

In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies in Criminal Trials v. State of Andhra Pradesh (SC) : 2021 PLROnline 5300

SUPREME COURT OF INDIA

Before:-S.A. Bobde, CJI, L. Nageswara Rao and S. Ravindra Bhat, JJ.

In Re: To Issue Certain Guidelines Regarding Inadequacies and Deficiencies in Criminal Trials

Versus

The State of Andhra Pradesh & Ors. – Respondents

Suo Moto Writ (Crl.) No. 1 of 2017.

20.4.2021.

CrPC S. 207, S. 208 - While furnishing the list of statements, documents and material objects under Sections 207/208, Cr. PC, the magistrate should also ensure that a list of other materials, (such as statements, or objects/documents seized, but not relied on) should be furnished to the accused. This is to ensure that in case the accused is of the view that such materials are necessary to be produced for a proper and just trial, she or he may seek appropriate orders, under the Cr. PC.^[3*] for their production during the trial, in the interests of justice. [Para 11]

CrPC S. 132, 148 - During a trial, in terms of Section 132, every witness is bound to answer the questions she or he is asked; however, that is subject to the caveat that he or she is entitled to claim silence, if the answers incriminate him or her, by virtue of Article 20 (3) of the Constitution - Every judge who presides over a criminal trial, has the authority and duty to decide on the validity or relevance of questions asked of witnesses - This is to be found in Section 148 Cr. PC. [Para 14]

CrPC Section 148 - Evidence Act Sections 149-154 - Cross examination - During questioning, no doubt, the counsel for the party seeking cross examination has considerable leeway; cross examination is not confined to matters in issue, but extends to all relevant facts - Presiding officer should decide objections to questions, during the course of the proceeding, or failing it at the end of the deposition of the concerned witness - In given cases, if the court is of the opinion that repeated objections have been taken, the remedy of costs, depending on the nature of obstruction, and the proclivity of the line of questioning, may be resorted to. View in *Bipin Shantilal Panchal* should not be considered as binding. [Para 15]

Criminal trials - Case management - Courts in all criminal trials should, at the beginning of the trial, i.e. after summoning of the accused, and framing of charges, hold a preliminary case management hearing immediately after the framing of the charge - In this hearing, the court should consider the total number of witnesses, and classify them as eyewitness, material witness, formal witness (who would be asked to produce documents, etc) and experts - At that stage, the court should consider whether the parties are in a position to admit any document (including report of experts, or any document that may be produced by the accused, or relied on by her or him) - If so, the exercise of admission/denial may be carried out under Section 294, Cr. PC, for which a specific date may be fixed - The schedule of recording of witnesses should then be fixed, by giving consecutive dates - Each date so fixed, should be scheduled for a specific number of witnesses - However, the concerned witnesses may be bound down to appear for 2-3 consecutive dates, in case their depositions are not concluded - Also, in case any witness does not appear, or cannot be examined, the court shall indicate a fixed date for such purpose - The recording of deposition of witnesses shall then be taken up, after the scheduling exercise is complete. [Para 17]

[2021-PLRonline-5300Download](#)