

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.7983/2024

Jitendra Singh @ Jitu S/o Darbar Singh, R/o Kavrasha, Sambhar, Jaipur Rural, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Manoj Kumar Rathi S/o Parsaram, R/o Guljar Pura, Sikar Road, Kuchaman City, Nagaur, Rajasthan.

----Respondents

For Petitioner(s) : Ms. Anushree Sharma

For Respondent(s) : Mr. Manvendra Singh Shekhawat, PP

JUSTICE ANOOP KUMAR DHAND

Order

29/11/2024

1. By way of filing of this petition, a prayer has been made for issuing directions to the trial court to conclude the trial within a period of two months.

2. The aforesaid prayer made by the counsel for the petitioner cannot be granted by this Court in the light of the judgment passed by the Hon'ble Apex Court in the case of **Sangram**

Sadashiv Suryavanshi vs. The State of Maharashtra while deciding **Criminal Appeal No (S). 4758 of 2024**.

3. The Hon'ble Apex Court in the case of **Sangram Sadashiv Suryavanshi (supra)** while referring to the Constitutional Bench Judgment in the case of **High Court Bar Association, Allahabad vs. State of U.P.** reported in **(2024) 6 SCC 303**, emphasized that Courts should not impose time-bound schedules for the conclusion of trials, which is reproduced as under:-

"Before we part with this order, every day we notice that in several orders passed by different High Courts while rejecting the bail applications, in a routine manner, the High Courts are fixing a time-bound schedule for the conclusion of the trials. Such directions adversely affect the functioning of the Trial Courts as in many Trial Courts, there may be older cases of the same category pending. Every court has criminal cases pending which require expeditious disposal for several reasons, such as the requirement of the penal statutes, long incarceration, age of the accused, etc. Only because someone files a case in our Constitutional Courts, he cannot get out of turn hearing. Perhaps after rejecting the prayer for bail, the Courts want to give some satisfaction to the accused by fixing a time-bound schedule for trial. Such orders are difficult to implement. Such orders give a false hope to the litigants. If in a given case, in law and on facts, an accused is entitled to bail on the ground of long incarceration without the trial making any progress, the Court must grant bail. Option of expediting trial is not the solution.

In paragraph 47.3 of the decision of a Constitution Bench of in the case of 'High Court Bar Association, Allahabad vs. State of Uttar Pradesh & Ors.' this Court has held that in the ordinary course, the Constitutional Courts should refrain from fixing a time-bound schedule for the disposal of cases pending before any other Courts. Paragraph 47.3 reads thus:

"47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending;" (underline supplied).

A direction which can be issued in exceptional circumstances is being routinely issued by High Courts without noticing the law laid down by the Constitution Bench."

4. As the Hon'ble Apex Court has categorically held that no such direction can be issued to the trial court to conclude the trial



within the stipulated time, the writ petition stands dismissed accordingly.

5. However, it is expected from the trial court to expedite the proceedings of the trial as per its own terms.

(ANOOP KUMAR DHAND),J

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