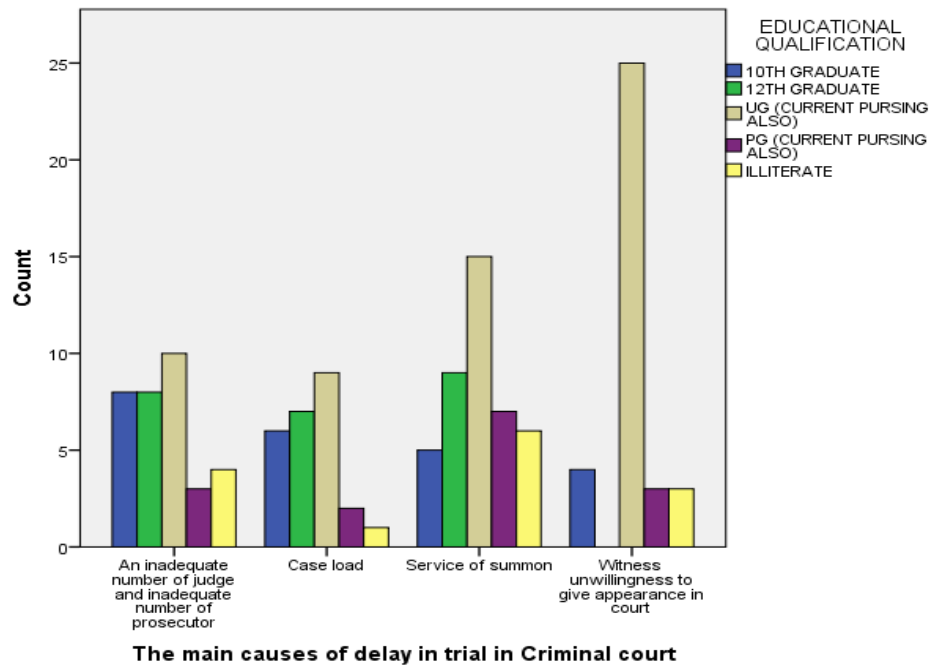
LEGEND: The above graph shows the comparison between gender group with less skilled judges at the lower courts makes the delay in Trail.

FIGURE 7:



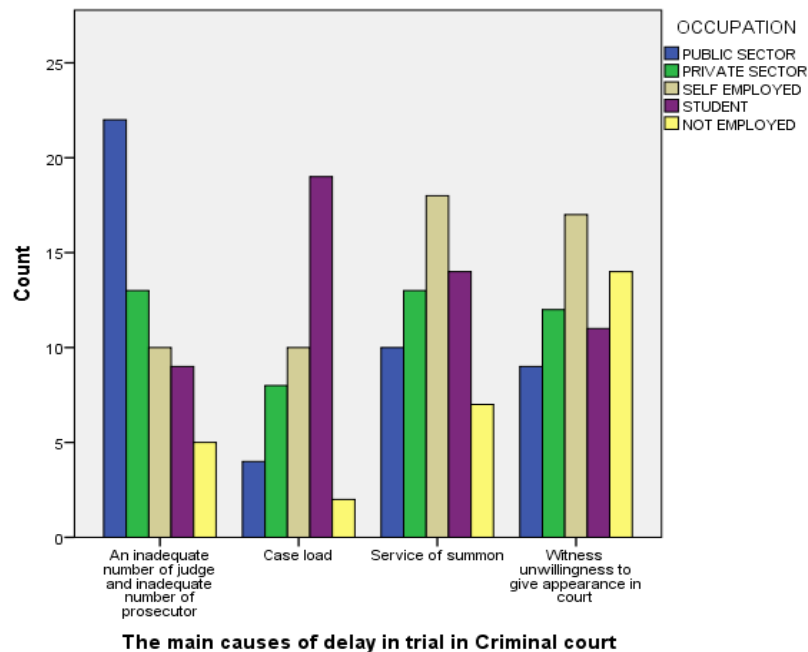
LEGEND: The above graph shows the comparison between age with less killed judges makes the lower courts make the delays in trial

FIGURE 8:



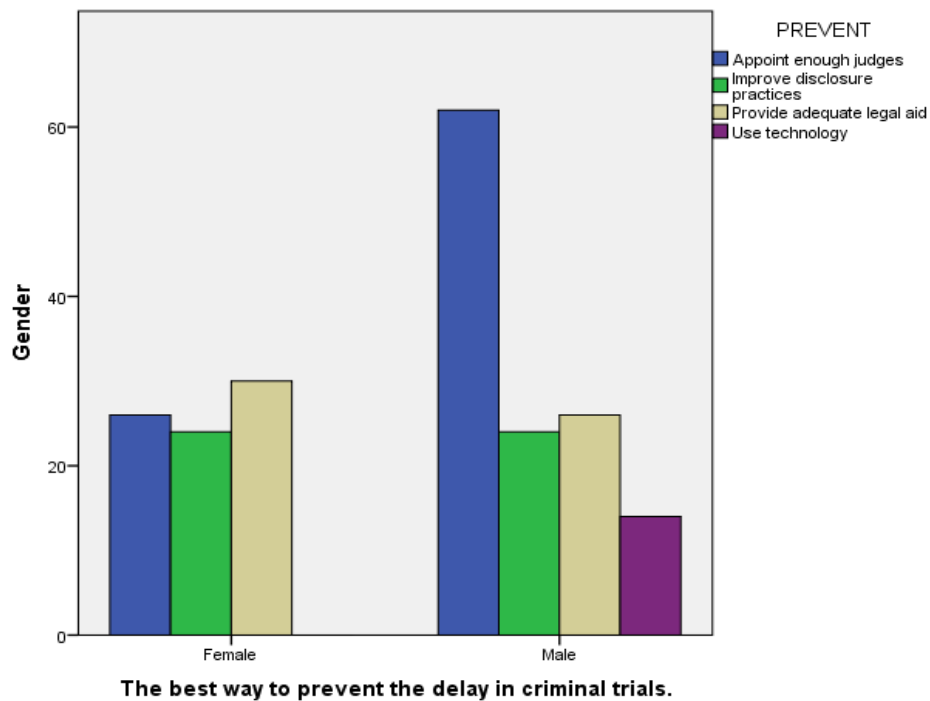
LEGEND: The above graph shows the comparison between age group with the main causes of delay in trial in Criminal court

FIGURE 9:



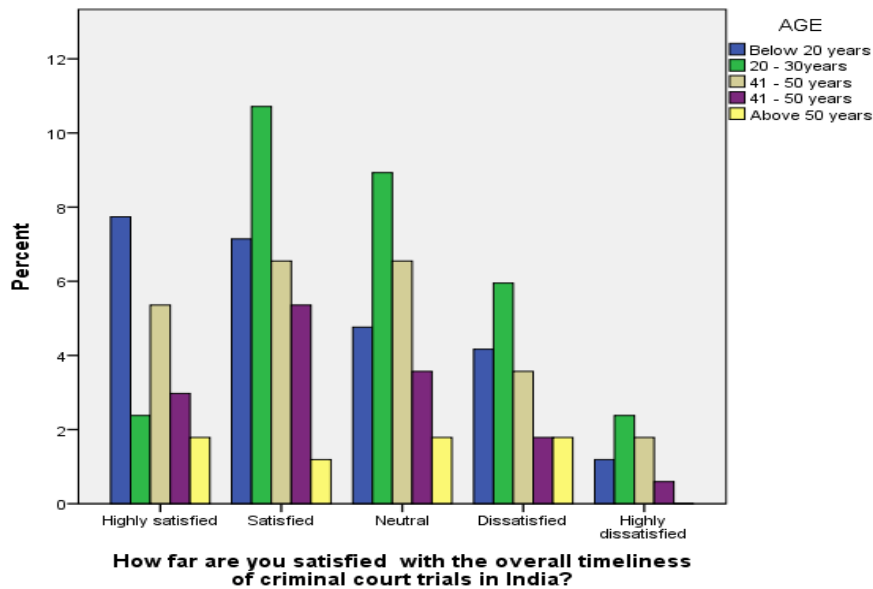
LEGEND: The above graph shows the comparison between educational qualification with the main causes of delay in trial in criminal court.

FIGURE 10:



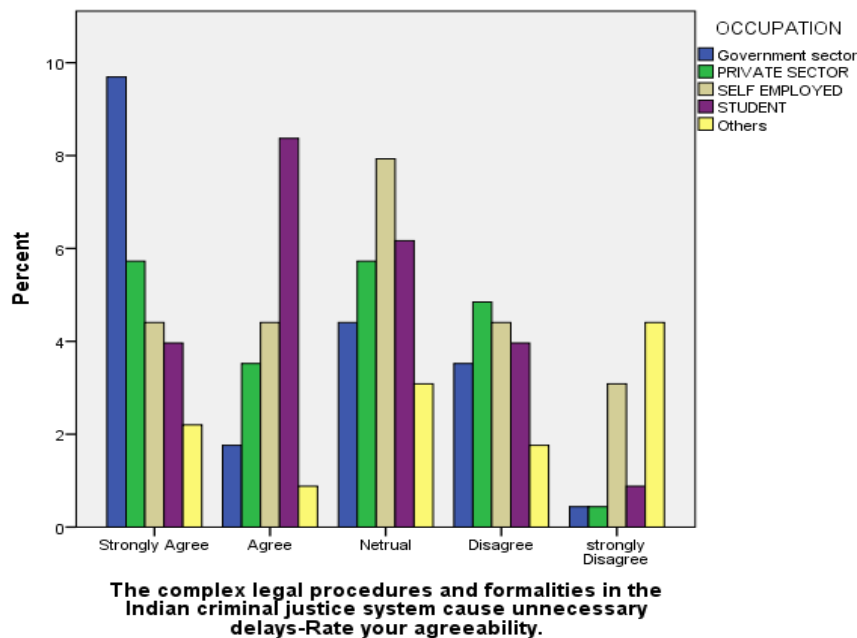
LEGEND: The above graph shows the comparison between gender category with the best way to prevent the delay in criminal trials

FIGURE 11:



Legend: It shows that how far are you satisfied with the overall timelines of criminal court trial in India with compared to age

FIGURE12:



Legend: It shows that complex legal procedure and formalities in the Indian criminal justice system cause unnecessary delays compared with occupation

RESULT:

Figure 1 The above chart shows the comparison between gender groups with the burden of cases in criminal Courts will lead to delay in Trial, here 60% of male where disagreeing this statement. But 50% of female where strongly agreeing this statement. **Figure 2** The above chart shows the comparison between educational qualification with the burden of cases in Criminal Courts will leads to delay in Trial, here 70% of UG students where strongly agreeing the statement. **Figure 3** This chart shows the comparison between Age group with the burden of cases in criminal Courts will leads to delay in Trails, here 50% age of age group between 19 to 30 where slightly aware on the statement. **Figure 4** The above graph shows the comparison between occupation category with the best way to prevent the delay in criminal trials. Here 90% were saying appointing enough judges is the best to prevent delay in trials. **Figure 5** The above chart shows the comparison between gender group with India has a low judge people ratio as there are 20 judges per 10 lakh people and number of cases pending are 3.5 crore, here 50% of male where unaware of the statement female wear slightly unaware. because most of the persons don't know about judges ratio in Inida. **Figure 6** The above graph shows the comparison between gender group with less skilled judges at the

lower courts makes the delay in Trial, here 80% of female where given 10% agrability for this statement, **Figure 7** The above graph shows the comparison between marital status with less killed judges makes the lower courts make the delays in trial, here 100% of single persons were responded that 10% of agrability for this statement, **Figure 8** The above graph shows the comparison between age group with the main causes of delay in trial in Criminal court, more response from age group 19 to 30 that is 50% of the students says that case load is the main causes of delay in criminal courts, **Figure 9** The above graph shows the comparison between educational qualification with the main causes of delay in trial in criminal court, here 50% of UG students versus that case load is the main causes for delay in criminal trials, **Figure 10** The above graph shows the comparison between gender category with the best way to prevent the delay in criminal trials, here 60% of male says that appoint enough judges is the best way to prevent the delay in criminal trials. **Figure 11**: It shows that majority of people (52%) said that they were dissatisfied or highly dissatisfied with the timeliness of criminal court trials in India. Only 22% of people said that they were satisfied or highly satisfied. People aged 41-50 were the most likely to say that they were dissatisfied with the timeliness of trials (60%), **Figure 12**: It shows that government sector employees (84%), followed by private sector employees (78%) and self-employed people (76%). Students (68%) and people in the "Others" category (60%) are less likely to agree with the statement.

DISCUSSION:

Figure 1 The above chart shows the comparison between gender groups with the burden of cases in criminal Courts will lead to delay in Trial, here 60% of male where disagreeing this statement. But 50% of females were strongly agreeing with this statement. because The burden of cases in criminal trials refers to the responsibility of the prosecution to prove the guilt of the accused beyond a reasonable doubt. In criminal law, the burden of proof is on the prosecution, and the accused is presumed innocent until proven guilty. **Figure 2** The above chart shows the comparison between educational qualification with the burden of cases in Criminal Courts will leads to delay in Trial, here 70% of UG students where strongly agreeing the statement, because The burden of cases in criminal trials refers to the responsibility of the prosecution to prove the guilt of the accused beyond a reasonable doubt. In criminal law, the burden of proof is on the prosecution, and the accused is presumed innocent until proven guilty. **Figure 3** This chart shows the comparison between Age group with the burden of cases in criminal Courts will leads to delay in Trails, here 50% age of age group between 19 to 30 where slightly aware on the statement, because the main reason for burden of court is India has low judge ratio because by appoint more judges the court burden will reduce and the trial speed will also increase **Figure 4** The above graph shows the comparison between occupation category with the best way to prevent the delay in criminal trials. Here 90% were saying appointing enough judges is the best to prevent delay in trials, **Figure 5** The above chart shows the comparison between gender group with India has a low judge people ratio as there are 20 judges per 10 lakh people and number of cases pending are 3.5 crore, here 50% of male were unaware of the statement female wear slightly unaware. **Figure 6** The above graph shows the comparison between gender group with less skilled judges at the lower courts makes the delay in Trail, here 80% of female where given 10% agrability for this statement, less skilled judges makes time to give judgment for an case because they will review their own judgement before commencing because of their inexperience. **Figure 7** The above graph shows the comparison between marital status with less killed judges makes the lower courts make the delays in trial, here 100% of single persons were responded that 10% of agrability for this statement, less skilled judges makes time to give judgement for an case because they will review their own judgement before commencing because of their inexperience. **Figure 8** The above graph shows the comparison between age group with the main causes of delay in trial in Criminal court, more response from age group 19 to 30 that is 50% of the students says that caseload is the main causes of delay in criminal courts, Limited resources, such as insufficient courtrooms, judges, prosecutors, defence attorneys, support staff, and technological infrastructure, can contribute to delays in criminal courts. When there are not enough resources to handle the workload effectively, cases can get delayed. **Figure 9** The above graph shows the comparison between educational qualification with the main causes of delay in trial in criminal court, here 50% of UG students versus that caseload is the main causes for delay in criminal trials Limited resources, such as insufficient courtrooms, judges, prosecutors, defence attorneys, support staff, and technological infrastructure, can contribute to delays in criminal courts. When there are not enough resources to handle the workload effectively, cases can get delayed. **Figure 10** The above graph shows the comparison between gender category with the best way to prevent the delay in criminal trials, here 60% of male says that appoint enough judges is the best way to prevent the delay in criminal trials by appointing more number of judges in court makes best way to prevent the delay in criminal trial. **Figure 11**: suggest that the justice system is not working effectively for many people. The Indian government has taken some steps to try to address the problem, such as increasing the number of judges and courts. However, more needs to be done to ensure that justice is delivered in a timely manner for all. **Figure 12**: Overall, the graph shows that there is a range of public opinion on the issue of legal procedures and formalities in the Indian criminal justice system. Some people believe that they are too complex and cause unnecessary delays, while others believe that they are necessary to ensure a fair trial.

LIMITATION:

The major limitation of the survey is that the sample size is 205 since it is not enough to cover the whole population and the sample frame of this survey was mainly taken in the maduravoyal near Poonamallee. Thus it is difficult to extrapolate to different regions and different populations. The physical factors have a larger impact thus limiting the study.

SUGGESTION AND CONCLUSION:

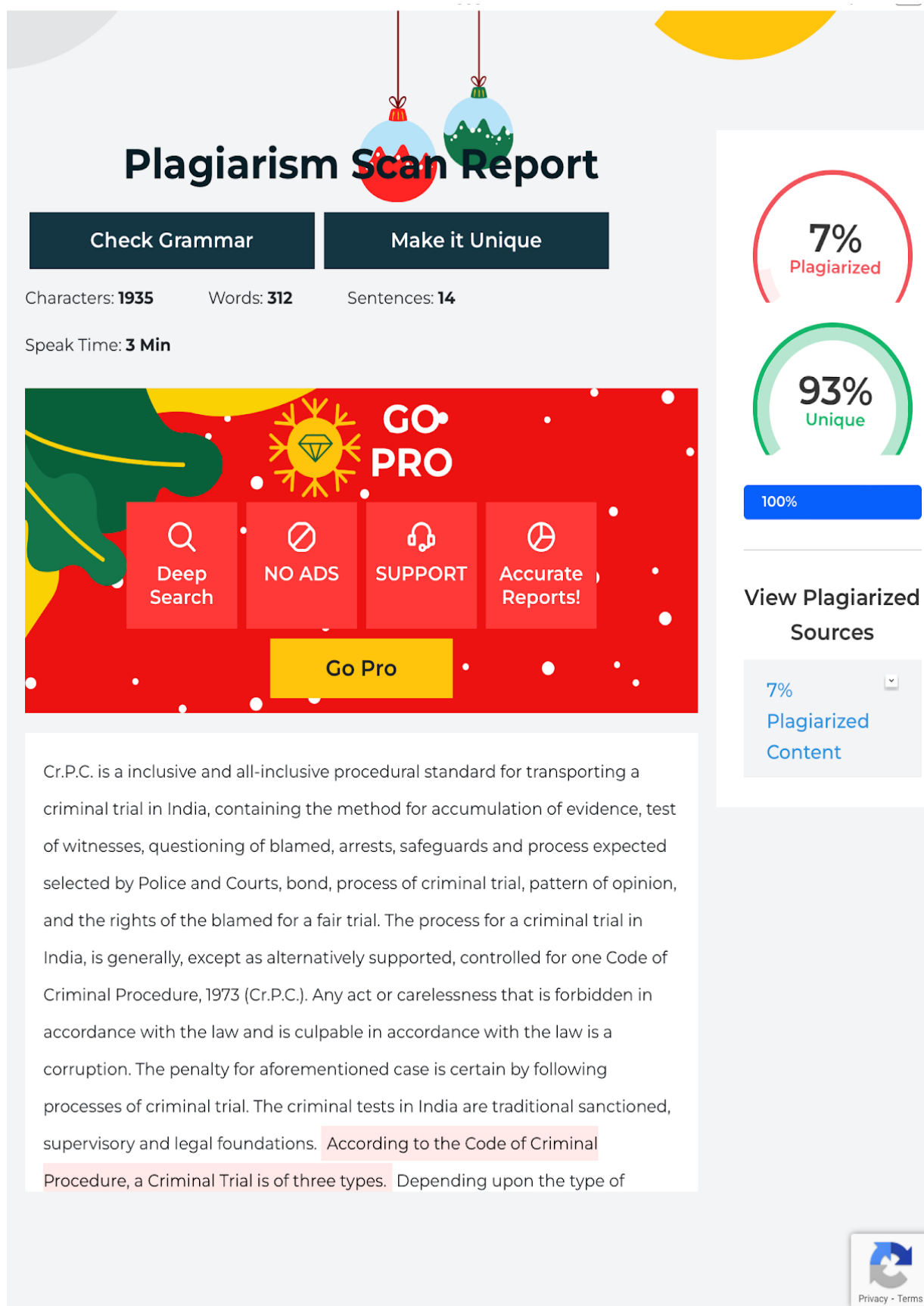
In conclusion, addressing delays in criminal trials requires a multifaceted approach involving resource allocation, procedural reforms, and enhanced collaboration among all participants in the justice system. By implementing these suggestions, it is possible to reduce delays, ensure timely access to justice, and uphold the principles of a fair and efficient criminal justice system. **Timely Discovery**: Ensuring that evidence is promptly shared between the prosecution and defense is essential for efficient case progression. Implementing rules and procedures to expedite the discovery process can prevent unnecessary delays caused by late or incomplete disclosure of evidence. **Alternative Dispute Resolution**: Promoting alternative dispute resolution methods,

such as mediation or arbitration, for certain types of cases can help reduce the burden on the court system. These methods can offer quicker and more cost-effective resolutions, particularly for cases that do not involve serious offenses. **Case Management:** Implementing efficient case management systems can help track and monitor cases more effectively. This includes setting clear timelines, scheduling regular status hearings, and utilising technology for case documentation and communication among parties involved. **Judicial Efficiency:** Encouraging judges to manage their dockets efficiently is crucial. This can be achieved through the adoption of case management techniques, such as prioritising cases, setting realistic timelines, and closely monitoring case progress. As a final note on the state of Indian legal community, there is a real sense among attuned observers that a large percentage of the country's 900-plus law schools has failed to produce adequate lawyers.¹⁷⁷ If this is the case, and lower level criminal courts are being staffed with under-qualified people, then attacking the undertrial problem may require working in conjunction with those seeking to improve the quality of legal education in India. Again, this is an issue requiring empirical study. It is a reminder that institutions are only as good as the people within them; and that when it comes to a country's criminal justice

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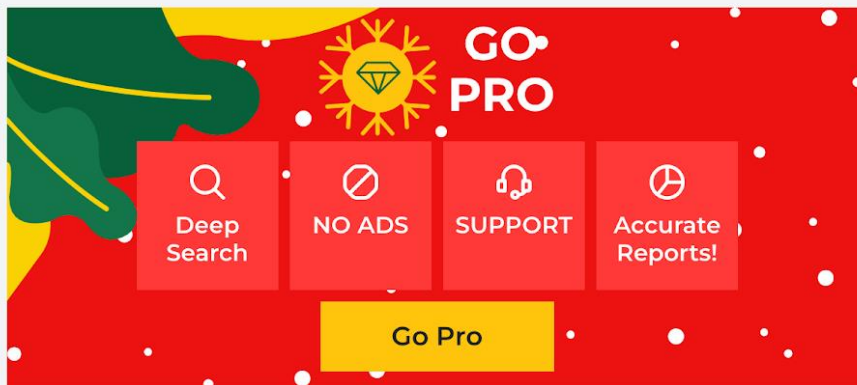
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Cr.P.C. is a inclusive and all-inclusive procedural standard for transporting a criminal trial in India, containing the method for accumulation of evidence, test of witnesses, questioning of blamed, arrests, safeguards and process expected selected by Police and Courts, bond, process of criminal trial, pattern of opinion, and the rights of the blamed for a fair trial. The process for a criminal trial in India, is generally, except as alternatively supported, controlled for one Code of Criminal Procedure, 1973 (Cr.P.C.). Any act or carelessness that is forbidden in accordance with the law and is culpable in accordance with the law is a corruption. The penalty for aforementioned case is certain by following processes of criminal trial. The criminal tests in India are traditional sanctioned, supervisory and legal foundations. According to the Code of Criminal Procedure, a Criminal Trial is of three types. Depending upon the type of

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The Magistrate is necessary to vote either skilled is on the face of it evidence of the commission of the displeasure for one blamed individual. After the building of charges, the Magistrate offers an time to the blamed human to beg blameworthy on the charges assessed against him/her. If the blamed pleads blameworthy, the Magistrate profit to convict the blamed and before dictate able penalty. Upon imploring innocent apiece blamed, the Court addresses the pursuit to present evidence for someone allure averments. At this stage, the government inquires to base the blame of the blamed by bearing documents and witnesses concerning this. And the next step is Statement of the blamed, According to Section 313, the blamed is named upon and is checked in a warrants trial. An excuse is likely to the blamed to analyze the means of the commission and added appropriate determinants in the advancement of

