

ITEM NO.307

COURT NO.7

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).1398/2026

[Arising out of impugned final judgment and order dated 30-06-2025 in BA No. 291/2024 passed by the High Court of Jammu & Kashmir and Ladakh at Jammu]

ANOOP SINGH

Petitioner(s)

VERSUS

U.T. OF J AND K

Respondent(s)

IA No. 20393/2026 - CONDONATION OF DELAY IN FILING

IA No. 20399/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 20398/2026 - EXEMPTION FROM FILING O.T.

Date : 21-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Ranjeet Kumar, Adv.
Mr. Simanta Kumar, Adv.
Mr. Anant Kumar, Adv.
Mrs. Sushma Kumari, Adv.
Mr. T. R. Naval, Adv.
Dr. Pratap Singh Nerwal, AOR

For Respondent(s) : Ms. Aishwarya Bhati, ASG
Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Para 12 of our order dated 10.03.2026 reads thus:-

"12. The learned counsel appearing for the UT of Jammu and Kashmir shall, in turn, forward one copy of the Report of the Trial Court to the Home Secretary at the earliest."

2. In pursuance of the information called for as referred to above, an affidavit has been filed on behalf of the Union Territory of Jammu and Kashmir, duly affirmed by Shri Chandrakar Bharti, Principal Secretary to the Government Department of Home, Union Territory of Jammu and Kashmir.

3. The details of all criminal trials pending in the Union Territory of Jammu and Kashmir wherein accused persons are in judicial custody past more than five years as under-trial prisoners have been provided to us for our perusal.

4. Ms. Aishwarya Bhati, the learned Additional Solicitor General gave us a fair idea as regards the information collected and put on record by way of affidavit.

5. Today, we have information about the actual status of 351 trials which are going on in the Union Territory of the Jammu and Kashmir.

6. We take notice of the fact that in the following 15 cases, the accused are in judicial custody as under-trial prisoners past more than 12 years. The details are as under:-

"BRIEF SYNOPSIS OF CHART WHERE ACCUSED ARE IN MORE THAN 12 YEARS OF INCARCERATION

S. No.	U/s	Prescribed period of imprisonment	Period of incarceration	Timeline given
16	364/342/302/120-B/201	Life imprisonment	17 years 10 months	4-5 months
59	8/21/29 NDPS	Minimum 10 years maximum 20 years	12 year 2 month	6 month
62	302 RPC	Life imprisonment	12 year 2 month	18 month
64	302 RPC, Section 7/25 Arms Act & Section 4 F. Act	Life Imprisonment (Accused R/o Pakistan)	12 years 11 month	18 month
74	307/120-B/212/216 RPC & S. 7/27 Arms Act	10 years and 7 years	15 year 12 month	6 months
75	4/5 ESA (Explosive Substances Act) and section 7/27 Arms Act		15 years 2 month	24 month
76	302 RPC, 7/27 Arms Act	Life imprisonment	15 years 3 month	12 month
78	302/307/379 RPC Section 7/25	Life imprisonment	14 year 6 month	12 month

	Arms Act	(2008 FIR)		
79	302/364, Section 4/25 Arms Act	Life Imprisonment (2006 FIR)	10 years 9 month	12 month
80	302, Section 7/25 Arms Act	Life Imprisonment (2007 FIR)	10 year 8 month	12 month
105	302/307/364	Life Imprisonment	12 year 5 month	12 month
150	364/302/34/392 RPC	Life Imprisonment	12 year 10 month	12 month
154	307/120B/153A RPC, 7/27 Arms Act, 13 UAPA & 2/3 EIMCO Act	Accused is R/o Pakistan	15 years 4 month	Minimum 3 years
195	302/201/109 RPC & Section 3/25 Arms Act	Life Imprisonment	14 year	12 month
197	302 RPC	Life Imprisonment	12 year	3 month

TOTAL 15 cases where accused are incarcerated for more than 12 years pending Prosecution Evidence. However, at S. No. 78 to 80 Accused is same and from S. No.74-76 Accused is same and S. No.64 and 154 Accused are Pakistani Nationals."

7. In one of the cases, at serial no.16 referred to above, the accused seems to be in judicial custody past 17 years and 10 months.

8. Along with the affidavit, the Deponent has also provided us with the proposed action plan. In other words, the modalities for speedy trial of cases where the accused are in custody for five years or more. The same reads thus:-

"PLAN OF ACTION/MODALITIES FOR SPEEDY TRIAL OF CASES WHERE ACCUSED ARE IN CUSTODY FOR 5 YEARS OR MORE

I. Identification and Prioritization

- (a) The Public Prosecutors have prepared a list of pending cases where accused persons are in custody for 5 years or more than that;*
- (b) The said list has further been segregated as per the stage of trial, so that efforts can be made for disposal of the cases at advance stage;*
- (c) The list prepared by the concerned Prosecutors has also been shared with the Home Department, Directorate of Prosecution and Deputy Director Prosecutions for regular reviews.*
- (d) The "Red Folder" System: All the Public Prosecutors have been directed to physically categorize and mark every Case Diary/ Shadow file falling in the list with a Red Tag/Folder for immediate visual identification by the Prosecution.*

II. REVIEW/SUPERVISION

- (a) The Deputy Director Prosecution will fortnightly review progress of all the cases falling under the list with the respective conducting Public Prosecutor;*

(b) The Prosecution Department shall conduct a monthly review of listed cases with the Deputy Director Prosecutions;

(c) The Home Department shall conduct a quarterly review of the listed cases with the Prosecution Department.

III. Dedicated "Pairavi Cell" for Witness Management and Production

(a) During preparation of the list of 235 cases, it has been noted that in many cases non-appearance of the witnesses has been a vital reason for delay and as such vide circular No. Legal/SC-16/III/26 -4003-20 dated 16.04.2026 issued by the Police Headquarters, J&K, all the District SSPs have been directed to ensure that the execution of the processes in these identified 235 cases is carried out in a time bound manner well before the date fixed by the concerned Courts. Besides, it has been provided that working of Parivi cell in the DPOs and the courts be also revamped and the concerned be sensitized regarding the execution of dockets in these cases.

(b) This cell shall (i) verify current addresses of all remaining witnesses (ii) track dockets/summons until service is confirmed (iii) Liaising directly with the witnesses and jurisdictional police station for ensuring presence of these witnesses on the date of hearing.

(c) The Pairavi Cell must ensure that process servers mention contact numbers of PWs in their reports enabling the Prosecutor to confirm availability of PWs in the court prior to the hearing.

(d) In case a Prosecution Witness is not traceable or served by the executing agency for want of complete particulars/address or for any other reason, the matter may be referred to concerned SDPO/Additional SP/SP of the District concerned for their intervention in the matter for tracing and ensuring attendance of the PW.

IV. EFFORT TO BE MADE BY THE I.O OR HOLDING I.O:

The I.O of the respective cases or the Holding I.O shall in advance take the list of witnesses from the concerned Public Prosecutors who are to be examined in the next two date of hearings and apart from issuance of summons to the said witnesses by the Ld. Trial Court, inform them personally or by a personnel deputed for this purpose well in advance so that their attendance can be secured and effective evidence can be recorded on that date of hearing, this will be in addition to the 'Pairavi Cell';

V. Courtroom Strategy/ recording of evidence by electronic mode:

(a) The Public Prosecutors have been directed to examine the feasibility of examination of witnesses in all these 235 listed cases by electronic mode as prescribed under section 530 of the BNSS;

(b) The Public Prosecutors in all cases where it is feasible shall move an application or make an oral request to the Trial Court under section 254, 265 and 266 of BNSS, 2023 for examination of witnesses through electronic mode under these provisions of BNSS.

(c) For the purposes of electronically recording of evidence, Video Conference Systems have been installed at 120 locations in all over J&K and the same is available in all trial courts also.

VI. Material Evidence Handling

The Pairavi Officers have been instructed to ensure that all physical evidence i.e exhibits, weapons, narcotics, documents etc. are available and are produced in the court on the date of the hearing to eliminate delays caused by the "non- production of property."

VII. ADMITTED OR NON-DISPUTED EVIDENCES

The Public Prosecutors have been asked to examine the listed cases and considering merits of the case, as far as possible, move applications under Sections 291A, 293, 294, and 296 of the Cr. P.C. 1973 for admitting undisputed documents and formal evidence, which shall assist in trimming the list of witnesses to be examined in Court.

VIII. TIMELINES FOR DISPOSAL OF FINAL STAGE CASES

Apart from the case specific tentative timeline provided in the chart for disposal of the pending cases, the Prosecutors have been directed to prioritize the cases in which prosecution evidence is complete. Out of 351 cases, 13 cases have already been disposed of in last two months, while out of 235 cases, prosecution evidence has already been completed in 13 cases as well. In respect of 84 cases, which are at the stage of final arguments, 14 cases at the stage of Statement of Accused and 8 cases at the stage of Defence Evidence, the prosecutors have been directed to assist the court in disposing of these cases by or before 30th September 2026.

SUGGESTIONS FOR EXPEDITIOUS TRIALS

- 1. Pursuant to sharing of the priority list by the Prosecutors, the Ld. Trial Court must ensure that short dates are given in the listed cases as per their priority or stage;*
- 2. The Ld. Trial Court must ensure that barring exceptional circumstances, no adjournments should be granted in these priority cases and for effective hearing not more than two such cases be listed per day in each court.*
- 3. These cases may be accorded absolute precedence over other matters in the court calendar and shall be placed at the " Top of the Board" and not more than two such cases are fixed on one date, so that effective progress can be achieved.*
- 4. In cases, where despite service of summons and follow-ups, the witnesses are not appearing, the trial court must issue warrants for procuring their attendance.*
- 5. All efforts should be made for completing examination-in-chief and cross- examination of an outstation witnesses in one day and in case, despite efforts, the same could not be completed in one day, the Trial Court must fix the matter for next day so that examination of that witness could be concluded without any wastage of further time.*
- 6. The cases in which charges are yet to be framed, the Ld. Trial Court may be directed to decide framing of charges in such cases within some fixed timeframe, preferably within two months.*
- 7. Cases at section 342 Cr PC Stage (examination of the accused persons) shall be expedited and if required assistance of the Prosecution and Defence Counsel may also be sought as per mandate of law.*
- 8. In cases, where there are more than one Accused persons and the case is adjourned by strategically delayed by non-appearance of one or the other accused person who are on bail, the Trial Courts should take stern action against those accused persons and should not grant unnecessary exemption.*
- 9. As far as possible, the Ld. Trial Court should not grant exemption, if the accused disputes his identity and the business of that date could not be transacted in his absence.*
- 10. The Trial Court should grant exemption only if the accused states in his application that he will not object if the hearing is conducted in presence of his counsel.*
- 11. Trial Court should promote electronic mode for recording of evidence, especially, in case of formal and official witnesses in terms of Sections 254, 265, 266 and 530 of BNSS."*

9. We are of the view that top priority needs to be given for

disposal of the 15 cases referred to above.

10. We want to know what best can be done to ensure that these 15 cases referred to above are completed within the period as suggested in the chart.

11. We would also like to know how well the defense counsel are cooperating with the Trial Court insofar as the conduct of the trial is concerned. If the defense counsel are not appearing, then in such circumstances, the Trial Court owes a duty to provide appropriate legal aid to the concerned accused.

12. We are of the view that the first step in the process should be to make all possible endeavours to complete the trials of the aforesaid 15 cases.

13. The Principal Secretary, Home Department, UT of Jammu and Kashmir shall convene a meeting with the investigating officers, including the public prosecutors who are in-charge of the trials.

14. By the next date of hearing, let an updated report be provided to us as regards the further developments in these trials.

15. Insofar as all other trials are concerned, i.e., other than 15 trials referred to above, those trials should also proceed expeditiously and there should not be any unnecessary delay in the conduct of the trial.

16. If the Principal Secretary is of the view that there are some lapses in action or deliberate attempt to delay the trial, then it is on the Administrative side and he must immediately take necessary action in that regard in the right direction. If need be, appropriate proceedings must also be initiated against the erring persons.

17. We also want the High Court of Jammu & Kashmir and Ladakh to look into this issue and take appropriate corrective measures in this regard.

18. Registry is directed to forward one copy of this order at the earliest to the Registrar General, High Court of Jammu & Kashmir and Ladakh, who in turn shall place this order before the Chief Justice of the High Court.

19. One copy of this order shall also be forwarded to the Principal Secretary, Home Department, UT of Jammu and Kashmir.

20. Post this matter for further hearing on 30.09.2026. To be treated as part-heard.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)