HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 5466/2026
CNR: RJHC020786722026 | URN: CRLMP / 13151U / 2026

Birbal S/o Gangaram Gurjar, Aged About 60 Years, R/o Dhani Todawali, Tan Amayi, Police Station Kotputli, District Jaipur Rural

----Petitioner

Versus

State Of Rajasthan, Through Pubic Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Rinesh Kumar Gupta, Adv.
For Respondent(s)	:	Mr. Devi Singh, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

Reportable

19/08/2026

1. The present Cr. Misc. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred by the petitioner/complainant seeking early and time-bound disposal of Criminal Case No.2/2020, pending before the learned Additional District and Sessions Judge No.4, Kotputli, District Kotputli-Behror, arising out of FIR No.461/2019 dated 01.07.2019 registered at Police Station Kotputli, District Jaipur (Rural) for the offence under Sections 147, 148, 149, 341 and 302 of the IPC.

2. Learned counsel appearing for the petitioner submits that the Criminal Case arising out of FIR No.461/2019 has remained pending for more than seven years. Counsel submits that trial has already progressed substantially and prosecution evidence as well as statements of the accused persons under Section 313 Cr.P.C have been recorded and the defence evidence was also closed on

10.09.2025, whereafter the matter was fixed for final arguments on 18.03.2026. Counsel submits that more than five months have passed, but till date the trial is pending for the reason that the accused persons are adopting delay tactics by filing frivolous applications. Counsel further submits that it is evident from the record that one of the accused absconded during the course of trial and proceedings under Section 491 of BNSS were separately initiated against him. Counsel submits that due to absence of the accused, the trial could not proceed in the matter. On 27.05.2026, the said accused was arrested pursuant to the warrant issued by the Court and has been sent to the judicial custody.

3. Learned counsel further submits that on several occasions the accused persons had sought time for producing defence evidence but failed to produce the same and even after the matter reached the stage of final arguments, adjournments have repeatedly been sought. Counsel submits that application under Section 311 Cr.P.C was also moved by the accused persons, which came to be dismissed vide order dated 27.02.2026 and such conduct reflects a continuing attempt to prolong the proceedings. Counsel submits that the petitioner is the complainant and has already suffered the loss of his son in the alleged occurrence; therefore, continued pendency of the criminal trial for such a prolonged period causes serious prejudice to his right to have the criminal justice process brought to its logical conclusion.

4. Learned counsel submits that speedy trial is an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India and submits that the victim/complainant is equally entitled to a fair and expeditious

conclusion of the criminal proceedings and in these circumstances, it is prayed that appropriate directions may be issued to the learned trial Court to conclude the trial expeditiously within a time-bound period.

5. Learned Public Prosecutor submits that this Court may pass appropriate orders in view of the peculiar facts and circumstances of the present case.

Right to Speedy Trial vis-a-vis Article 21 of Constitution of India:-

6. At the outset, this Court considers it apposite to observe that the right to a speedy trial constitutes an integral and indispensable facet of the fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution of India. The guarantee of a speedy trial is intended to ensure that the criminal justice system functions fairly, efficiently and without avoidable or oppressive delay. Justice delayed, particularly in criminal proceedings, may cause serious prejudice not only to the accused but also to the victim, the witnesses and the society at large.

7. The Hon'ble Supreme Court in a much recent judgment passed in the matter of **Keshvendra Singh vs. Shankar Singh And Anr., 2026 INSC 866**, observed as under:-

> " '**Victim' Has A Right To Speedy Trial Too:-**
> **23.** There is one more significant aspect of the matter. **Article 21 of the Constitution of India guarantees right to speedy trial. This Court has held that right to speedy trial is not only the prerogative of the accused but is also a valuable right of the victim and any inordinate delay in the conclusion of the trial, could have a deleterious effect on the society in general**. If the interpretation canvassed by the respondent-accused is accepted, it will render Section 12 of the Gangsters Act ultra vires Article 21 of

the Constitution of India. **It will also give a handle to the accused to delay all other cases under the pretext that the proceedings are pending under the Gangsters Act. Tremendous injustice will result as with every day's delay, preservation of evidence will become a challenge**. Witnesses will be that much less forthcoming and even if they are, with passage of time, human memory would have begun to fade. **This Court cannot countenance any such interpretation which will make a mockery of the judicial process**.

24. In **Rattiram and Others vs. State of M.P., (2012) 4 SCC 516**, this Court held as under:-

> "59. At this juncture, we would like to refer to two other concepts, namely, speedy trial and treatment of a victim in criminal jurisprudence based on the constitutional paradigm and principle. **The entitlement of the accused to speedy trial has been repeatedly emphasised by this Court. It has been recognised as an inherent and implicit aspect in the spectrum of Article 21 of the Constitution**. The whole purpose of speedy trial is intended to avoid oppression and prevent delay. It is a sacrosanct obligation of all concerned with the justice dispensation system to see that the administration of criminal justice becomes effective, vibrant and meaningful. The concept of speedy trial cannot be allowed to remain a mere formality [see Hussainara Khatoon (1) v. State of Bihar [(1980) 1 SCC 81, Moti Lal Saraf v. State of J&k (2006) 10 SCC 560 and Raj Deo Sharma v. State of Bihar (1998) 7 SCC 507].
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> 60. **While delineating on the facets of speedy trial, it cannot be regarded as an exclusive right of the accused**. The right of a victim has been given recognition in **Mangal Singh v. Kishan Singh (2009) 17 SCC 303** wherein it has been observed thus: (SCC p. 307, para 14)
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> *"14....Any inordinate delay in conclusion of a criminal trial undoubtedly has a highly deleterious effect on the society generally, and particularly on the two sides of the case.* ***But it will be a grave mistake to***

> ***assume that delay in trial does not cause acute suffering and anguish to the victim of the offence. In many cases the victim may suffer even more than the accused. There is, therefore, no reason to give all the benefits on account of the delay in trial to the accused and to completely deny all justice to the victim of the offence.***"
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> 61. It is worth noting that the Constitution Bench in **Iqbal Singh Marwah v. Meenakshi Marwah [(2005) 4 SCC 370**: (SCC p. 387, para 24) though in a different context, had also observed that delay in the prosecution of a guilty person comes to his advantage as witnesses become reluctant to give evidence and the evidence gets lost."
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> (emphasis supplied)

8. Hence, it is trite law that right to a speedy trial is not confined merely to the accused as the victim of the crime also has a legitimate and constitutionally recognised interest in the prompt culmination of criminal proceedings. An unduly prolonged trial may cause the victim continued mental agony, uncertainty, financial hardship and a prolonged denial of justice. The criminal justice system must consequently endeavour to bring proceedings to their logical conclusion within a reasonable period.

9. At the same time, the constitutional requirement of a speedy trial does not mean that the accused is to be deprived of a fair and reasonable opportunity to defend himself. Speedy trial and fair trial are complementary requirements of Article 21 of the Constitution of India. An accused person is fully entitled to file such applications as required, summon or examine witnesses and raise such legitimate objections as may be necessary for the just and proper adjudication of the case and mere filing of an

application by the accused cannot by itself be characterised as a delaying tactic.

10. However, where the record demonstrates that the accused is deliberately adopting dilatory, frivolous or obstructive tactics with the sole object of delaying the proceedings, the Court cannot remain a passive spectator. The trial court has a corresponding duty to ensure that its process is not abused and that the administration of criminal justice is not frustrated by unnecessary delay. In appropriate cases, the Court must firmly intervene, reject unwarranted requests for adjournments and ensure that the proceedings progress expeditiously.

11. It is expected that the trial court should conduct the proceedings on a day-to-day basis, particularly after the examination of witnesses has commenced and should avoid casual, routine or unnecessary adjournments. Adjournments ought not to be granted merely as a matter of convenience, particularly where such adjournments are sought repeatedly without sufficient justification. The Court must balance the competing interests involved as on one hand, the accused must be afforded a meaningful and effective opportunity of defence and on the other, the victim and the prosecution are entitled to have the criminal proceedings brought to a reasonable and timely conclusion.

12. In essence, Article 21 of the Constitution protects not merely the right to be tried but the right to be tried fairly and without unreasonable delay. The constitutional mandate of a speedy trial requires a balanced and pragmatic approach. The accused cannot

be permitted to frustrate the course of justice through deliberate delaying tactics, just as the Court cannot deny the accused legitimate procedural safeguards necessary for a fair adjudication. The responsibility therefore rests upon the trial court to maintain a careful equilibrium between the rights of the accused, the legitimate expectations of the victim and the broader interest of society in the timely administration of criminal justice.

Application to the Facts of the Case:-

13. Adverting to the facts and circumstances of the present case, the record reveals that trial has already progressed to an advanced stage. The prosecution evidence has been concluded, statements of the accused persons under Section 313 Cr.P.C have already been recorded and the defence evidence has also been closed and the matter has been fixed at the stage of final arguments. It has also come on record that on several occasions the matter was adjourned at the instance of the accused persons, including for the purpose of producing defence evidence and an application under Section 311 Cr.P.C. moved by the accused persons for recalling the witnesses has also already been considered and dismissed by the learned trial Court vide order dated 27.02.2026. In the backdrop of the aforesaid circumstances, this Court is of the considered opinion that the criminal proceedings, which have remained pending for more than seven years, ought not to be permitted to be protracted any further, more particularly after noting the fact that victim too has a right to a speedy trial.

14. Accordingly, the present petition is allowed and the learned trial Court is directed to proceed with the trial on day to day basis without granting unnecessary or routine adjournments to either side and shall make all endeavors to conclude the trial at the earliest, preferably within a period of two months from the date of receipt of certified copy of this order.

15. However, it is made clear that the aforesaid direction shall not be construed as curtailing any substantive or procedural right lawfully available to the accused persons or the prosecution and any application filed by either party, which is necessary for the just decision of the case, shall be considered by the learned trial Court strictly in accordance with law.

16. Stay application and pending application(s), if any, stand disposed of.

(ANIL KUMAR UPMAN),J

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