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Role of Judiciary in Fair & Speedy Criminal Trial

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Abstract:

This paper is an attempt to understand Role of Judiciary in Fair & Speedy Criminal Trial The administration of criminal justice is constantly evolving in response to changing socio-economic circumstances. That It is the main duty of the judiciary to strike a balance, the criminal The law which deals with social security and prescribes its rules Behaviour is observed by all and freedom on the other hand Individual and security and order in society or public order. The function of the judiciary is to protect the rights of the people, to decide between two persons, to determine whether a person is guilty of a crime or not, and to ensure the good governance of the nation, which is not easily seen.

Keywords: Judiciary, Fair Trial, Speedy Trial

Meaning of Fair & Speedy Trial:

Fair trial is the supreme prerequisite of administration justice Fairness cannot be measured perfectly, But always relevant. Refers to the administration of a fair trial Justice should be administered impartially and impartially, as it should be reasonable for Justice for the accused, the state and justice for the larger group for the protection of the people penal laws are made and managed. The main objective of the state is to provide society a peaceful environment for people and protect them by giving appropriate punishment to the offenders. The substance of Establishment of courts is to bring justice to the doorsteps to save litigants time, cost and speedy justice.

The Criminal Procedure Code, 1973 envisages that the accused should get a fair trial in accordance with the principles of natural justice and ensure fair treatment of the poorer sections of society. The Criminal Procedure Code, 1973 and the Indian Evidence Act, 1872 cover provisions about fair trials. A fair trial is conducted by an independent, impartial and competent judge and in an open court.

A key principle is that the accused is presumed innocent unless his guilt is proved beyond reasonable doubt and the burden of proof rests with the prosecution. Speedy justice demands speedy and reasonably speedy trial protects the right to live with that basic human dignity and the right to personal liberty. A well-known saying is "Justice delayed is justice denied". However, speedy justice is very rare, as litigation has assumed alarming proportions with explosion of population, expansion of commercial activities, moral values, and culture of just demanding rights and delayed disposal of cases by courts, with arrears increasing day by day.



This right to a speedy or expeditious trial is the essence of justice and delay in trial leads to non-justice to the accused.

Everyone who is arrested or detained is entitled to trial within a reasonable time or to be released pending trial. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and responsibilities. And any criminal charge against him.

Role of Judiciary in Speedy Trial:

The Hon'ble Supreme Court is very firm on delay in justice. For speedy trial, the Judiciary has discussed this principle in its various decisions. Virbhadra Vs. Ramaswamy Niakar case, the Supreme Court held that the delay was unfair and unjustified and refused to refer back the proceedings as five years had elapsed. Later, in another case, the court refused a rehearing after a period of ten years. Machander Vs. the State of Hyderabad case, it is the duty of the Court to see that no guilty person escapes and also to see that justice is not delayed and the accused are not harassed indefinitely.

Qadra Fadia Vs. In the State of Bihar case, the Supreme Court observed that it is a disgrace to our justice system that jails men for years without trial. The court also observed that no one would be allowed to be locked up. Imprisoned for more than a reasonable period of time, which we feel cannot and should not be more than a year for a session trial, we fail to understand why our justice system has become so inhumane that lawyers and judges want to put people in cages. No burning sensation and Imprisoned for years without trial.

In prevention of the growing trend of crimes in India, the Apex Court plays a dynamic role in maintaining law and order in the society by punishing the offenders. It attempts to guide the trial courts to achieve the objectives of the criminal justice system in a society. The Supreme Court has expressed its serious concern in several judgments and has discussed the role of trial judges to deal with hostile witnesses. It has also criticized the passive role played by the Judges in the trial proceedings and emphasized the importance of finding truth in several cases. The judiciary is always in favour of the pro-active role of the trial judges and dynamic approach of the courts in the criminal trial for establishment of truth in the society and achieving criminal justice at the end.



Functions of Indian Judiciary:

The important functions and roles of the judiciary include:

Creation of judge-case law: In various cases, the judges are not able to, or find difficulties in the selection of an appropriate law for application, decided on basis of wisdom and common sense. Because of this “judge-made law” or “case law” or made.

Administration of Justice: The primary function of the judiciary is the application of law to specific cases or for settling disputes. A certain dispute brought into the court determines the facts involved with the help of evidence presented by the contestants. If a certain somebody is found guilty, charges will be imposed on them.

Guardian to the Constitution: Supreme Court acts as a guardian to the Constitution and conflicts of jurisdiction between the central government and state governments are determined in court. Any law or executive order violated by any of the provisions of the Constitution is declared to be unconstitutional or null by the judiciary. This is known as “judicial review”.

Supervisory functions: The courts also perform functions of supervising the subordinate courts of India, which come under supervisory functions.

Protector of Fundamental Rights: People’s rights not being trampled upon are ensured by the judiciary. By issuance of writs, the superior courts enforce fundamental rights.

Advisory functions: The Supreme Court of India performs advisory functions and gives advice on opinions on constitutional questions.

Conducting Judicial Enquiries: Judges normally called head commissions are responsible for inquiry into cases of errors or even omissions on part of public servants.

Administrative functions: Some important administrative functions of the courts are non-judicial or administrative in nature. Certain licenses administer the estates and also register for marriages, appoint guardians of minor children and also lunatics.



- a) Separation of Power: This independence of Judiciary calls for ‘Separation of Power’. This basically means that both the legislature and executive are not allowed to interfere in the functioning of the Judiciary. So, to successfully execute their independent authority, the judges of both the Supreme Court and the High Courts must be appointed without any influence or interference from other branches of the government or from private or partisan interests.
- b) Structure of Courts: The Judiciary is one of the three lynchpins of a democracy, the other two being the legislature and the executive.³ All three work in the concert to ensure that the democratic system works efficiently. However, the executive and the legislature need checks on their power. Judiciary has many important roles to fulfill which includes:
- (i) To act as guardian and interpreter of the constitution.
 - (ii) To protect fundamental and other rights of the citizens of India

To fulfill the duty imposed on the shoulders of judiciary, the judicial system is divided into three levels of Courts in India.⁴

- District Court: It is the lowest court situated in every district of each State. This is where most citizens go to for any dispute in their city or religion.
 - High Court: Each state has its own High Court, which is most certainly the highest judicial authority of the state. Any person aggrieved by the order of the District Court can appeal to the high Court for its grievances.
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Challenges:

Judicial Activism vs. Separation of Powers: Critics argue that Judicial Activism could weaken the separation of powers, leading to Judicial Overreach when the Court obstructs the legislative and executive branches.

Backlog of Cases: The Indian judicial system faces a significant backlog of cases, delaying justice and eroding public confidence. While some reforms have been initiated, more extensive changes are needed.



Access to Justice: Many Indians, especially disadvantaged groups, struggle to access legal services due to factors like limited legal knowledge, financial constraints, and inadequate infrastructure. To address this, efforts are needed to enhance legal literacy, provide affordable legal assistance, and make the legal system more user-friendly.

The judicial system of India faces the following hurdles, some of which is mentioned below:

- Constitutional courts are overburdened with loads of cases, which results in numerous delays in justice and litigation.
- Litigation is mostly costly and, in many cases, common people are forced to forgo their rights.
- Judiciary in India lacks the infrastructure for properly dealing with the lots of cases and are mostly overcrowded.
- Many British era laws have become obsolete.

Suggestions:

There is little suggestion to speed up the case as below.

1. The investigation report submitted by the investigative officer should be in questionnaire format so that all important points are included.
2. The judicial officer's appointment procedure should exclude the involvement of executive and legislature; the consent of all the members in the panel should be made compulsory for appointments.
3. Plea-bargaining applications should be decided in open Court.
4. There should be effective use of computers by providing laptops to judges and subscription of website.
5. The victims must be informed of their role, rights, and duties and about proceedings.
6. The vacancy created by the retirement of the judge should be filled six months prior or, another option is retiring judge be allowed to remain in position till the successor joins.
7. There is a need of more appointments and adequate infrastructure for the Judiciary.
8. There is a need to secure independence of judiciary so that the judicial officer should act fearlessly and use authority for societal benefit.



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Conclusion:

In conclusion, the Judiciary is a crucial component of Indian democracy and plays a far larger role than simply reading the law. It is the foundation of justice, defending personal freedoms, enforcing responsibility, and supporting the Rule of Law. However, issues still exist, including the need for better accessibility and the backlog of cases. A dynamic democracy like India must keep improving its judicial system, promoting transparency, and fortifying the systems that provide justice for all. The Court will continue to flourish as a bulwark of democracy through such initiatives, directing India toward a future of justice, equality, and the preservation of democratic ideals.



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