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The Adjournment Trap in Criminal Trials: How Delay Weakens Prosecution

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Abstract:

Delay in criminal trials has become a recurring concern in the Indian criminal justice system, with routine and uncontrolled adjournments emerging as a significant contributing factor. Though adjournments are legally permitted to ensure procedural fairness, their excessive use undermines the effective administration of justice. This paper examines how frequent adjournments weaken the prosecution by causing witness hostility, loss of evidentiary value, and dilution of judicial credibility.

At the same time, the study analyses how prolonged trials resulting from such delays violate the fundamental right of the accused to a speedy and fair trial guaranteed under Article 21 of the Constitution of India. Innocent accused persons, in particular, suffer prolonged stigma, mental distress, and procedural uncertainty due to delayed adjudication.

Adopting a doctrinal and analytical approach, the paper evaluates the statutory framework under the Code of Criminal Procedure, 1973, along with relevant judicial pronouncements. It argues that excessive adjournments defeat the ends of criminal justice irrespective of the guilt or innocence of the accused, and concludes by suggesting measures to strengthen judicial discipline and trial efficiency.

Keywords:

Adjournments, Criminal Trials, Right to Speedy Trial, Judicial Delay, Rights of the Accused

1. Introduction

Delay in criminal adjudication remains one of the most enduring structural concerns within the Indian criminal justice system. Notwithstanding constitutional guarantees and statutory safeguards, criminal trials frequently suffer from protracted timelines, fragmented hearings, and repeated deferments. Among the various contributors to such delay, the routine grant of adjournments occupies a position of particular significance. Though conceived as a procedural safeguard to ensure fairness and adequate opportunity, adjournments have, in practice, often evolved from a limited exception into a recurring norm that disrupts trial continuity and weakens institutional discipline.

The Code of Criminal Procedure, 1973 recognized the necessity of adjournments in appropriate circumstances under Section 309, permitting postponement of proceedings while simultaneously mandating that once examination of witnesses has commenced, the trial shall proceed from day to day. This statutory framework has been substantially retained in the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein Section 346 reproduces the same legislative principle governing adjournments and continuity of trial. The statutory design thus reflects a careful balance—enabling procedural flexibility without compromising expedition. However, the practical administration of criminal trials frequently reveals a departure from this legislative intent. Adjournments are often granted on routine grounds, leading to intermittent hearings, substantial gaps in witness examination, and a gradual erosion of procedural momentum.

The implications of such a delay are profound and multidimensional. From the standpoint of prosecution, discontinuity in trial proceedings may result in witness hostility, fading memory, and dilution of evidentiary coherence. Criminal conviction depends upon the prosecution's ability to establish guilt beyond a reasonable doubt through a consistent and credible chain of evidence. Repeated adjournments weaken this chain, sometimes resulting in acquittals not attributable to evidentiary insufficiency at inception, but to procedural attrition over time. In this sense, delay

operates not merely as administrative inefficiency, but as a substantive obstacle to effective prosecution.

Equally significant is the impact on the accused. Where the accused is ultimately found innocent, prolonged trials may impose severe consequences in the form of extended detention, restrictive bail conditions, social stigma, and psychological uncertainty. Delay, in such circumstances, risks assuming the character of a penalty without conviction. The constitutional dimension of this issue cannot be overlooked. The right to a speedy trial, judicially recognised as an integral facet of Article 21 of the Constitution of India, mandates that fairness in procedure must include timeliness. A procedure that is indefinitely deferred ceases to be reasonable, just, or fair.

Against this backdrop, the present study examines the phenomenon of unnecessary adjournments as a structural weakness in criminal trials. It analyses the statutory framework governing adjournments, the judicial principles regulating their exercise, and the tangible consequences of delay on prosecution, the accused, and the credibility of the justice system. By focusing specifically on the prosecutorial impact of procedural delay, while simultaneously acknowledging its constitutional implications, the paper seeks to contribute to the discourse on strengthening judicial discipline and enhancing the efficiency of criminal adjudication in India.

2. Review of Literature

Scholarly discourse on delays in Indian criminal trials has consistently identified procedural adjournments, systemic backlog, and weak case-management practices as central contributors to protracted adjudication. Early institutional analysis by the Law Commission of India observed that frequent adjournments and inadequate judicial control over trial proceedings significantly undermine the efficiency and credibility of the criminal process (Law Commission of India, 1958). Subsequent reform studies reiterated that delay is not merely administrative but structural, embedded in procedural culture and adversarial tactics (Law Commission of India, 2012).

Judicial commentary has likewise emphasized the misuse of adjournments as a dilatory strategy. Courts have cautioned that repeated postponements disrupt evidentiary continuity and erode witness reliability, ultimately impairing fact-finding accuracy. Empirical and doctrinal analyses

note that testimonial credibility is highly sensitive to temporal proximity between occurrence and deposition; extended gaps increase memory distortion and the likelihood of hostility or retraction (Malimath Committee on Criminal Justice Reform, 2003; Rao, 2002).

Scholars examining prosecutorial outcomes further highlight that delay disproportionately weakens the prosecution. As witness cooperation declines and evidentiary chains fracture, the prosecution's ability to establish guilt beyond a reasonable doubt diminishes, often culminating in acquittals attributable not to innocence but to procedural attrition (Bhattacharya, 2015; Mehra, 2018). Parallel literature on witness protection and trial management confirms a strong correlation between prolonged trials and witness intimidation or disengagement in India's adversarial system (Krishnan & Mahajan, 2019).

Despite this substantial body of work on systemic delay and speedy-trial rights, existing literature treats adjournments largely as one among many causes. Limited doctrinal attention has been devoted to adjournments as a distinct procedural mechanism that directly weakens prosecution evidence and trial continuity. This gap necessitates a focused structural analysis of adjournment practices within criminal trials, forming the basis of the present study.

3. Research Gap

Existing scholarship on criminal justice reform in India has extensively examined the broader issue of delay in criminal trials, often attributing it to systemic backlog, infrastructural deficiencies, and investigative shortcomings. However, limited focused attention has been given to adjournments as a distinct and recurring procedural cause of such delay. While courts and academic commentators acknowledge the problem of postponements, there remains insufficient doctrinal analysis of how routine and mechanical adjournments directly weaken prosecution by contributing to witness hostility, evidentiary dilution, and fragmentation of trial continuity. A structured examination of adjournments as a procedural accountability issue within the statutory framework is therefore necessary. The present study seeks to address this gap.

4. Research Methodology

The present study adopts a doctrinal and analytical research methodology to examine the issue of unnecessary adjournments in criminal trials and their impact on prosecution and trial fairness. The research is primarily based on the analysis of statutory provisions, judicial precedents, and established principles of criminal procedure.

The doctrinal component of the study focuses on an examination of the relevant provisions of the Code of Criminal Procedure, 1973, particularly Section 309, which governs adjournments and postponements in criminal proceedings. This statutory framework has been carried forward in the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein Section 346 substantially retains the same legal principles regulating adjournments and continuity of trial. The constitutional framework under Article 21 of the Constitution of India, especially in relation to the right to a speedy and fair trial, has also been analysed. Judicial interpretations rendered by the Supreme Court and various High Courts have been studied to understand the scope of judicial discretion, the limits on routine adjournments, and the evolving jurisprudence concerning trial delays.

Primary sources for the research include statutory texts, constitutional provisions, and authoritative judicial pronouncements. These have been examined through close reading and interpretative analysis to identify legislative intent, doctrinal principles, and procedural safeguards relating to adjournments. Particular emphasis has been placed on case law analysis to understand how courts have addressed the misuse of adjournments and balanced procedural fairness with the need for expedition.

Secondary sources have been consulted to supplement doctrinal analysis. These include standard commentaries on criminal procedure, scholarly articles published in legal journals, and relevant Law Commission of India Reports, which have historically addressed issues of delay and judicial reform. Academic literature has been used to contextualize the problem within broader discussions on criminal justice administration and prosecutorial efficiency.

The scope of the study is confined to adjournments within the framework of Indian criminal trials. It does not undertake empirical or statistical analysis, nor does it engage in comparative study with foreign jurisdictions. The analysis is limited to doctrinal evaluation of procedural law and judicial reasoning, to identify structural weaknesses and suggest procedural reforms within the existing legal framework.

5. Statutory and Judicial Framework Governing Adjournments:

5.1 Section 309 CrPC / Section 346 BNSS and Legislative Intent

The statutory foundation governing adjournments in criminal trials is contained in Section 309 of the Code of Criminal Procedure, 1973 (CrPC). The provision authorises criminal courts to postpone or adjourn proceedings for reasons to be recorded, while simultaneously mandating that inquiries and trials be conducted as expeditiously as possible (Code of Criminal Procedure, 1973, § 309). This legislative framework has been substantially retained in the BNSS, 2023, wherein Section 346 reproduces the same governing principles relating to postponement, adjournment, and continuity of trial (Bharatiya Nagarik Suraksha Sanhita, 2023, § 346). The proviso to Section 309 CrPC, now reflected in Section 346 BNSS, expressly stipulates that once examination of witnesses has commenced, the trial shall proceed on a day-to-day basis until all witnesses in attendance have been examined, unless adjournment becomes necessary for reasons to be recorded. This statutory language reflects a clear legislative emphasis on continuity of evidence and minimisation of procedural interruption.

The legislative intent underlying Section 309 CrPC, as continued under Section 346 BNSS, demonstrates a calibrated balance between procedural flexibility and judicial efficiency. Adjournments are not prohibited; however, they are designed to operate as exceptional measures justified by genuine necessity. The statutory obligation to record reasons functions as an accountability mechanism intended to prevent mechanical or routine postponements and to ensure disciplined exercise of judicial discretion. (Law Commission of India, 1958).

The "day-to-day trial" principle embedded in the provision further evidences legislative recognition that continuity of hearing is essential to reliable criminal adjudication. Fragmented proceedings, long intervals between witness examinations, and repeated deferments undermine testimonial coherence and impair judicial assessment of credibility. Indian courts have repeatedly affirmed that discontinuous trials dilute evidentiary value and defeat the object of Section 309 (Vinod Kumar v. State of Punjab, 2015; State of Uttar Pradesh v. Shambhu Nath Singh, 2001).

Thus, it is not merely a procedural regulation but a structural safeguard against delay-induced injustice. It seeks to preserve evidentiary integrity, protect the right to speedy trial, and ensure that adjudication proceeds in a continuous and disciplined manner. However, despite this clear legislative mandate, trial practice frequently reflects routine adjournments granted on grounds such as absence of counsel, non-availability of witnesses, or administrative inconvenience. Such practices dilute the normative force of Section 309 and weaken its intended disciplinary function within criminal procedure (Law Commission of India, 1958).

5.2 Judicial Control and Limits on the Grant of Adjournments

Judicial discretion in granting adjournments is not an unfettered power but a structured authority circumscribed by statutory command, constitutional mandate, and binding judicial precedents. Section 309 of the Code of Criminal Procedure, 1973 obligates courts to proceed with trials as expeditiously as possible and mandates that once examination of witnesses begins, it shall continue from day to day unless adjournment beyond the next day becomes necessary for recorded reasons. This statutory mandate has been carried forward in the BNSS, 2023, where Section 346 substantially reproduces the same obligation of day-to-day trial and reasoned adjournment. This statutory design reflects legislative anxiety against procedural procrastination and evidentiary erosion.

The Supreme Court has consistently cautioned that routine adjournments defeat the very object of criminal adjudication. In *State of U.P. v. Shambhu Nath Singh* (2001), the Court deprecated the practice of granting adjournments merely because counsel was absent or sought time, holding that such leniency undermines the mandate of Section 309 CrPC and delays justice.

Reinforcing this position, the Supreme Court in *Vinod Kumar v. State of Punjab* (2014) strongly criticized the culture of unnecessary adjournments, particularly at the stage of recording evidence. The Court observed that protracted trials result in witnesses turning hostile and impair the quality of justice delivery. It directed trial courts to adhere strictly to Section 309 CrPC and avoid granting adjournments on flimsy grounds.

The phenomenon popularly described as “tareekh pe tareekh” has been judicially recognized as a systemic malaise corroding public faith in the justice delivery system. Judicial commentary has repeatedly warned that indulgent adjournment practices encourage strategic delay and procedural abuse, ultimately eroding the credibility of courts.

Academic discourse similarly critiques the “adjournment culture” as an executioner of justice that dilutes the constitutional promise of speedy trial under Article 21. Empirical observations indicate that repeated adjournments disproportionately affect criminal proceedings, prolong incarceration, and weaken prosecution evidence.

The discretion to adjourn must therefore operate within principled limits. Judicial discretion, though inherent in procedural law, is not subjective satisfaction but reasoned decision-making guided by proportionality and necessity. Courts are required to record specific reasons for granting adjournments and must assess whether the circumstances are genuinely beyond the control of the requesting party.

Recent judicial observations have further highlighted how dilatory tactics can cause litigants to

lose faith in the judicial process due to inordinate delay and procedural stagnation. The Supreme Court has acknowledged that prolonged litigation arising from procedural laxity creates systemic injustice and calls for stricter judicial management of proceedings.

Scholarly analyses also emphasize that adjournments should be granted only in emergencies beyond the control of parties, and judicial officers must exercise vigilant supervision to prevent misuse. The persistence of an "adjournment culture" has been identified as a structural challenge requiring judicial firmness and procedural reform.

6. The Adjournment Trap: Structural Impact on Criminal Trials

Chronic adjournments constitute one of the most entrenched structural defects in the Indian criminal trial process. While adjournments are procedurally intended to safeguard fairness and accommodate legitimate contingencies, their routine and unregulated use has transformed them into a systemic mechanism of delay. (Hindu College Gazette, 2025) The cumulative effect is not merely administrative inefficiency but substantive distortion of adjudication outcomes. Repeated postponements fragment evidentiary continuity, weaken prosecutorial coherence, and progressively erode the reliability of fact-finding. (Tong, 2025)

Empirical and doctrinal scholarship consistently identifies adjournment culture as a principal driver of trial delay in India, often overshadowing investigative or infrastructural shortcomings. Over time, adjournments alter the evidentiary landscape itself: witnesses become unavailable or unreliable, documentary links deteriorate, and procedural compliance weakens. Consequently, the criminal process risks shifting from truth-seeking to attrition, where the passage of time—rather than evidentiary merit—determines outcomes. (Tong, 2025)

The structural harm of adjournments is particularly acute in cases involving actual offenders. Where guilt may initially be supported by credible testimony and intact evidence, prolonged trial timelines progressively degrade prosecutorial strength. Thus, delay does not operate neutrally; it systematically advantages the guilty by exploiting human memory limits, social pressures on witnesses, and evidentiary fragility.

6.1 Impact in Cases Involving Actual Offenders:

a) Witness Hostility

Adjournment-driven delay significantly increases the probability of witness hostility. As trials

stretch over years, witnesses face sustained social pressure, intimidation, inducement, or fatigue, leading them to retract or dilute prior statements. The longer the interval between the incident and testimony, the greater the opportunity for external influence. Empirical analyses of criminal trials in India demonstrate a clear correlation between prolonged proceedings and hostile testimony, especially in serious offences. Delay therefore functions as an indirect tool of witness neutralization, weakening otherwise credible prosecutions. (Krishnan et al., 2025)

b) Memory Fading

Human memory is inherently time-sensitive. Psychological and legal scholarship alike recognize that recall accuracy declines with temporal distance from the event. Adjournments exacerbate this natural decay, producing inconsistencies, omissions, and uncertainty in witness testimony. Even honest witnesses may appear unreliable when recounting events after extended delays, creating artificial doubt regarding facts initially observed clearly. The resulting evidentiary distortion disproportionately benefits the accused in cases where conviction depends on eyewitness or circumstantial reconstruction. (Loftus, 2018)

c) Erosion of Testimonial Credibility

As delays accumulate, testimonial inconsistencies multiply. Defence strategies often capitalize on minor discrepancies emerging from memory decay or repeated re-examination across adjourned hearings. Courts, applying strict standards of proof, may interpret such inconsistencies as credibility defects rather than temporal artifacts. Consequently, delay transforms credible witnesses into seemingly unreliable narrators, undermining the prosecution's case without altering the underlying factual truth. The erosion of testimonial credibility thus reflects procedural decay rather than evidentiary weakness. (Borden Ladner Gervais LLP, 2025)

d) Breakdown of Evidentiary Chain

Prolonged adjournments also compromise documentary and physical evidence. Records may be misplaced, exhibits deteriorate, investigating officers transfer or retire, and chain-of-custody documentation weakens over time. Institutional discontinuity caused by staff changes or administrative lapse, further disrupts evidentiary integrity. Studies on delayed criminal trials in India show that evidentiary gaps frequently emerge during extended proceedings, creating reasonable doubt independent of actual guilt. Such breakdowns illustrate how delay structurally fragments the evidentiary chain. (BLG, 2025)

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e) Acquittals Resulting from Procedural Delay

The cumulative consequence of witness hostility, memory decay, credibility erosion, and evidentiary fragmentation is a heightened likelihood of acquittal despite initial prosecutorial strength. Delay thus operates as a de facto defence strategy, producing acquittals grounded not in innocence but in procedural attrition. Scholarship on Indian criminal justice repeatedly notes that prolonged trials disproportionately end in acquittal due to weakened evidence rather than factual exoneration. (BLG, 2025)

This phenomenon represents a systemic miscarriage of justice: actual offenders benefit from time-induced evidentiary decay, while victims and society experience denial of accountability. Adjournment-driven acquittals therefore undermine both deterrence and public confidence in the rule of law. The structural lesson is clear, delay is not merely administrative inefficiency but an outcome-determinative distortion of criminal adjudication.

6.2 Impact on Innocent Accused

While adjournment-induced delay weakens prosecutions against actual offenders, its consequences for innocent accused persons are even more profound. For those ultimately found not guilty, prolonged criminal proceedings function as a form of punishment without conviction. The adjournment culture, therefore, produces a dual injustice: the guilty may escape liability through evidentiary erosion, while the innocent endures an extended coercive process. The structural asymmetry lies in the fact that delay operates irrespective of culpability; however, its burdens fall most harshly on those wrongfully prosecuted. (Krishnan et al., 2025)

The criminal trial process in India often entails pre-trial detention, restrictive bail conditions, repeated court appearances, and sustained social suspicion. When adjournments repeatedly defer adjudication, the presumption of innocence becomes largely theoretical. Instead, the accused experiences the reality of criminal sanction long before guilt is determined. This inversion of procedural values strikes at the core of constitutional criminal justice, particularly the guarantee of personal liberty under Article 21. (Krishnan et al., 2025)

a) Prolonged Detention and Restrictive Bail

Adjournments frequently prolong pre-trial incarceration or extend restrictive bail regimes. Undertrial prisoners may remain in custody for years while hearings are deferred due to witness absence, docket congestion, or procedural lapses. Even where bail is granted, conditions such as travel restrictions, periodic attendance, and financial sureties impose continuing restraints on

liberty. Delay thus converts temporary procedural control into long-term deprivation. Empirical analyses of Indian criminal trials show that under trials often spend periods in custody comparable to, or exceeding, the sentence prescribed for the alleged offence. (NUJS Society for the Study of Criminal Justice, 2025

From a structural perspective, adjournment-driven detention reflects not judicial determination of risk but systemic incapacity to conclude proceedings. The deprivation, therefore, lacks substantive justification and assumes a punitive character.

b) Violation of Article 21

The right to a speedy trial has long been recognized as an integral component of the right to life and personal liberty under Article 21. Judicial jurisprudence consistently affirms that unreasonable delay in criminal proceedings constitutes constitutional injury independent of outcome. Adjournments that prolong trials without necessity thus directly infringe the accused's fundamental rights. (Citizens for Justice and Peace, 2025)

For innocent persons, this violation is particularly acute: they suffer loss of liberty, reputation, and livelihood without eventual conviction. The constitutional harm, therefore, persists even if an acquittal occurs. Delay transforms the criminal process into a mechanism of rights deprivation rather than adjudication, undermining the protective function of Article 21 itself. (CaseMine, 2017)

c) Social Stigma and Psychological Harm

Criminal accusation carries enduring social consequences. Prolonged pendency intensifies stigma, as the accused remains publicly associated with alleged wrongdoing for extended periods. Employment opportunities, social relationships, and community standing often deteriorate during lengthy trials. Research on delayed criminal proceedings in India notes significant psychosocial stress among accused persons, including anxiety, depression, and social isolation. (Suthar, 2017)

Unlike convicted offenders, innocent accused lack moral closure or rehabilitative certainty; their identity remains suspended between accusation and vindication. Adjournment-driven delay, therefore, imposes a form of social punishment independent of judicial determination.

d) Delay as Punishment Without Conviction

The cumulative effect of detention, stigma, and prolonged uncertainty is that delay itself becomes punitive. Even an eventual acquittal cannot fully restore lost liberty, reputation, or years of constrained life. Scholarship on criminal delay characterizes this phenomenon as "process as punishment," where the burdens of prosecution substitute for formal sanction. (CJP, 2025)

For innocent accused persons, this represents a profound miscarriage of justice: the state's failure to conduct timely adjudication inflicts consequences equivalent to a criminal penalty without proof of guilt. Adjournment culture thus subverts the presumption of innocence by imposing de facto punishment before a verdict. (Krishnan, 2025)

Ultimately, the structural lesson mirrors that observed for actual offenders but in reverse moral direction. Delay distorts outcomes in favour of the guilty and against the innocent. In both scenarios, the integrity of criminal justice is compromised—not merely by erroneous verdicts but by the temporal degradation of fairness itself.

6.3 Institutional Consequences

Unnecessary adjournments in criminal trials do not merely affect individual litigants; they generate structural distortions within the criminal justice system itself. Persistent delay undermines prosecutorial effectiveness, weakens the normative force of criminal law, and erodes public confidence in adjudicatory institutions. The adjournment culture thus produces institutional consequences that extend beyond case outcomes to the legitimacy of criminal justice as a whole.

a) Prosecution's Inability to Discharge the Burden of Proof

The prosecution bears the obligation to establish guilt beyond a reasonable doubt a standard that presupposes the availability of coherent, reliable, and contemporaneous evidence. Adjournment-induced delay systematically disrupts this evidentiary foundation. Witnesses become unavailable or unreliable, documentary continuity is broken, and investigative coherence deteriorates over time. As a result, prosecutorial failure often reflects temporal erosion rather than substantive innocence.

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Scholarly analyses of delayed criminal trials in India emphasize that adjournments frequently cause fragmentation of prosecution narratives, making it difficult to present a consistent evidentiary chain at trial. The burden of proof thus becomes practically insurmountable not because the offence did not occur, but because the passage of time has degraded the proof required to demonstrate it.

This phenomenon produces what may be termed *procedural acquittals*—outcomes driven by delay-induced evidentiary weakness rather than adjudicated factual doubt. From an institutional standpoint, such outcomes signify systemic failure in the state's capacity to prosecute crime effectively.

b) Weakening of Deterrence

Criminal law operates partly through deterrence: the expectation that offences will be investigated, prosecuted, and punished within a reasonable temporal horizon. When trials extend over years due to routine adjournments, the perceived certainty and immediacy of punishment diminish. Delay, therefore, weakens both specific deterrence (deterring the offender) and general deterrence (deterring society at large).

Empirical and doctrinal scholarship consistently notes that prolonged criminal proceedings dilute the preventive function of punishment because sanctions, when eventually imposed, appear remote and disconnected from the original offence. The normative message conveyed by criminal law that wrongdoing invites swift accountability—becomes obscured by procedural stagnation.

Adjournment culture thus transforms criminal justice from a responsive system into a deferred one. The resulting temporal gap between offence and adjudication reduces the law's capacity to influence behavior, thereby weakening deterrence theory at a structural level.

c) Erosion of Public Confidence in Criminal Justice

Perhaps the most profound institutional consequence of adjournment-driven delay is the erosion of public trust in courts and prosecutorial agencies. Repeated postponements create the perception that criminal trials are interminable, manipulable, and ineffective. Victims experience frustration and disillusionment, while society perceives the system as incapable of delivering timely justice.

Research on delay and justice perception in India demonstrates that prolonged trials correlate strongly with declining public confidence in legal institutions. When acquittals follow years of adjournments, they are often interpreted not as vindications of innocence but as failures of

procedure. Conversely, convictions delivered after excessive delay appear symbolic rather than meaningful.

The legitimacy of criminal adjudication depends not only on correctness but also on timeliness. Adjournments that render justice chronically delayed, therefore, undermine institutional credibility itself. Over time, this perception risks normalizing impunity and weakening societal faith in the rule of law.

7. Constitutional Dimension: Right to Speedy Trial:

7.1 Evolution of Speedy Trial Jurisprudence under Article 21

The constitutional recognition of the right to speedy trial in India is rooted in the expansive interpretation of Article 21 of the Constitution, which guarantees that no person shall be deprived of life or personal liberty except according to fair, just, and reasonable procedure. The Supreme Court transformed this guarantee from a formal procedural safeguard into a substantive protection against oppressive delay, thereby embedding expedition as an essential attribute of criminal justice.

The foundational articulation of this right emerged in *Hussainara Khatoon v. Home Secretary, State of Bihar* (1979), where the Supreme Court declared that a procedure which does not ensure a reasonably expeditious trial cannot be regarded as fair or just under Article 21. The Court held that the State bears a constitutional obligation to provide a speedy trial and cannot justify delay on grounds of administrative or financial inability. This decision marked a decisive shift from procedural legality toward rights-based criminal process jurisprudence.

The doctrine was subsequently elaborated by a Constitution Bench in *Abdul Rehman Antulay v. R.S. Nayak* (1992), which affirmed that the right to speedy trial encompasses all stages of criminal proceedings- investigation, inquiry, trial, appeal, revision, and retrial. The Court emphasized that delay must be assessed through a contextual balancing process, considering factors such as the nature of the offence, the number of witnesses, systemic constraints, and responsibility for delay. It rejected rigid time limits, holding that the right is relative and case-specific rather than mechanically quantifiable.

This constitutional trajectory was reaffirmed and clarified by the seven-judge bench in *P. Ramachandra Rao v. State of Karnataka* (2002). The Court reiterated that the right to speedy trial is an integral component of fair, just, and reasonable procedure under Article 21 and extends from the initiation of criminal accusation to final adjudication. It stressed that prolonged criminal

proceedings inflict mental agony, financial strain, and impairment of defence capability on the accused, thereby undermining the fairness of the process itself.

Scholarly analysis similarly recognizes that the right to speedy trial represents a structural safeguard against procedural abuse and delay-induced injustice. Academic discourse notes that the constitutional station of speed in criminal procedure reflects a shift from state-centric prosecution to rights-oriented adjudication, where delay is treated as a substantive violation rather than mere administrative inefficiency.

7.2 Balancing Fairness and Efficiency

The administration of criminal justice in a constitutional democracy necessarily involves a delicate equilibrium between two competing imperatives: the protection of the accused's procedural rights and the societal demand for timely and effective adjudication. The jurisprudence of fair and speedy trial under Article 21 has consistently emphasized that neither fairness nor efficiency can be pursued in isolation; rather, both must be harmonized to sustain public confidence in the justice system.

a) Rights of the Accused vis-à-vis Societal Interest

The right to a fair trial is fundamentally individual-centric, safeguarding the accused against arbitrary prosecution, oppressive delay, and procedural disadvantage. It encompasses adequate opportunity to prepare a defense, effective legal representation, and meaningful participation in proceedings. The Supreme Court in Hussainara Khatoon v. Home Secretary, State of Bihar**,** recognized that prolonged incarceration and delayed trials violate the dignity and liberty of the accused under Article 21, thereby constitutionalizing the right to speedy trial as an essential component of fair procedure.

However, criminal justice is not solely a bilateral contest between the State and the accused; it is also a public process intended to vindicate societal order and victims rights. In Abdul Rehman Antulay v. R.S. Nayak, the Court clarified that while the accused has a fundamental right to a speedy trial, the determination of delay must consider the nature of the offence, systemic constraints, and public interest in prosecution. The Court thus rejected an exclusively accused-centric approach and framed speedy trial as a balanced constitutional mandate.

Scholarly analysis similarly notes that delay in criminal proceedings harms both sides of the justice equation: while the accused suffers anxiety, stigma, and uncertainty, society experiences erosion of deterrence and institutional credibility.[1] The right to speedy trial therefore operates as a systemic

obligation owed both to the individual and the community. The constitutional balance requires that procedural safeguards remain robust, yet not be permitted to devolve into tactics that obstruct adjudication.

b) Avoiding Delay without Compromising Defence Rights

The challenge lies in curbing avoidable delay without diluting essential defence protections. Judicial and academic discourse consistently stresses that efficiency measures must operate within the boundaries of fairness. In P. Ramachandra Rao v. State of Karnataka, the Supreme Court cautioned against rigid judicially-created time limits for criminal trials, holding that mechanical insistence on speed may itself defeat justice by denying the accused adequate opportunity to defend. The Court reaffirmed that expedition must be contextual and consistent with fair-trial guarantees.

Accordingly, procedural tools such as case flow management, limits on adjournments, and proactive judicial control over proceedings are legitimate methods to expedite trials, provided they do not truncate the accused's right to present evidence or challenge the prosecution.[3] Research on criminal procedure in India indicates that delay frequently arises not from legitimate defence preparation but from systemic inefficiencies investigative lapses, witness non-availability, and procedural fragmentation. Addressing these structural causes enhances efficiency without impairing defense rights.

The constitutional position that emerges is one of qualified expedition: proceedings must progress with reasonable promptitude, yet always subject to the overriding requirement that the accused has a genuine and effective opportunity to defend. In this calibrated model, fairness operates as a limiting principle on efficiency, while efficiency functions as a structural guarantee of fairness since justice delayed ultimately prejudices both the accused and society.

7.3 Judicial Responsibility and Case Management

Effective realization of the right to speedy trial depends not only on procedural law and institutional capacity but also on active judicial responsibility in managing cases. Courts play a decisive role in preventing delay through vigilant supervision, strict control over adjournments, and maintenance of trial discipline. Judicial case management has therefore emerged as a core component of fair-trial jurisprudence under Article 21 of the Constitution.

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a) Active Judicial Supervision

Active judicial supervision requires judges to monitor case progress continuously, identify causes of delay, and ensure adherence to procedural timelines. Modern criminal justice theory recognizes judges not merely as neutral arbiters but as managers of litigation flow, responsible for ensuring efficient progress from charge to judgment. Case flow management techniques such as scheduling orders, stage-wise monitoring, and compliance hearings reduce systemic backlog and safeguard the constitutional guarantee of timely justice.

Indian scholarship and policy literature emphasize that judicial control over proceedings is essential to prevent dilatory tactics by parties and to maintain momentum in trials. Comparative studies likewise demonstrate that jurisdictions adopting structured judicial case-management frameworks experience significantly shorter trial durations and improved procedural fairness.

b) Scrutiny of Adjournment Requests

Unregulated adjournments are widely identified as a principal cause of criminal delay in India. Judicial responsibility, therefore, includes rigorous scrutiny of adjournment requests, ensuring that postponements are granted only for genuine and unavoidable reasons. Courts must balance fairness to parties with the broader public interest in expeditious justice.

Research on Indian trial delays notes that frequent and routine adjournments often granted without adequate reasons undermine both victim rights and the accused's right to speedy trial. Judicial discipline in adjournment control, including reasoned orders and cost sanctions for unnecessary delay, is thus considered essential to effective case management. Comparative procedural analysis further confirms that strict adjournment policies correlate with reduced pendency and stronger compliance with trial schedules.

c) Accountability and Trial Discipline

Judicial accountability in case management extends beyond individual decisions to the overall conduct of trials. Judges are expected to enforce procedural timelines, discourage tactical delays, and ensure that each stage investigation review, charge framing, evidence, and arguments progresses without undue interruption. Active enforcement of trial discipline promotes predictability and public confidence in the justice system.

Scholarly analysis of the right to speedy trial in India highlights that delays often stem from weak enforcement of procedural discipline rather than the absence of legal provisions. Effective judicial oversight through periodic case review, adherence to statutory timelines, and monitoring of

prosecutorial and defence conduct therefore constitutes a crucial safeguard against denial of justice. Institutional court management frameworks also stress performance monitoring and responsibility allocation within the judiciary to maintain efficiency and fairness.

8. Research Findings

The analysis undertaken in this study demonstrates that adjournments are not merely incidental procedural events but constitute a central structural driver of delay in Indian criminal trials. While statutory law particularly Section 309 of the Code of Criminal Procedure envisages adjournments as exceptional and strictly regulated, judicial practice reveals their routine and normalized use. The research, therefore, finds that adjournment culture operates as a systemic cause of protracted criminal proceedings rather than an occasional deviation from procedural discipline.

A significant finding of this study is that prosecutorial effectiveness is disproportionately weakened by delay. As trials become discontinuous, witnesses turn hostile, recollection fades, and evidentiary coherence deteriorates. The prosecution's burden to establish guilt beyond a reasonable doubt is thereby undermined not by lack of substantive evidence but by temporal erosion of proof. Adjournment-driven fragmentation of testimony and documentary continuity emerges as a recurring factor in acquittals despite perceived culpability.

The study further establishes a direct relationship between witness credibility and trial continuity. Testimonial reliability depends upon proximity in time between observation and deposition; repeated adjournments disrupt this temporal link, diminishing spontaneity and authenticity. The evidentiary chain consequently weakens, demonstrating that delay is not neutral but actively corrosive of fact-finding accuracy.

Another core finding concerns the under-enforcement of existing statutory safeguards. Section 309 CrPC (346 BNSS, 2023) mandates day-to-day trials and restricts adjournments to unavoidable circumstances, yet judicial scrutiny of adjournment requests remains inconsistent. Procedural discretion often operates without structured accountability, allowing routine postponements to persist despite clear legislative intent to prevent them.

Finally, the research confirms that delay produces harm across both categories of accused. In cases involving actual offenders, adjournments facilitate evidentiary dilution leading to acquittals; in cases involving innocent accused, prolonged trials result in detention, stigma, and psychological burden without conviction. Delay thus distorts outcomes in opposite directions, weakening both prosecutorial success and defence fairness.

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Overall, the findings establish that adjournment-driven delay is a systemic procedural failure that simultaneously undermines prosecution strength, evidentiary reliability, and trial fairness within the criminal justice process.

9. Conclusion

The criminal trial is intended to function as a continuous, coherent, and truth-seeking process through which guilt or innocence is determined on the basis of reliable evidence presented within a reasonable time. The present study demonstrates, however, that the routine and uncontrolled use of adjournments has gradually transformed criminal procedure from a structured adjudicatory mechanism into a fragmented and delay-ridden process. Adjournments, conceived in law as exceptional safeguards to ensure fairness, have in practice evolved into normalized instruments of postponement, producing systemic consequences that extend far beyond mere inconvenience.

The research establishes that adjournment-driven delay operates as a structural distortion within criminal trials. In cases involving actual offenders, repeated postponements erode witness memory, encourage hostility, and disrupt evidentiary continuity, thereby weakening the prosecution's ability to establish guilt beyond a reasonable doubt. The resulting acquittals are therefore not always reflections of factual innocence but often consequences of procedural attrition. Conversely, in cases involving innocent accused, prolonged trials impose detention, social stigma, psychological distress, and economic hardship, effectively converting the process into punishment. Delay thus distorts outcomes in both directions—facilitating acquittals of the guilty while simultaneously prolonging the suffering of the innocent.

From a constitutional perspective, the study reaffirms that the right to speedy trial under Article 21 is not merely a temporal guarantee but an essential component of fair procedure. When adjournments become routine, the balance between fairness and efficiency collapses: prosecution is weakened, defence rights are not meaningfully enhanced, and judicial credibility diminishes. The findings, therefore, confirm that adjournment culture undermines the legitimacy of criminal justice itself by eroding public confidence in the courts' capacity to deliver timely and reliable adjudication.

A central conclusion emerging from the doctrinal analysis is that the statutory safeguards governing adjournments already exist but remain under-enforced. Section 309 of the Code of Criminal Procedure, 1973 clearly mandates day-to-day trials and restricts

adjournments to unavoidable circumstances, reflecting legislative recognition that continuity is integral to truth- finding. This mandate now stands embodied in Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which retains the same statutory discipline governing postponements and continuity of trial. Yet judicial discretion in granting adjournments frequently operates without structured scrutiny or accountability. The problem, therefore, lies less in legal inadequacy than in procedural practice. Effective criminal adjudication requires restoration of trial continuity through disciplined judicial control over postponements.

Ultimately, the "adjournment trap" identified in this study is not a marginal procedural flaw but a systemic impediment to justice delivery. Justice delayed in criminal trials is not merely justice deferred; it is justice distorted. The integrity of prosecution, the fairness owed to the accused, and the credibility of the criminal justice system all depend upon timely and continuous adjudication. Addressing adjournment-driven delay is therefore indispensable to preserving both the efficacy and legitimacy of criminal trials.

10. Suggestions & Recommendations

The findings of this study indicate that adjournment-driven delay in criminal trials arises primarily from weak enforcement of existing procedural safeguards rather than the absence of legal regulation. Accordingly, reforms must focus on strengthening judicial discipline, procedural accountability, and trial continuity within the framework of Section 309 of the Code of Criminal Procedure, 1973, now continued under Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

First, strict compliance with the statutory mandate of day-to-day trial should be ensured, particularly once examination of witnesses has commenced. Adjournments should be granted only upon recorded reasons demonstrating genuine necessity, and routine or convenience-based postponements should be expressly discouraged. Second, courts may impose realistic costs or procedural consequences for frivolous adjournment requests by either party, thereby discouraging

tactical delay. Third, structured witness scheduling and protection mechanisms should be strengthened to preserve testimonial continuity and reduce attrition caused by repeated court appearances.

Further, adoption of basic case-management techniques—such as advance fixation of evidence dates, continuous hearing blocks, and monitoring of adjournment frequency—

can enhance trial efficiency without compromising fairness. Judicial training programs should also emphasise the constitutional importance of speedy trial and the evidentiary risks of discontinuous proceedings.

Future research may undertake empirical examination of adjournment patterns across trial courts to quantify their impact on conviction rates and trial duration. Such evidence-based analysis can support procedural reforms aimed at restoring continuity, credibility, and fairness in criminal adjudication.

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