



## Supreme Court issues guidelines, Revamps rules of practice for criminal trials in India

The Apex Court has taken *suo motu* cognizance of certain common inadequacies and deficiencies in the course of trial adopted by the trial court while disposing of criminal cases. The Supreme Court observed that though there are beneficial provisions in the Rules of some of the High Courts which ensure that certain documents such as the list of witnesses, list of exhibits, etc. are annexed to the judgments and order of the trial court, such features do not exist in Rules of the some other High Courts.

In view thereof, the bench comprising of Hon'ble Mr. Justice Sharad Arvind Bobde and Hon'ble Mr. Justice L. Nageswara Rao, issued notices to the Registrar Generals of all the High Courts, the Chief Secretaries/ Administrators and the Advocates-General/Senior Standing Counsel of all the States/Union Territories, so that a general consensus could be reached with regard to the need to amend the relevant Rules of Practice/ Criminal Manuals, so as to bring about uniform best practices across the country.

After some deliberation, the Hon'ble Supreme Court specified the below mentioned areas which needed to be focused on in order to achieve the aforesaid goal:

1. Discontinuation of the practice of the Trial Judge leaving the recording of a deposition to the clerk concerned and recording of evidence going on in more than one case in the same Court room, at the same time.
2. Recording of the witnesses' depositions in a typed format (in English, wherever possible), on a computer under the dictation of the Presiding Officer, so that readable true copies are available straightaway and can be issued to both sides on the date of examination itself. Furthermore, such recording of depositions must be done in a meticulous manner and the deposition of each witness must be recorded dividing it into separate paragraphs and each paragraph is numbered for easy reference to specific portions later in the course of arguments and judgments.
3. Witnesses/documents/material objects be assigned specific nomenclature and numbers like PWs/DWs/CWs; Ext. P/Ext. D/ Ext. C; MOs etc., so that reference later becomes easy and less time consuming.
4. Every judgment must mandatorily have a preface showing the name of the parties and an appendix showing the list of Prosecutions Witnesses, Prosecution Exhibits, Defense Witnesses, Defense Exhibits, Court witnesses, Court Exhibits and Material Objects.
5. Once numbers are assigned to the accused, witnesses and exhibits, they be referred to, subsequently in the proceedings and in the judgments with such numbers only. The practice of referring to the names of the accused/witnesses descriptively in the proceedings and



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judgments creates a lot of problem. Whenever, there is need to refer them by names, their rank as accused/ witnesses must be shown in bracket.

6. Repetition of pleadings, evidence, and arguments in the judgments and orders of the Trial Court, Appellate and Revisional Courts must be avoided to save precious court time.
7. In every case file, a judgment folder should be maintained, and the first para in the appellate/revisional judgment to be numbered as the next paragraph after the last para in the impugned judgment.
8. In order to assist the judges in obtaining a more comprehensive understanding of the situs of the injuries, the Investigating Officer should obtain or procure the wound certificate/ post mortem certificate detailing the front and rear sketch of the human torso alongwith the injuries and their locations listed in the medical documents specifically, may be uniformly practiced.
9. Ideally the relevant portions of case diary statement used for contradicting a witness must be extracted fully in the deposition. If the same cumbersome at least the opening and closing words of the contradictions in the case diary statement must be referred to in the deposition and marked separately as a Prosecution/ Defense Exhibit.
10. The practice of omnibus marking of Section 164, statement of witness and whole sale marking of confession statement of accused persons for introduction of the relevant statement admissible under Section 27 of Evidence Act deserves to be deprecated.
11. The Trial Courts must be mandatorily obliged to specify in the Judgment the period of set off under Section 428 Cr.P.C specifying the date and not leave it to be resolved later by jail authorities or successor presiding officers.

It is of utmost importance that for improvement and better management of the criminal justice that a uniform system of criminal trials be established across the country, so that each Court's system may be in consonance with every other Court in the country, and the deficiencies and inadequacies are kept to a bare minimum. If every Court in India dutifully follows the guidelines of the Apex Court, the Indian Judiciary shall have taken another step towards betterment of the Judicial system, and as a consequence, the Country.