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Delay in the Disposal of Criminal Cases: Problems & Solutions

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Abstract:

This paper is an attempt to understand the current situation for the delay of criminal cases in the Indian judicial system, the way it is building trust Indians are facing all difficulties in judiciary.

"Delay" in the context of justice implies time Excessive consumption of time in disposal of cases within which the case may reasonably be expected. A decision has been taken by the court. In the judicial system, what Inquisitor or adversary is the life expectancy of the case an inherent part of the system. No one expects a case to happen Decided overnight. However, the difficulty arises when the real the time taken to dispose of the case is much more than expected Ayusha and that is when we say it has a delay Dispensation of justice. The figures will be scanned to show that despite efforts being made at various levels and a significant increase in output is provided by System, gap between expected and actual lifespan the cases are only increasing.

The criminal justice system is based on the main principles of fairness, transparency and human rights, but the Indian criminal justice system has failed to achieve the objectives of these principles in reality because it is very imperative in any society to control the criminals and that is why in the society Laws are very important hence various laws are in force for the welfare of the society. In which the judicial process is done by the courts according to the procedural laws and the system of punishing the criminals and giving justice to the innocent through such judicial process (Criminal Justice System) is in effect.

Keywords: Delay, Criminal justice, Judicial System and Procedural laws.

Introduction:

The failure to satisfy the basic principles of the criminal justice system proves that the Indian criminal justice system lacks proper control and management which means that it takes years to bring the guilty to justice and has stopped deterring or deterring criminals from committing crimes. There is a huge backlog of cases in the courts of India which shows that the cases are not being disposed of in the courts in a timely manner. Criminal law has lost its effect on potential offenders. Crimes are increasing day by day and new types of crimes are spreading. Ultimately the common citizen is afraid of being a victim of crime and not getting the justice he deserves at the right time. This is not a new problem causing delay in disposal of cases. It has been in existence for a long time. Yet it has now acquired a terrifying surface. On the one hand, it has



put the judicial system under strain. On the other hand, it has also shaken people's confidence.

The Law-Commission of India observed in its 77th Report that, “a large number of cases remain pending in various courts of India due to long delay in disposal of cases”.

To deal with the problem of crime and criminality it is desirable that the accused should be punished without any delay. Apart from this, the interest of the society, the question of life and death of the accused and also the rights and interests of the victim in criminal cases are no less important and for that justice is appropriate. To deal with the problem of crime in the administration and society, speedy disposal of cases is very important. In India, the right to speedy trial has now been recognized as a fundamental right enshrined in Article 21 of the Constitution of India. Trials are essential to gain public confidence in the speedy criminal justice system.

Problems for the delay of cases in Courts:

The biggest challenge in the justice delivery system faces in India is the problem of huge backlog of pending cases before courts and tribunals constituted under various enactments. The bulging dockets are swelling day by day causing unconscionable delay in the hearing and decision of cases. This, in turn, has led to a sense of despair in people whose cases have remained indisposed of for years together and is leading to loss of faith in the system itself. Whatever may be the reasons for this sorry state of affairs and whosoever may be largely responsible for it, time has come when it has become imperative to think of some supplemental alternatives and provide it to the harassed populace. Else, the system will collapse notwithstanding optimistic observations made from time to time by people at the helm.

The Arrears Committee headed by Justice V. S. Mallimath identified various causes of accumulation of arrears of cases in the High Courts. Some of the principal causes are:

1. Litigation explosion;
2. Accumulation of first appeal;
3. Inadequacy of staff attached to the High Court;
4. Inordinate concentration of work in the hands of some members of the Bar;
5. Lack of punctuality among judges;
6. Granting of unnecessary adjournments;



7. Indiscriminate closure of Courts;
8. Indiscriminate resort to writ jurisdiction;
9. Inadequacy of classification and granting of cases;
10. Inordinate delay in the supply of certified copies of judgments and orders etc.

Solutions for the delay of cases in Courts:

The list is never ending so I stop the reasons and announce now for some positive steps taken in the past Which has already started showing results and is significant Contributing to reducing delay and increasing disposal Subordinate as well as High Courts and which are still there It needs to be taken for fast and cheap delivery justice. The following are the solutions to speed up the case.

1. SHIFT SYSTEM IN SUBORDINATE COURTS:

The state of Gujarat has taken the lead in introducing shift system in subordinate courts. 14-11-2006. 60 evening courts are already functioning in different parts of the state.

The introduction of shift system in courts will be very less Burdensome to the exchequer as existing courts may be designed to work in two shifts with the same infrastructure by using the services of retired judicial officers, who will be paid only the difference between the salary and wages payable.

2. PRE-TRIAL SETTLEMENTS:

All types of cases compoundable criminal cases and civil cases should have pre-trial settlement as a mode of settlement before the matter is taken up before the court and it should be a necessary stage and mandatorily advised to save time and money That would curb most of the simple cases coming before the court which again would prevent bottleneck in other cases which really need more care by the court and save most of the productive judicial work.

3. COMPUTERIZATION OF COURTS:

One of the best ways to effectively achieve the improvement of judicial components in the country is to adopt information technology-based systems in the judicial structure to make the judiciary more effective in providing speedy and timely justice to the litigants.



4. PLEA BARGAINING:

Plea bargaining benefits both the state and the offender; When the state saves time, money and effort in prosecuting the suspects, the latter gets a lighter sentence by pleading guilty. One of the features of this system is that it helps the court to manage its workload and thus will result in reducing the backlog of cases.

5. TIMELY APPOINTMENT OF JUDGES:

The process of appointment to the District and Subordinate Judiciary should be started well in advance so that the next post can be taken up immediately after retirement. Judges should develop the skills to decide cases in the shortest possible time and members of the bar should be able to put their points without losing public time.

6. ADOPT ALTERNATIVE DISPUTE RESOLUTION:

Litigation through the courts and tribunals established by the State is one way of resolving the dispute which is an adversarial method of dispute resolution which leads to win-lose situation whereas in Alternative Disputes Resolution what is tried to be achieved is win-win situation for both the parties. There is nobody who is loser and both parties feel satisfied at the end of the day.

Conclusion:

We can draw the conclusion that while speedy trials were initially not a priority, they became so after the emergency period as a way for the courts to protect the parties to criminal proceedings from needless harassment. According to the Apex Courts' judicial pronouncements, a speedy trial is an inherent right under the constitution's Article 21. As a result, no one may be deprived of their life or freedom without following the proper legal procedures, which must be "fair," "reasonable," and "just."

At every stage, including the investigative process, inquiry, trial, appeal, revision, and retrial, a person has the right to a prompt trial. In several of its rulings, the Supreme Court highlighted that anyone wishing to enforce their right to a speedy trial may do so by applying to the Hon'ble Supreme court under Article 32 and the High Court under Article 226. However, the Court has on several occasions declined to set a deadline for when a trial must be over. Finally, even though numerous provisions have been made to guarantee swift justice, the Indian people still do not receive instant justice in the real sense.



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Disposal of Criminal cases is a milestone. To get Speedy justice and speedy trial is a basic requirement Under Article 21 of the Constitution of India. So, there is a need to find ways to provide social justice to the people, Poor and needy who want redressal of their grievances Court of Justice. Besides making the Judiciary work, there is an urgent need to provide existing infrastructure of courts through alternative dispute resolution. Procedures and other prevention methods. This is an attempt all over the world has been created to take action against Criminal cases and has proven success in achieving it.



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