
(2003) 09 DEL CK 0128
In the Delhi High Court
Case No : CRLMM 3637 of 2003

Usha Mahajan

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 08-09-2003

Acts Referred:

Citation : (2003) 6 AD 486 : (2003) 70 DRJ 796 : (2003) 3 JCC 1482

Hon'ble Judges : Jiwan Dass Kapoor, J

Bench : Single Bench

Advocate : Party in perso, for the Appellant; V.K. Malik, APP, for the Respondent

Final Decision : Allowed

Judgement

J.D. Kapoor, J.

1.This is a petition through jail. The petitioner is in jail for the last seven years. Her husband is handicap and daughter is of marriageable age. Trial is proceeding on a very slow and ambling pace. It should be the endeavor of the trial court to see that the trial proceeds expeditiously in cases where the accused are lodged in judicial custody whatever the gravity or severity of the offence may be. Whether the cases are transferred from one court to another on administrative grounds is not the concern of the accused. Neither should be the consideration for the trial court to take excuses that it has been received by way of transfer recently. To incarcerate a person for such long duration in jail is nothing short of handing down the punishment. The expeditious trial of a case depends upon the facts of every case. The case in which accused are in judicial custody for long cannot be on the same pedestal as those who have been enlarged on bail. Merely with a view that such cases cannot be decided conveniently there is no place of such consideration in the criminal trial of an accused. First and foremost consideration is that no accused should be allowed to remain in jail unnecessarily for such long time that it may defeat the interest of justice and also dislodge the old adage and legal presumption that ""Every accused is innocent unless he is

found to be guilty or contrary is proved"".

2.The petitioner in this case is a woman who is languishing in jail for the last seven years without any hope for completion of trial in immediate future. Such an approach does not augur well for criminal justice delivery system or administration of justice.

3. With these observations, petition is allowed. The learned trial court is directed to proceed with the trial on day to day basis and positively complete it within two months from the next date fixed in the matter.

4. Copy of the order be sent to the trial court as well to the petitioner in jail.