



# UNCLOGGING THE DOCKET

TACKLING SHORT, INFRACTUOUS AND OLD CASES

A Centre for Research and Planning Initiative  
**SUPREME COURT OF INDIA**





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## **Authors**

**Kriti Sharma** Deputy Registrar, CRP  
**Padma Ladol** Assistant Registrar, CRP  
**Shubham Kumar** Consultant, CRP  
**Vrishti Shami** Consultant, CRP

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**SANJIV KHANNA**  
Chief Justice of India

## Foreword

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Referring to the adage “justice delayed is justice denied,” concerns are very often raised about the huge arrears of cases in the Indian courts, which demand that the institutions must address issues and evolve mechanisms to solve the problem of burgeoning case load. From one perspective, pendency at the Supreme Court may appear negligible, amounting to about 0.14% of the total case pendency across all Courts, as compared to around 88% in the District Courts and around 12% in the High Courts. However, a simple comparative analysis with other jurisdictions across the globe reveals that our Supreme Court is dealing with one of the heaviest dockets in the world.

This situation arises on account of the expansive jurisdiction that this Court has. Having Original, Appellate, and Advisory jurisdictions, which include the power to transfer cases, discretion to grant special leave, power to entertain Public Interest Litigations (PILs), Election Petitions, contempt petitions, review petitions etc. The Supreme Court’s expansive jurisdiction has led to an exponential increase in the number of cases filed before it. This, in turn, has resulted in huge case pendency, significant delays in the disposal of cases, and increased workload. A glance at the pendency figures would show that as on 18.04.2025, there were around 81,413 pending cases in the Supreme Court, out of which 68,804 are registered cases, while the remaining 12,609 cases are unregistered ones. Out of the 68,804 registered cases, around 54,498 are civil matters and 14,306 are criminal matters. A disconcerting trend noted till 2021, was that the Case Clearance Rate was less than 100% in the Supreme Court of India. However, this has improved ever since and the Case Clearance Rate has now reached, if not breached, the 100% mark, and presently stands at 104.05%.

Seeing the enormity of the problem of case pendency, some may call it the bane of Indian Judiciary. At the same time, the huge case pendency can be seen to be reflective of the strength of our democracy and the accessibility to justice. The fact that so many cases are filed in the Supreme Court is a testament to the faith that people repose in the Indian Supreme Court. While data on cases can be a good starting point and can provide valuable insights, relying

solely on numbers can often be misleading. The data may indicate the magnitude of the problem, but it does not reveal the complexities and nuances that underlie it. What is truly important is not just tracking the numbers, but developing a cohesive strategy to tackle the root causes of case pendency and devising new strategies for expeditious disposal of cases. This requires a multifaceted approach that involves the various stakeholders, processes, and judicial infrastructure.

In recent times, this is what has been endeavoured to be done at the Supreme Court. By analysing the data on case pendency and acknowledging the magnitude of the problem, active institutional measures have been adopted to tackle this problem of case management in the Supreme Court. These include efforts to maintain full bench strength, constitution of constitutional and special benches, promotion of Alternative Dispute Resolution mechanisms through the use of Mediation and organisation of Lok Adalats, leveraging technology, periodic scrutiny of defective cases, and ensuring transparency of data on institution, disposal and pendency.

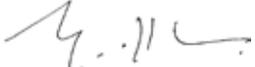
To come up with a comprehensive strategy to tackle case management, efforts were made recently to streamline and improve the backlog of admission matters, specifically by allocating the After Notice matters to be heard initially on three days a week, and since January 2025, on Tuesdays and Wednesdays. Further, to ensure that cases are listed regularly and heard, the matters have been directed to be listed not more than 10-15 days after the time period given by the Court. In April 2025 old pending matters from before 2010 were listed. Some of the connected matters awaiting disposal, despite resolution of the main matter, have also been listed, heard and provided judicial resolution. We have reintroduced the second Registrar's Court to ensure faster processing of cases. Importantly, new case categorisation is being implemented effectively in a collaborative way. Further, measures are being taken to ensure improved e-filing with better mechanisms to cure defects. AI and other technologies are being explored and tested in some of these areas, to the extent it can help prevent the procedural lacunae and save time.

It was observed that nearly 16,000 matters have remained unlisted for years together and seem to have fallen through the cracks. These matters need to be taken up with due expedition and dealt with. This requires proactive efforts from the advocates, who should pursue these matters more diligently and get them listed. In many such cases, the relief that had originally been sought required a mere short hearing while many others became infructuous for various reasons such as death of a party, disposal of the case in the District Court or High Court, settlement arrived at between the parties etc.

In November 2024, the Centre for Research and Planning (CRP) of the Supreme Court was assigned the task of identifying such short, infructuous and old matters. Kriti Sharma, an

academician trained in empirical studies, joined as a Deputy Registrar and has been overseeing the project, along with her able team consisting of Ms. Padma Ladol, Assistant Registrar and Judicial Officer, Mr. Shubham Kumar and Ms. Vrishti Shami, Consultants, Ms. Dishita Kapoor, staff for data management and Mr. Anadi Tewari, law clerk assigned for reporting. This has been a collaborative institutional endeavour, as Mr. Pavanesh D., Registrar (Judicial Listing-I), Mr. H.S. Jaggi, (Registrar, Technology), Mr. Santosh Kumar (Registrar, Paper Book) and the staff from their sections have extended critical and unwavering support to this project. Mr. Arul Varma (Registrar, CRP) and Ms. Harshita Mishra (Director, CRP) have provided a wonderful space for this innovative endeavour. Most importantly, the law clerks of CRP form the backbone of this project. They have been dedicated to the project on which they have worked uncompromisingly since November, with each clerk assessing and submitting at least 600 briefs in this short span. On average, they have been submitting 10-12 briefs per day for evaluation and processed over 10,000 cases. I am sure this training and experience will be invaluable and will benefit them lifelong in their legal careers, whether they join the judiciary or an advocate's chamber. Proactively identifying and listing for disposal of these cases by the clerks has helped the bench channelise and focus judicial time and energy on cases which need holistic adjudication.

This report, prepared diligently by CRP, presents the sum total of the mammoth exercise undertaken at the Centre. It provides transparent insights into the process undertaken to identify the matters that were listed in the courts over the last six months to facilitate better case management and improve disposal. I am happy that this information is being disseminated for the benefit of all who may find it useful. Tackling this issue, along similar lines, at different levels of our judiciary can make pursuance of justice a more manageable exercise for our courts. We all must learn, engage and participate in such critical matters pertaining to our judicial system. Perhaps, the innovations discussed and tried at the Supreme Court will become trailblazers that can be tweaked and emulated in other parts of the country. The possibilities are endless.



(Sanjiv Khanna)

**New Delhi;**  
**April 28, 2025**



# Acknowledgements

In November 2024, the Hon'ble Chief Justice of India, Sanjiv Khanna, gave the task of identifying short, infructuous and old matters lying dormant in the Supreme Court's docket to the Centre for Planning and Research (CRP). Throughout the entire duration of this project, we benefited from his guidance and critical support, without which this experiment could not have been actualised. We are extremely indebted to all the Supreme Court judges on the Bench who gave their crucial judicial time, heard these matters and provided judicial resolution where possible. Their sustained explicit and tacit support would be the reason for any success this project gained.

Executing a mammoth task of identifying, listing and getting these cases heard was only possible through impeccable coordination between the Listing, Technology and Paper book sections of the Supreme Court. Mr. Pavanesh D., Registrar (Listing), Mr. Hargurvarinder S. Jaggi, Registrar-I (Technology), and Mr. Santosh Kumar, Registrar (Judicial III) facilitated this seamlessly. The officers of the Court – Mr. Krishan Gosain (Assistant Registrar) and Mr. Gajindra Singh Rawat [Branch Officer, Listing (Regular)] and Mr. Manish Mittal and Vipin Kumar Mittal, [Deputy Registrar, Listing (Miscellaneous)], Mr. Pavan Prathapa (Assistant Registrar, Computer Cell) and Mr. Anand Sagar (Assistant Registrar, Paper Book), along with their able teams, are responsible for the day to day coordination and groundwork from these three departments and we are extremely thankful for their support.

Our own officers – Padma Ladol, Assistant Registrar, Shubham Kumar and Vrishti Shami, Consultants, and Dishita Kapoor, staff for data management, have worked tirelessly to supervise this task from spearheading and strategising to ensuring every single case brief was up to the mark. Both Priya Baranwal, who earlier served as Assistant Registrar, and Amarendra Kumar who earlier served as Consultant (both served till January 2025) also made valuable contributions to the project. These people are the real backbone along with the twenty-five law clerks who worked relentlessly on this project over the last six months. The young lawyers invested themselves wholeheartedly into this work and were ever eager to learn. The entire team has worked with great spirit, at times, even on holidays, weekends and late nights to meet huge targets within a short span of time. I wish the best of legal future to all of them!

Thanks are due to Learned Secretary General, Mr. Bharat Parashar, Mr. Arul Varma (Registrar, CRP) and Ms. Harshita Mishra (Director, CRP) for critical support in creating a space where this project could thrive. The Registrars of the Court – Ms. R. Arulmozhiselvi, Ms. Sujata Singh, Mr. H.S. Jaggi and Mr. Pavanesh D., have been generous for taking out their time to talk to the law clerks and sharing their knowledge on the subject of case management, providing critical insights and motivating the law clerks.

We are presenting to you a result of our collective effort. Shubham Kumar and Vrishti Shami have worked on the base draft chapters with the help of all the law clerks for research (divided into teams). Padma and I have tried to meticulously edit, in parts re-write and present this version to the best of our ability. From the staff, thanks to Dishita Kapoor for managing the data projections, Basima P. for proofreading and Mohd Shafiqullah Arzoo from Editorial Team for designing. Through this report, we seek to share our own methodology, learnings and strategies adopted during this project, with the hope that it can perhaps be suitably amended and implemented in other courts of the country. At the very least, it can inspire the Judicial Officers, the Registry officials and others interested in court management to think and engage further in this direction. This is our small contribution towards creating real time solutions that can ensure better management of court hearings and tackling of the pendency issue.

With a sincere hope that the deliberation on this critical issue continues,

Kriti Sharma  
Project Head and Deputy Registrar  
Centre for Research and Planning  
Supreme Court of India



The Hon'ble Chief Justice of India, Sanjiv Khanna with the officials of the Registry and the CRP Team involved in the Project.

(From Left to Right, Front Row): Ms. Kaveri, OSD (Registrar) (Judicial Administration-I), Ms. Gracy L. Bawitlung, OSD (Registrar) (Judicial Administration-II), Mr. Hargurvarinder S. Jaggi, Registrar-I (Technology), Mr. Arul Varma, OSD (Registrar) (CRP, Library, Editorial, Translation Cell), Ms. Kriti Sharma, Project Head and Deputy Registrar, CRP, the Hon'ble Chief Justice of India Sanjiv Khanna, Mr. Bharat Parashar, Secretary General, Ms. Harshita Mishra, Director, CRP, Mr. Pavanesh D., Registrar (Judicial Listing- I), Mr. Santosh Kumar, Registrar (Judicial - III), SCLSC, Mediation and Conciliation Project Committee (MCPC) and Supreme Court Mediation Centre (SCMC) and Mr. Tauzeeh-Ul-Islam Rajput, Registrar (Court & Building).



The Hon'ble Chief Justice of India Sanjiv Khanna with Mr. Arul Varma, OSD (Registrar) (CRP, Library, Editorial, Translation Cell), Ms. Padma Ladol, Assistant Registrar, CRP, Ms. Preeti Agrawal, Branch Officer, Computer Cell, Mr. Shah Nawaj, Court Assistant, Ms. Kriti Sharma, Deputy Registrar, CRP, Mr. Pavan Prathapa, Assistant Registrar, Computer Cell and Mr. H.S Jaggi, Registrar- I (Technology) [from left to right].



Note by the Hon'ble Chief Justice of India, Sanjiv Khanna being read out by Director Ms. Harshita Mishra, CRP during 'Reducing Pendency at the Supreme Court: A Dialogue' on 03.03.2025. On the Dais (from left to right): Mr. N. Venkataraman, Additional Solicitor General of India, Mrs. Mukta Gupta, Former Judge and Senior Advocate, Hon'ble Mrs. Justice B.V. Nagarathna, Judge, Supreme Court of India and Mr. V. Giri, Former Judge and Senior Advocate.

# CRP Project Team

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**Kriti Sharma, Deputy Registrar**

**Padma Ladol, Assistant Registrar**

**Shubham Kumar, Consultant**

**Vrishti Shami, Consultant**

**Dishita Kapoor, Data Manager**

## **Law Clerks (In Alphabetical Order)**

**Aishwarya Gairola**

**Anadi Tewari**

**Benila BM**

**Julius Mera Smith**

**Megha Bindal**

**Rachna Gautam**

**Reena Goyal**

**Sakshi Chaturvedi**

**Shambhavi Gupta**

**Shreya Tiwari**

**Tarannum Khatana**

**Vidhi Gupta**

**Ajay**

**Ayush Saklani**

**Bhoomika Babbar**

**Mahima Tayal**

**Osama Noor**

**Raza Haider Zaidi**

**Sahil Rathee**

**Seerat Kaur**

**Shivani Tanwar**

**Susan J.**

**Vartika Misra**

**Yashwanth Dravid P.R.**

## **Interns (In Alphabetical Order)**

**Ishita Singh**

**Priyanshu Soni**

**Sakshi Waghamare**

**Manu Vishweshwaran Sakthivel**

**Robin R**

**Trisha Shankar**



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## **Part I:**

# **From Storeroom to the Courtroom: Identifying Short, Infructuous and Old Matters**



# I. Introduction: Approach to Case Management and Pendency

## **A. Introduction**

As the world's largest democracy, India has entrusted its judiciary a role of unparalleled depth and breadth. Unlike many nations where the courts of last resort are restricted in jurisdiction, the Indian Supreme Court and High Courts have been given wide-ranging powers under the Constitution of India, 1950. These courts function not merely as appellate forums, but as institutions tasked with the preservation of constitutional order, the enforcement of fundamental rights, and the adjudication of complex legal and societal matters. Article 32 of the Constitution enables individuals to approach the Supreme Court directly for the enforcement of their fundamental rights. A similar provision under Article 226 grants the High Courts authority to issue writs, not only for the enforcement of fundamental rights, but also for "any other purpose." This dual access, both appellate and original, sets Indian constitutional courts apart from their counterparts in many other jurisdictions.

The significance of this design lies in its openness. Courts in India are readily accessible to citizens seeking relief not just against individual grievances but also in matters involving systemic failures or violations of public rights. Over the years, this open-door architecture has played a central role in strengthening democratic institutions, securing civil liberties, and enforcing the accountability of public functionaries.<sup>1</sup> However, this expansive jurisdiction and growing litigation carries a structural implication that cannot be ignored. The sheer volume and variety of cases that reach the higher judiciary ranging from criminal appeals and land disputes to environmental litigations and public interest petitions inevitably result in the accumulation of cases.

It is in this context that the issue of judicial pendency must be understood. The growing volume of pending cases is not merely the product of delay. It is, in no small measure, the outcome of the very constitutional vision that makes Indian courts accessible to a broad spectrum of legal claims, including those concerning rights, governance, and public interest. Further, studies have proven that there is a positive correlation between society's modernisation and increase

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<sup>1</sup> Aparna Chandra, William H.J. Hubbard & Sital Kalantry, *The Supreme Court of India: A People's Court?*, (2017) Indian Law Review, available at <https://doi.org/10.1080/24730580.2017.1405583>, available at <https://cpb-us-e1.wpmucdn.com/blogs.cornell.edu/dist/2/7529/files/2017/05/The-Supreme-Court-of-India-A-Peoples-Court-2m3odf8.pdf>

in reliance on formal institutions, such as the courts.<sup>2</sup> That a vast and diverse citizenry frequently turns to the judiciary is a testament to the institution’s moral and legal authority. But it also explains why the courts, at all levels, are often overburdened.

As of mid-April 2025, the volume of pending cases across the Indian judiciary reflects a grave and persistent institutional issue. The Supreme Court has a pendency of 81,015 cases, while the cumulative pendency before the High Courts stands at 62,61,894. At the level of the district courts, the figure stands at 4,53,73,023.<sup>3</sup> These numbers, while quantitative in nature, point to a systemic concern. They also represent unresolved disputes that affect the lives of millions. Whether the question is one of liberty, livelihood, or property, each delayed case reflects not just institutional strain but also the weight of public expectation placed upon the judiciary.

Pendency must be distinguished from concepts such as backlog, delay, and arrears — terms frequently used interchangeably in both policy circles and popular discourse. The Law Commission of India, in several of its reports, has sought to delineate these terms with greater clarity.<sup>4</sup> “Pendency” refers to all cases that have been filed but not yet decided, regardless of how recently they were instituted. In contrast, “delay” refers to cases that remain unresolved beyond a reasonable period, which varies depending on the nature of the matter. “Arrears” refer specifically to those delayed cases that are procedurally complete and awaiting adjudication for no legally or operationally justified reason. “Backlog,” meanwhile, arises when the volume of fresh filings outpaces the capacity of courts to dispose of them within a given time frame.

The implications of delay and arrears are far-reaching. When cases are not resolved within a reasonable period, the costs are borne not only by the litigants but also by society at large. In the commercial sphere, prolonged litigation discourages investment and impedes contract enforcement.<sup>5</sup> In matters of personal liberty and civil rights, delay amounts to a de facto denial of justice.<sup>6</sup> The constitutional promise of timely adjudication is, therefore, not an aspirational ideal, it is a substantive right.

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<sup>2</sup> Arnab Kumar Hazra & Maja B. Micevska, *The Problem of Court Congestion: Evidence from Indian Lower Courts*, in *Judicial Reforms in India: Issues & Aspects* 137, 144–45 (Arnab Kumar Hazra & Bibek Debroy eds., 2007); Sital Kalantry, Theodore Eisenberg & Nick Robinson, *Litigation as a Measure of Well-Being*, 62 *DePaul Law Review* 247 (2013).

<sup>3</sup> [https://njdg.ecourts.gov.in/njdg\\_v3/](https://njdg.ecourts.gov.in/njdg_v3/) as on 08.04.2025.

<sup>4</sup> Law Commission of India, *Arrears and Backlog: Creating Additional Judicial (wo)manpower*, Report No. 245 (July 2014).

<sup>5</sup> World Bank, *Doing Business 2020* (Washington, D.C.: World Bank, 2020), <https://doi.org/10.1596/978-1-4648-1440-2>.

<sup>6</sup> *Hussainara Khatoon & Ors. v. Home Secretary, State Of Bihar*, 1980 (1) SCC 98.

It is essential to understand that the responsibility for judicial delay and pendency lies on all of us. This phenomenon is deeply embedded in a broader institutional ecosystem involving multiple stakeholders each of whom plays a significant role, whether directly or indirectly, in the pace and quality of justice delivery. On the judicial side, there may be issues of infrastructure, requirement of judges, disposal or case management concerns.<sup>7</sup> Executive agencies, law enforcement authorities, members of the Bar, litigants and expert bodies also contribute to the efficiency or inefficiency of the system. Procedural delays may stem from incomplete investigations, non-appearance of witnesses, overburdened public prosecutors, or adjournment-seeking practices by the counsels. In many cases, the administrative bodies can better resolve grievances at the departmental level to avoid escalating disputes into formal litigation. It is also recognised that biggest parties, for instance, government as the largest litigant, can further assist on this issue by streamlining their litigation.<sup>8</sup> Curbing pendency, therefore, has to be a collaborative response. Experts in the field of empirical studies have proposed a range of interventions to address these systemic challenges through justice-centric approach, ensuring realisation of substantive rights, procedural fairness, and accountability across the legal system.<sup>9</sup>

To address these issues, the Indian judiciary alongside key institutional actors have progressively introduced a series of measures intended to improve judicial efficiency, expand meaningful access to justice, and mitigate the growing burden of pendency. These reforms, encompassing legislative revisions, procedural innovations, administrative restructuring and technological adoption, point to a sustained commitment to strengthening the justice system. What follows is a closer examination of these institutional responses, tracing their development

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<sup>7</sup> Jayanth K. Krishnan, Shirish N. Kavadi, Azima Girach, Dhanaji Khupkar, Kilindi Kokal, Satyajeet Mazumdar, Nupar, Gayatri Panday, Aatreyee Sen, Aqseer Sodhi & Bharati T. Shukla, *Grappling at the Grassroots: Access to Justice in India's Lower Tier*, 27 Harvard Human Rights Journal 151 (2014), available at <https://www.repository.law.indiana.edu/facpub/1302>.

<sup>8</sup> Menaka Guruswamy, *The Judicial Pendency Question: How to Lighten the Court's Load*, The Indian Express (Jan. 7, 2023), <https://doi.org/10.53730/ijhs.v6nS1.8313>; Varsha Aithala, Anushka Sachan, Srijoni Sen, Himanshu Payal & Chiranjib Bhattacharya, *Decision Time: Illuminating Performance in India's District Courts*, 6(32) Data & Pol'y (2024); Nick Robinson, *A Quantitative Analysis of the Indian Supreme Court's Workload*, J. Empirical Legal Stud. (forthcoming, Dec. 13, 2012), available at SSRN: <https://ssrn.com/abstract=2189181> or <http://dx.doi.org/10.2139/ssrn.2189181>; Aparna Chandra, William H.J. Hubbard & Sital Kalantry, *The Supreme Court of India: An Empirical Overview of the Institution*, Pub. L. & Legal Theory Working Paper No. 660 (2018).

and the ways in which this contributes to shaping a more responsive and enduring judicial framework.

## B. Suggestions of Reform-Oriented Committees

The issue of judicial pendency demands a more refined understanding than what aggregate figures alone can offer.<sup>10</sup> Recognising this, several studies and institutional reports have advocated for a shift from headline pendency numbers to more context-sensitive metrics that can accurately reflect systemic challenges and enable targeted reform.<sup>11</sup>

Key reform-oriented committees such as the *Malimath Committee on Criminal Justice Reforms*<sup>12</sup> and the *Jagannadha Rao Committee on Civil Justice Reform*<sup>13</sup> have long underscored the need for case-type-specific timelines and adjudication caps. The Supreme Court's 2003 judgment in *Salem Advocate Bar Association v. Union of India*<sup>14</sup> formally endorsed these principles, encouraging structured case management and categorisation. A significant development in this landscape came with the 2024 report of the Sub-Committee on Defining Arrears under the National Court Management Systems (NCMS).<sup>15</sup> This report marked a shift in analytical focus by introducing a classification system that distinguishes between (a) gross case load (all pending cases), (b) disposable case load (cases ready for final hearing), and (c) arrears (cases procedurally ripe but unresolved beyond a reasonable timeframe).<sup>16</sup> Importantly, the report rejected simplistic numerical thresholds, such as five-year caps for defining arrears, arguing instead for differentiated benchmarks based on case type,

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<sup>10</sup> The Harris Committee in West Bengal (1949), the Wanchoo Committee in Uttar Pradesh (1950), the Satish Chandra Committee (1986) and the Arrears Committee (Malimath Committee) (1989-1990).

NCMS Baseline Report on National Framework of Court Excellence (NFCE): Report of the Sub-Committee Headed by Hon'ble Justice G. Rohini.

<sup>11</sup> Vidhi Centre for Legal Policy, *Working Paper 3: A Framework for Extremely Delayed Cases*, available at <https://vidhilegalpolicy.in/research/differentiated-case-management-for-the-indian-judiciary/> (last visited Apr. 14, 2025); Law Commission of India, *124th Report: The High Court Arrears – A Fresh Look* (1988), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daacc69b5adc880fb464895726dbdf/uploads/2022/08/2022080816.pdf> (last visited Apr. 14, 2025).

<sup>12</sup> Ministry of Law and Justice, Government of India, *Report of the Committee on Reforms of the Criminal Justice System (Malimath Committee)* (2003) 164, ¶ 13.3.

<sup>13</sup> Jagannadha Rao Committee, *Consultation Paper on Case Management*, available at [http://lawcommissionofindia.nic.in/adr\\_conf/casemgmt%20draft%20rules.pdf](http://lawcommissionofindia.nic.in/adr_conf/casemgmt%20draft%20rules.pdf) (last visited Apr. 14, 2025).

<sup>14</sup> *Salem Advocate Bar Association v. Union of India*, (2010) INSC 615.

<sup>15</sup> National Court Management Systems Committee, *Defining Arrears: 2024 Report of the NCMS Sub-Committee on Defining Arrears* (2024), available at <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2024/11/2024111276.pdf> (last visited Apr. 14, 2025).

<sup>16</sup> *Ibid.*, at 26–27.

complexity, and institutional context. For instance, the lifecycle of a land acquisition dispute is not comparable to that of a bail application, nor can courts with differing resource capacities be held to uniform standards. The report also identified six critical challenges that frustrate the creation of universal arrears definitions: (i) the inadequacy of single-duration benchmarks, (ii) the obfuscation caused by aggregate pendency data, (iii) the neglect of procedural readiness in evaluating delay, (iv) inconsistent data practices across jurisdictions, (v) the underutilisation of administrative assessment mechanisms, and (vi) the absence of meaningful feedback loops to calibrate policy interventions based on outcomes.

In the Trial Courts, where the majority of litigation originates, the burden of pendency is more acute. The 120th Report of the Law Commission highlighted the urgent need to improve the judge-to-population ratio, which stood at a modest 10.5 judges per million at the time.<sup>17</sup> Despite multiple reiterations of this concern, including in the 245th Report,<sup>18</sup> the recommended benchmark of 50 judges per million has not yet been reached. This deficit is compounded by recurring judicial vacancies, slow recruitment processes, and limited fiscal allocations.<sup>19</sup> Beyond resource constraints, some lower courts are beset by structural difficulties, they can do with better infrastructure and digital integration with proper monetary allocations by their states.<sup>20</sup> Further, in day to day practices, delay in hearing trials cannot be encouraged. While statutory amendments to the Code of Civil Procedure, 1908 have sought to curtail delays in hearing of cases, their enforcement needs to be ensured. Otherwise, the broader result is a litigation environment where procedural justice is hindered by operational limitations.<sup>21</sup> In

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<sup>17</sup> Law Commission of India, *120th Report: Manpower Planning in Judiciary – A Blueprint* (1987), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080852.pdf> (last visited Apr. 14, 2025).; Ministry of Law & Justice, *Press Release*, Dec. 10, 2002, available at <https://archive.pib.gov.in/release02/lyr2002/rdec2002/10122002/r101220022.html> (last visited Apr. 14, 2025).

<sup>18</sup> Law Commission of India, *245th Report: Arrears and Backlog – Creating Additional Judicial (wo)manpower* (2014), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081643.pdf> (last visited Apr. 14, 2025).

<sup>19</sup> *Supra* note 12, at 7.

<sup>20</sup> LiveLaw News Network, *Judge-To-Population Ratio Was Ordered To Be Made 50 Per Million By 2007, But Not Even 25 Per Million In 2024: Supreme Court Laments*, LIVELAW.IN (Nov. 22, 2024), available at <https://www.livelaw.in/top-stories/judge-to-population-was-ordered-to-be-made-50-per-million-by-2007-but-not-even-25-per-million-in-2024-supreme-court-laments-276063> (last visited Apr. 14, 2025).

<sup>21</sup> Law Commission of India, *239th Report: Expeditious Investigation and Trial of Criminal Cases Against Influential Public Personalities* (2012), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081021-2.pdf> (last visited Apr. 14, 2025).

response, successive Law Commission reports from the 77th<sup>22</sup> to the 230th<sup>23</sup> have recommended the institutionalisation of judicial case management, including increased reliance on written submissions, structured pre-trial protocols, and the restriction of court vacations.<sup>24</sup>

### C. Judiciary following International Best Practices

Across jurisdictions, the issue of judicial pendency and need for effective docket management has prompted the formulation of diverse institutional responses aimed at improving procedural efficiency and enhancing the legitimacy of courts as forums of timely adjudication. Appraisal of judicial reforms globally reveals five principal domains of innovation: empirical performance monitoring, technological integration and prioritisation of old/legacy matters, structural reorganisation and procedural streamlining.<sup>25</sup> We find that Indian courts have been making efforts to reform the justice delivery system on all these fronts.

#### (i) Empirical Performance Monitoring and Time Diagnostics

An essential pillar of judicial reform lies in the use of empirical tools to measure, diagnose, and address inefficiencies. We have recognised the importance of embedding empirical tools and having transparent performance diagnostics as part of the judicial reform framework. The National Judicial Data Grid (NJDG), developed under the e-Courts Mission Mode Project, provides real-time data on case pendency, disposal rates, and judicial performance across all

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<sup>22</sup> Law Commission of India, *77th Report: Delay and Arrears in Trial Courts* (1978), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022080573-1.pdf> (last visited Apr. 14, 2025).

<sup>23</sup> Law Commission of India, *230th Report: Reforms in the Judiciary – Some Suggestions* (2009), available at <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081063-2.pdf> (last visited Apr. 14, 2025).

<sup>24</sup> See also *Supra* note 12.

<sup>25</sup> Helena Whalen-Bridge, *Court Backlogs: Balancing Efficiency and Justice in Singapore*, 879–894 (2017), available at <http://ssrn.com/abstract=3076464>; *Best Practices on the Prevention of the Unreasonable Length of Proceedings: Experiences of the CEPEJ*, available at <https://rm.coe.int/best-practices-on-the-prevention-of-the-unreasonable-length-of-proceed/1680790b44>; *Leveraging on Information and Communication Technology (ICT) to Promote Access to Justice*, available at <https://judiciary.go.ke/leveraging-on-information-and-communication-technology-ict-to-promote-access-to-justice/>; Leo Kipkogei Kemboi, *The Case Backlog Problem in Kenya's Judiciary and the Solutions* (Apr. 20, 2021), available at SSRN: <https://ssrn.com/abstract=3841487> or <http://dx.doi.org/10.2139/ssrn.3841487>; Action Committee on Court Operations in Response to COVID-19, *Minimizing Court Backlog and Delays: Repository of Promising Practices* (Office of the Commissioner for Federal Judicial Affairs Canada, Ottawa, 2022), available at: <https://www.fja.gc.ca/COVID-19/Minimizing-Backlogs-and-Delays-Minimiser-les-engorgements-et-les-delaies-eng.html> (last visited on April 18, 2025).

levels of the judiciary. This and internal mechanisms of evaluation ensure there is empirical performance monitoring and time diagnostics. Here, our pilot initiative of the Supreme Court's Centre for Research and Planning (CRP) too carried out disposal analytics for identified matters to support data-driven policy interventions.

### **(ii) Technology Integration and Digital Judicial Governance**

Digital infrastructure has emerged as a cornerstone of judicial efficiency in numerous jurisdictions. India's judiciary has undertaken a series of technological and institutional reforms aimed at improving access to justice. As stated earlier, the e-Courts Mission Mode Project, launched under the National e-Governance Plan, stands at the centre of this transformation. Now in its third phase, the project has succeeded in computerising over 20,000 courts, enabling digital record-keeping, real-time access to cause lists, orders, and case information through the Case Information System (CIS).<sup>26</sup> Innovations such as e-filing, video conferencing, and the e-Courts Services mobile application have been widely deployed, allowing litigants, lawyers, and judges to interact more efficiently with the court system. With Phase III approved in 2023, the initiative now envisages a shift towards paperless courts, automated document processing, and enhanced use of AI-based tools to support judicial decision-making and scheduling, thereby embedding digital infrastructure as a structural component of justice delivery.<sup>27</sup>

### **(iii) Legacy Case Prioritisation and Differentiated Case Management**

Another important domain of reform has involved the targeted disposal of long-pending or complex cases through structured triaging. Prioritised cases that had been pending for extended periods can be disposed through layered scheduling reviews and the creation of judicial rosters that flag aging dockets for expedited resolution. Differentiated Case Management (DCM) frameworks are where cases are classified at the filing stage based on complexity, urgency, and procedural requirements. This classification allows courts to allocate resources proportionally, ensuring that simpler cases are disposed of quickly while more intricate disputes receive the

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<sup>26</sup> Ministry of Law & Justice, *e-Courts Mission Mode Project*, Press Information Bureau, Dec. 17, 2024, available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2085127> (last visited Apr. 14, 2025).

<sup>27</sup> Ministry of Law & Justice, *Use of AI in Supreme Court Case Management*, Press Information Bureau, Mar. 20, 2025, available at <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=2113224> (last visited Apr. 14, 2025).

deliberative attention they merit. DCM has also enabled courts to identify bottlenecks in specific case categories and devise remedial timelines that are both realistic and enforceable.

India's judiciary has increasingly embraced structured approaches to manage long-pending and complex cases, drawing parallels with global practices such as differentiated case management and prioritised docket review. In response to Supreme Court directives, High Courts across the country have constituted Arrears Committees tasked with identifying cases that have remained pending for extended durations, particularly those exceeding five years.<sup>28</sup> These committees work in tandem with district judiciary leadership to devise strategies for time-bound disposal, including the creation of special benches, thematic cause lists, and prioritised hearing schedules. Here, initiatives like the one undertaken by CRP assist in executing DCM. It can facilitate identifying and segregating amongst the pending cases based on different classification categories (See Chapter II).

#### **(iv) Structural Reorganisation and Decentralised Adjudication**

Structural reforms, particularly those that seek to decentralise or diversify adjudication, have played a significant role in easing pendency in certain jurisdictions. These efforts are embedded within a broader institutional vision that treats court efficiency as a public service imperative, rather than a narrow bureaucratic concern.<sup>29</sup> India's efforts, through mechanisms such as various Tribunals, Gram Nyayalayas,<sup>30</sup> Fast Track Courts,<sup>31</sup> and Evening Courts,<sup>32</sup> reflect a vision of decentralised and accessible justice. With renewed policy focus, improved resource allocation, and sustained capacity-building efforts, these institutions hold considerable promise in advancing timely justice delivery and easing the burden on conventional court systems.

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<sup>28</sup> Law Commission of India, *Report of the Arrears Committee (1989–1990)*, available at <http://dakshindia.org/wp-content/uploads/2016/08/Malimath-89-90.pdf> (last visited Apr. 14, 2025).

<sup>29</sup> Leo Kipkogei Kemboi, *The Case Backlog Problem in Kenya's Judiciary and the Solutions* (Institute of Economic Affairs Kenya, Apr. 20, 2021), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3841487](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3841487) (last visited Apr. 14, 2025).

<sup>30</sup> Department of Justice, *Gram Nyayalaya – An Introduction*, available at <https://dashboard.doj.gov.in/gn/introduction> (last visited Apr. 14, 2025).

<sup>31</sup> Department of Justice, *Fast Track Special Courts (FTSCs)*, available at <https://doj.gov.in/fast-track-special-court-ftscs/> (last visited Apr. 14, 2025).

<sup>32</sup> Office of the District & Sessions Judge, Delhi, *Press Brief on Evening Courts*, available at [https://session.delhi.gov.in/sites/default/files/evening\\_courts\\_pressbrie2f.pdf](https://session.delhi.gov.in/sites/default/files/evening_courts_pressbrie2f.pdf) (last visited Apr. 14, 2025).

## (v) Procedural Timeframes and Hearing Discipline

One of the most prominent approaches to mitigating delay has been the imposition of time-bound procedures that enforce hearing discipline and reduce unnecessary adjournments. For this continuous trial systems need to be ensured with timelines for procedural stages and a digital system that tracks hearing compliances, monitors delays and facilitates docket management can facilitate this objective. Along with the court monitoring, administrative coordination between agencies can compress case timelines without compromising procedural fairness. From the moment an offence is reported, police investigations, prosecutorial decisions, and court scheduling can operate in tandem to resolve matters within a given window. Setting enforceable procedural benchmarks can be achieved when coupled with institutional discipline and inter-agency accountability that can meaningfully curtail delay.

In a similar vein, Indian courts have recognised the necessity of adopting time-sensitive adjudication frameworks. Various High Courts have promulgated *Case Flow Management Rules*<sup>33</sup> that prescribe indicative timelines for different stages of litigation and impose restrictions on the granting of adjournments. Judicial pronouncements, notably in *Salem Advocate Bar Association v. Union of India*,<sup>34</sup> have reaffirmed the judiciary's constitutional obligation to secure expeditious justice and have endorsed the adoption of procedural safeguards to that end. Complementing these efforts, judicial training programmes conducted by the National Judicial Academy and its state counterparts increasingly emphasise upon having structured docket control and efficient hearing practices.<sup>35</sup>

## D. Specific Strategies as Supreme Court's Institutional Response

The Supreme Court of India has, in recent years, adopted a series of structured and internally-driven reforms to address the persistent challenge of judicial pendency. These reforms signal a significant shift in the Court's approach away from episodic or reactive measures and towards a more calibrated, data-informed strategy for managing its docket.

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<sup>33</sup> DAKSH, *Case Flow Management Rules in India: An Evaluation*, available at <https://www.dakshindia.org/case-flow-management-rules-in-india/> (last visited Apr. 14, 2025).

<sup>34</sup> *Supra* note 15.

<sup>35</sup> National Judicial Academy, *NJA Newsletter*, Vol. 18, Issue 2 (Dec. 2022), available at [https://nja.gov.in/Journals\\_Publications\\_Newsletters/Newsletter%20of%20the%20NJA\(December,%202022\).pdf](https://nja.gov.in/Journals_Publications_Newsletters/Newsletter%20of%20the%20NJA(December,%202022).pdf) (last visited Apr. 14, 2025).

The Court's response to pendency has taken multiple forms. Meaningful progress has been registered in several of the suggested domains. Likewise, mechanisms such as the Mediation Centre at the Supreme Court and organisation of Lok Adalats provide alternative pathways to dispute resolution. Under the direction of the Chief Justice of India, who is the master of the roster, cases across different categories languishing in the system are listed systematically. For instance, the Court has placed required emphasis on the listing of cases involving questions of personal liberty. Petitions for bail, writs of habeas corpus, death penalty and jail appeals are being scheduled timely, reflecting a conscious institutional effort to respond swiftly to matters that directly affect the freedom and rights of individuals. This is reflected in the ongoing criminal disposal rate which stands at 111.08% (as on April 18, 2025).

At the procedural level, one of the notable changes in recent times has been reorganisation of the hearing calendar to maximise judicial time. The Court has designated specific days in the week i.e. Tuesdays and Wednesdays, for hearing 'After Notice' Miscellaneous matters. This initiative, implemented from January 2025, has enabled each Bench to take up approximately 45 to 50 such matters per day, thereby ensuring a significant increase in the disposal rate of such cases. Here, the top ten additional matters listed were CRP identified matters that were short, infructuous or old that, on average, could be resolved within 30-45 minutes. Similarly, on Regular days (Thursdays) CRP identified matters as short, infructuous and old were listed across the courtrooms, along with fixed date and other matters. In addition, judicial directions have been issued to ensure that matters directed to be listed after a certain interval are brought before the Bench within a definitive time frame of 10 to 15 days.<sup>36</sup> Additionally, in March and April 2025, a dedicated exercise was carried out to address the backlog of cases instituted prior to 2010. In April and May, around 900 cases of Motor Accident Claims Tribunal (MACT) are to be listed for hearing and disposal. There were over 500 cases where the main issue had been adjudicated but the connected cases had remained pending, and these have now been cleared from the docket. We have listed and given resolutions to many group matters which should have a cascading effect of increasing disposal across the lower forums too.

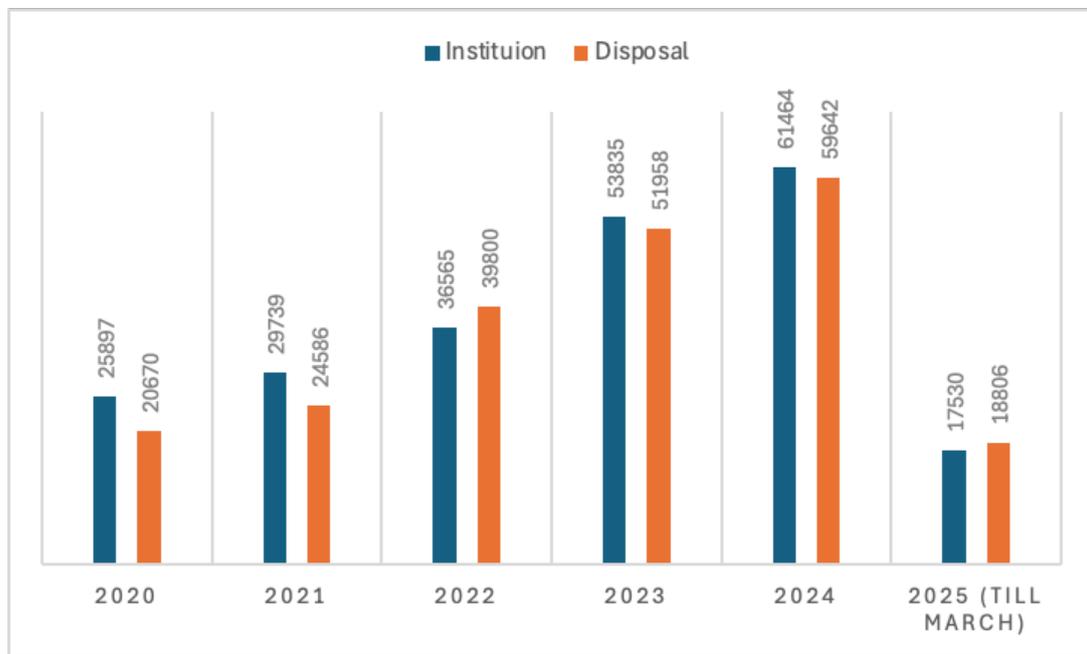
The Court has made a second Registrar's Court functional to accelerate the clearance of matters stuck at procedural stages since the month of April, 2025. Ongoing reforms in the domain of case categorisation and defect management will further improve the consistency and quality of

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<sup>36</sup> Advay Vora, *January 2025: Pendency Increases by Over 2,600 Compared to Last January*, Supreme Court Observer (Feb. 6, 2025), available at <https://www.scobserver.in/journal/january-2025-pendency-increases-by-over-2600-compared-to-last-january/> (last visited Apr. 14, 2025).

case listings, while technological upgrades such as the expansion of e-filing systems, digital cause lists, and careful deployment of AI tools are being looked into to ensure better efficiency in the Court’s operational framework.<sup>37</sup> Collectively, these measures have yielded tangible results: in both 2024 and the first quarter of 2025, the Supreme Court recorded a Case Clearance Rate which presently stands at 104.05%, contributing to a measurable reduction in the overall pendency of matters.<sup>38</sup>

**Graph 1: Supreme Court of India Disposal and Pendency from Year 2020 to March 2025 (Total of Admission and Regular Matters)**



It should be noted that 2020-2022 case institutions and disposals were affected by the coronavirus pandemic.

Central to this institutional transformation is the CRP’s case management initiative, carried out between November, 2024 and May, 2025 under the present Chief Justice of India. Differentiating cases to ensure management is already part of the listing system. For instance, we have a well developed classification system implemented at the Supreme Court. Cases are categorised and prioritised for disposal wherever bottlenecks are identified. Judges manage their own docket and can prioritise certain matters, on a need basis. They have been granted powers to fix dates for matters of great urgency and significance. In a similar vein, the purpose

<sup>37</sup> Ministry of Law & Justice, *Use of AI in Supreme Court Case Management*, Press Information Bureau, Mar. 20, 2025, available at <https://pib.gov.in/PressReleasePage.aspx?PRID=2113224> (last visited Apr. 14, 2025).

<sup>38</sup> *Supra* note 36.

of this project is to classify and differentiate cases, through a well-developed and thought out mechanism, so that docket can balance the ongoing important and live litigations, with the cases that can be disposed of easily yet have remained in the docket. The project is premised on the recognition that pendency must be addressed not merely as a problem of volume, but as a function of how judicial time and attention are allocated across a complex and diverse docket. The CRP employs a dual-review methodology wherein a multidisciplinary team is involved. It comprises legal researchers and officers of the Registry who review and classify the pending cases after the law clerks have prepared their detailed, judge-ready briefs. Through reasoned classification these cases are segregated into broad categories: short, infructuous, old, simple and detailed hearings cases. The briefs include case histories, key procedural and legal milestones and they depict the reasoning of case classification into one of the categories. These case lists with briefs from short, infructuous and old categories are sent to the listing and, thereafter, to the relevant judges who have the coram for the cases. The matters then reach the courtrooms where they are heard and litigated upon, on merits.

This assessment process enables the Registry to schedule matters more intelligently, allocating judicial time to cases that demand it while disposing of others expeditiously. Importantly, the initiative is iterative: the CRP monitors outcomes of classified matters once listed and uses that feedback to refine its review methods and improve the accuracy of its classifications. Under this project in the past five months, 1525 main cases have been disposed of by 8th May, 2025 (that is, 15.25% of the total classified 10,000 cases) within the span of six months, including the time undertaken to set-up the project. This demonstrates the practical utility of internal, data-led case management and differentiation.

## **E. Conclusion: Purpose of the Present Initiative**

What distinguishes the CRP's model is its institutional ethos. The initiative rests not on external mandates or statutory directives but on the internal self-governance of the Court. It reflects a sense of responsibility, one that sees docket management as intrinsic to the judicial function itself. It does not displace judicial discretion; rather, it facilitates its exercise by equipping judges with the tools and information needed to make effective scheduling and prioritisation

decisions. In doing so, it aligns with broader global trends that conceptualise judicial efficiency as a dimension of access to justice, and not merely of economy of procedure.

Although designed for the unique demands of the Supreme Court, the model developed by the CRP offers a scalable and adaptable framework. With suitable modifications, it could inform similar efforts across the High Courts and subordinate judiciary, particularly in jurisdictions facing severe docket congestion or uneven patterns of case disposal. Its success to date suggests that internal reform, when institutionally owned and analytically grounded, can yield significant dividends even within the structural constraints of the existing judicial system. The following chapter undertakes a detailed examination of the Supreme Court's case management practices, tracing how this evolving institutional function is operationalised across various levels.

## **II. A Journey through Identification of Short, Infructuous and Old Cases**

This Chapter takes you systematically through the process our CRP Team employed for identification, evaluation and classification of short, infructuous and old cases. It primarily involves creation of a data system using technology and human power. The Supreme Court had already processed data of cases being listed (with scanned copies of their files available for bulk download) that could be further refined and used for our purposes.

The importance of a structured internal database is that it supports strategic planning. This structured dataset is useful to feed into models for listing automation, pendency forecasting, bench-specific load balancing, and much more. Thus categorised, the location of each case within the system procedurally and administratively becomes visible. This visibility increases institutional accountability. It allows one to see where bottlenecks may exist, and what kinds of cases are accumulating disproportionately in certain categories. The goals for creating internal database can be articulated as follows:

- To create docket-level segmentation, allowing for thoughtful and case-specific listing strategies based on courtroom's docket.
- To initiate a targeted review mechanism by isolating cases that are unlisted, dormant, or inactive in these courtrooms, many of which are well-suited for early and efficient disposal.

Creating a foundational dataset can inform internal policy decisions, support the rational distribution of judicial time, and evolve into a larger system of docket forecasting and judicial performance measurement. The process we used for this can be divided into VI parts (A to F):

### **A. Creation of Case Lists**

Unless the Court possesses a clear, comprehensive, and structured understanding of its pending workload, any attempt at streamlining judicial processes will inevitably fall short. Recognising this, the first step in the reform process begins with the systematic retrieval and categorisation of all pending matters from the Supreme Court Registry. The Supreme Court's lists of pending matters already includes key metadata such as case number, case title, connected matters, assigned case category, date of impugned order, coram details, and procedural status (*see*

*Annexure I*). These lists are filtered based on the criteria described below and then the lists are forwarded to the Computer Cell, which undertakes the task of bulk-downloading the electronic case files from the Supreme Court's digital database. The e-files are then shared with the CRP to initiate the next phase of case allotment for analytical review. Cases are divided into two broad categories:

- a) **Miscellaneous Matters**, which generally include cases at an intermediate stage after notice has been issued, but not yet fixed for final hearing. These might involve interim directions, procedural clarifications, or interlocutory reliefs. [Note: *CRP dealt with Miscellaneous matters at after notice stage and not the fresh matters*].
- b) **Regular Hearing Matters**, which are admitted cases ready to be heard at length on merits. These typically demand deeper judicial engagement and longer hearing time.

It must be noted here that the distinction between Regular and Miscellaneous categories is grounded in the doctrine of merger, which states that first the Supreme Court hears the matters as miscellaneous and then grants leave to be heard as a regular matter and renders a decision. After the decision, the judgment of the lower court merges into the Supreme Court's order. This legal doctrine was reaffirmed in recent cases like the *State of Uttar Pradesh v. Virendra Bahadur Katheria* (2024),<sup>39</sup> which emphasised the finality of the Supreme Court's ruling in an appeal. Miscellaneous matters (After Notice) are heard on Tuesdays and Wednesdays in the Supreme Court and might be resolved through short hearings or procedural directions before leave is granted or rejected, while regular hearing matters are heard on Thursdays and typically require a more extensive engagement when they are heard.

Each case is then further examined to see whether it has a **Judicial Coram**, meaning whether it has already been placed before a Bench, or remains unlisted. The unlisted matters are likely to have remained dormant, sometimes for years, awaiting procedural movement.

Finally, a subject-matter filter is applied: each matter is categorised as either **Civil or Criminal**. This division allows for a more targeted assessment in subsequent stages and ensures that the nuances of the two broad legal subject areas are taken into account during assessment.

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<sup>39</sup> *State of Uttar Pradesh v. Virendra Bahadur Katheria*, (2024) INSC 524.

On this basis, we created four sheets: After Notice Miscellaneous (No Coram); After Notice Miscellaneous (Coram); Regular (No Coram); and Regular (Coram).

This initial stage may appear procedural, but its importance is foundational. Without it, the rest of the initiative would operate in a vacuum, with no clear sense of priorities, clusters, or categories. The value of this stage lies in its ability to translate the undifferentiated mass of pending cases into an organised dataset, primed for evaluation.

## **B. Allocation of Cases**

Once the categorised lists of pending matters are prepared and the broader docket is segmented by procedural and subject-matter filters, the next step in the case management process is allocation. At this stage, the initiative shifts from the realm of database to case-by-case analysis, a shift that requires both legal skill and human judgement.

Once the lists are received by a law clerk from the categorisation stage, the case information is filled on a Google Form. These Google Forms (see *Annexure II*) automatically feed into the MS Excel Sheets that are self-generated. The law clerk is required to fill the following key metadata for each case in the Google Form:

- Diary Number
- Case Name
- Case Number
- Date of Filing
- Date of Impugned Order
- Date When Last Heard
- Nature of Impugned Order
- Findings of Lower Courts
- Gist of the Case
- Proposed Classification

From the list, cases are assigned to law clerks based on two key considerations: i) The expertise or preferred subject area of the clerks which are marked on an Excel Sheet through self-identification and by taking into account their qualifications (see *Annexure III*); ii) workload parity - with fair division and to ensure proportionate burden. The way cases are assigned directly impacts the quality of analysis in the brief, the pace of review, and the accuracy of classification. This allocation process taking into consideration their own interest and

specialisation allows for building a team that is motivated and then can continuously be trained in their specific chosen categories (see *Annexure IV*).

Organising the workflow thoughtfully ensures that each case is analysed within a reasonable timeframe, without sacrificing the care and rigour it deserves. Yet, each case requires a different time allocation for preparing a brief. A five-year-old Regular hearing matter involving constitutional interpretation cannot be analysed at the same speed as an interlocutory application. Taking a reasonable average, for the majority of the project period, timelines were set at the rate of 10 briefs a day with periodic checks on achieved targets, along with checks on the quality of gists/briefs, at the end of each week.

### **C. In-Depth Case Review and Form-Based Documentation**

Once a case is allocated to an individual law clerk, evaluation of cases demands careful reading and a disciplined approach to summarising legal content. The law clerks go through petitions, counter-affidavits, judicial orders, and procedural histories, and extract from this often-unwieldy material a concise and accurate gist/brief that captures both the legal essence and procedural history of the matter. Each case evaluation they prepare becomes the basis on which a matter is later categorised.

The digitalised case record includes:

- The main petition or appeal, where the grounds for approaching the Supreme Court are set out alongwith listing proforma;
- Annexures, often comprising lower court judgments, tribunal orders, and supporting documentation;
- Previous Supreme Court orders, especially those relating to listing history, interim reliefs, or directions;
- The procedural chronology, noting when the case was filed, last heard, or disposed of at lower levels.

To generate briefs out of these details, we created a standardised format which ensures consistency across all matters. Each brief is required to contain the following core components, arranged in a logical sequence:

1. Procedural History: How the matter has progressed through the judicial system, from the originating court or tribunal to the present stage before the Supreme Court;
2. Factual Matrix: A short but clear statement of facts, distilled from pleadings and relevant records;
3. Findings of Lower Courts/Tribunals: A summary of what the courts below have held, including any dissents, observations, or significant factual findings along with reasonings;
4. Grounds of Appeal or Petition: Why the matter has been brought to the Supreme Court what legal errors, constitutional questions, or procedural violations are being alleged.

The format for case briefs was first drafted by the team at the CRP after several rounds of discussion and inputs from the law clerks. The initial draft was then shared with officers of the Supreme Court Registry, and further refined based on the observations and suggestions received from senior Judicial Officers. The final structure was shaped with the objective of ensuring that briefs are precise, uniform, and suited to the specific requirements of different categories of cases coming before the Court.

Separate pointers were developed for each type of matter, as the nature of information necessary for effective review differs significantly across categories (see *Annexure V*). For instance, in property disputes it is important to clearly identify the type of claim whether for recovery, partition, enforcement of mortgage rights, or land acquisition and to set out the possession status, title history, and legal provisions involved, particularly under Sections 4, 6, or 17 of the Land Acquisition Act. In service matters, details regarding the nature of employment, disciplinary proceedings, and computation of arrears or retirement benefits are often central to the issue. In tax matters, the brief should specify whether the case relates to direct or indirect tax, the assessment year, the amount involved, and the relevant statutory provisions. In criminal cases, it would be important to present the facts neutrally, along with key dates such as the alleged offence, registration of FIR, details of custody, and the sections under which the accused is charged or convicted. In all cases, the latest effective Record of Proceedings from the Supreme Court must be included, to maintain continuity and assist the Court in understanding the current procedural stage

Following the aforementioned format for briefs, the law clerks enter the findings into a structured Google Form (see *Annexure II*). After they fill the Google Form for each case, the said information is automatically fetched in Excel Sheets, which functions as a digital template

for documentation and future reference. Alongside the Excel Sheet, a full brief is uploaded in Word format to a dedicated Google Drive folder (*See Annexure VI*). This dual-track system form for data and document for narrative ensures both structure and depth. The Word document allows for richer prose, contextual explanation, and editorial review, while the Form captures key data points in a searchable and standardised manner.

The law clerks are trained and informed on key considerations that should be noted while formulating a standard format of briefs which includes:

1. *Establishing a Common Language of Review*: The use of a standard format ensures that every case brief is intelligible not just to the person who prepared it, but also to the reviewers: Consultants, Registrars, and Judges. This consistency is critical for comparative analysis, efficient classification, and informed judicial preparation.

2. *Surfacing Patterns*: Once a critical mass of briefs is created, patterns begin to emerge. For instance, if several criminal appeals have remained unheard for over five years despite custody having ended, or if certain types of interlocutory matters are routinely becoming infructuous, these trends can be identified and discussed. Here, it is important to have periodic meetings with the law clerks to ensure there is systemic feedback on the briefs which improves the quality.

Every classification based on these briefs must be defensible. Whether a matter is marked “short,” “infructuous,” or “old” should follow from the facts and procedural history, not from assumption. Working on the quality of brief allows reviewers and eventually, judges to trace the reasoning behind each case listed before them, improving both accountability and trust in the system.

#### **D. Classification of Matters**

Once each case has been thoroughly examined and briefed by the law clerks, the initiative enters one of its most consequential stages: the classification of matters. This is done by the core CRP team which includes legal consultants, Judicial Officers and academicians.

The reviewers drawing on their experience and discussions amongst themselves place each matter into one of five core categories (see *Annexure VII*):

1. **Short:** Matters classified as “short” are those that are mature for disposal and unlikely to require more than a brief hearing. These include cases where procedural defects are evident, where the factual or legal question is narrow and settled, and where the relief sought is modest and uncontested.
2. **Old:** “Old” cases are typically those that have remained pending for an extended period often several years without significant procedural movement. Their age alone does not justify immediate disposal, but it does warrant priority listing and special attention. Within this category, it should be noted, we identified those matters that can be disposed of, and others that are tagged as connected to a larger constitutional bench judgment or carried complicated legal or factual history could only be classified as long hearing matters not ready for immediate disposal (some of these cases have been eclipsed by time, while others still raise relevant legal issues that have not been addressed because of delays).
3. **Infructuous:** These are matters that have been rendered moot due to external developments, such as settlement between parties, legislative amendments, lapsing of relief timelines, or supervening judicial orders. An infructuous matter no longer presents a live controversy and may not require any substantive hearing at all beyond a formal order of disposal.
4. **Simple:** “Simple” cases are legally or factually straightforward, but not so elementary as to be disposed of without argument. These are matters that may require a hearing or two but do not present contested questions of constitutional interpretation, statutory construction, or evidentiary complexity. Identifying such cases with similar questions of law can also be useful for focused listing, often leading to better disposals.
5. **Requires Detailed Hearing:** Cases in this category involve substantial questions of law or fact, constitutional issues, precedent-setting implications, or extensive lower court records. These matters require full argumentation, careful judicial scrutiny, and in many cases, multi-day hearings. By clearly marking such cases, it can be ensured that they are not lost amid administrative listings but are placed strategically before appropriate benches.

The classification stage is the most pivotal aspect of this initiative as it determines whether a matter progresses to a court hearing. This stage is crucial because it involves a thorough examination of the case's merits, ensuring that suitable matters, specifically short, infructuous and old matters, are also presented in adequate proportion before the court. For instance, if a

case before the Supreme Court is for enhancement of compensation under Workmen Compensation Act, 1923 and there are concurrent findings by all the lower courts. If the other facts surrounding the accident are undisputed, the matter can be resolved in a single hearing, as there are no complex issues or disputes to be addressed. This type of case can be categorised as ‘short’, indicating that it can be efficiently disposed of without requiring extensive proceedings. Consider an Election Petition before the Supreme Court but the term of office is already over. Similarly, cases where the challenge is against an interim order of a lower Court and the main matter has already been disposed of by the lower Court, in such situations, these cases can be categorised as ‘infructuous’ as they have become obsolete due to various external developments. Such matters can be taken up and disposed of immediately as it will ensure streamlining of the judicial process, conserve resources and prioritise more pressing matters. Criminal cases involving elderly accused individuals, such as those where the impugned order is over 10 years old and the accused is now around 75-80 years old, may be categorised as ‘old’ and considered for priority listing. This approach can help expedite the resolution of cases involving aging defendants.

The classification process serves as a gatekeeper, filtering out and segregating cases that may not have the potential to be disposed of in one hearing, thereby optimising the court’s time and resources. If one is able to continuously carry out this exercise, we strongly suggest simple and long hearing matters should eventually be listed in small batches periodically too. In order to ensure success of this initiative and particularly of this vital filter stage, CRP developed clear classification criteria as explained above. It was ensured that the team involved in the classification process had regular meetings to assess and refine the process as well as identify areas for improvement and optimise its effectiveness. By implementing these measures, we aimed to create a robust and efficient classification process that would streamline the court’s workflow and improve overall productivity.

In our traditional judicial systems, listing decisions are often driven by chronology, court capacity, or simple administrative turnover. Our present model introduces a more deliberate and principled approach. Classification becomes not a perfunctory label, but a carefully reasoned evaluation grounded in legal content and procedural status. The classification stage is the intellectual fulcrum of the case management initiative. Every downstream action – whether listing, briefing for judges, or feedback tracking – depends on this act of categorisation being accurate, defensible, and systemically useful.

The process of classifying cases according to their merits is applied across all types of matters for Regular and After Notice Miscellaneous (No Coram) matters. However, given the sheer volume of filings in one category, that is under Miscellaneous Coram (After Notice), a focused approach was adopted. Only certain categories were taken up under After Notice Miscellaneous Coram due to paucity of time such as Election Petitions, Accident Claim Matters, Quashing Matters, Petitions for Appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, Special Leave Petitions (SLP) challenging Arbitration Matters, Contempt Petitions, Matters Pertaining to Consumer Protection, Admission Matters, Workmen Compensation Matters, PILs and other Criminal Matters. These were selected based on our learnings from the After Notice Miscellaneous No Coram category. If time permits, the other categories should be scrutinised based on merits. Here it is pertinent to mention that we largely find that there are benefits of going into the merit of each case, which may or may not be combined with selection of cases on the basis of subject categories (if there is time consideration and/or lack of manpower to carry detailed exercise across all categories then categories may be selected). Following are the benefits we found in going into classification based on merit of each case:

### *1. Matching Judicial Time to Case Complexity*

In any public institution, resources are finite. Judicial time, arguably the most scarce and valuable resource in the justice system, must be allocated with care. Every case deserves a proper hearing but, at the same time, not every case requires exactly the same amount of time for resolution. Classification ensures that complex cases are not elbowed out by simpler ones, and that straightforward matters are not delayed by procedural congestion.

### *2. Enabling Targeted and Thematic Listing*

Through proper classification, the Registry can organise cause lists not just by date or subject, but by judicial effort required to adjudicate them. The classification thus supports dynamic listing strategies that are both efficient and legally appropriate.

### *3. Reducing Redundancy and Procedural Waste*

Many cases remain pending not because they are legally significant, but because no one has looked at them closely enough to see that they no longer need adjudication. Proper

classification helps identify such procedural deadweight, allowing for surgical pruning of the docket without compromising on the due process.

#### *4. Bringing Transparency and Predictability to Judicial Scheduling*

When matters are classified and listed according to rational, disclosed criteria, the entire process becomes more transparent for judges, for litigants, and for the Bar. Over time, this transparency can generate institutional trust and reduce the sense of arbitrariness that can surround listing decisions of expedited hearing.

Thus, classification of cases into the five given categories- short, infructuous, old, simple and detailed can represent a quiet but profound shift in how the Court relates to its docket. Rather than reacting to volume, the Court can take a planning-oriented approach. Classification is where legal interpretation meets institutional foresight. It is where a backlog becomes a blueprint. By moving beyond reactive listing to thoughtful docket design, this initiative reaffirms a simple but powerful idea: that judicial time is a public good, and must be managed as such. Classification is not the end of the process, but it is the moment where order begins to emerge from complexity.

#### **E. Tailor-Made Briefs for Judges**

The moment of judicial consideration must be supported by prior preparation that respects both the complexity of the case and the finite nature of judicial time. In this context, the preparation of tailor-made briefs for the judges becomes one of the most critical value-additions in the entire initiative. Having already passed through categorisation, allocation, detailed review, and classification, selected cases specifically those flagged as short, old, or infructuous are now curated into judicial briefs. These briefs are compact, legally rigorous, and institutionally verified dossiers designed to equip judges with precisely the information needed to make timely and informed decisions.

As discussed earlier, the process of preparing briefs begins with the work of the law clerks, who, drawing on their prior in-depth review, compile a structured and articulate brief for each case. Each case brief typically contains the following elements (See **Annexure V**):

1. **Procedural History:** A concise but comprehensive timeline of the case's journey through the judicial system. This part clearly specifies the nature of the petition filed before the Supreme Court (e.g., Special Leave Petition, Civil Appeal, Writ Petition, etc.) and includes a brief chronological history of the case, identifying the forums before which the matter was previously adjudicated, along with relevant dates.
2. **Factual Matrix:** A distilled version of the key facts giving rise to the litigation, presented with clarity and neutrality.
3. **Findings of Lower Courts or Tribunals:** A summary of the legal reasoning and outcomes at the earlier stages of adjudication, highlighting any divergence of views or areas of controversy.
4. **Legal Issues Raised:** An articulation of the core questions of law or procedure placed before the Supreme Court, including the grounds of appeal or review.
5. **Reason for Classification:** A reasoned explanation as to why the matter has been classified as *short, infructuous or old*. This may include indicators such as the number of years the matter has remained pending, the duration of custody in criminal cases, whether parties have lost interest, or whether reliefs sought have been overtaken by events.
6. **Suggested Course of Action (if applicable):** In some cases, a brief may conclude with a possible potential procedural disposal (e.g., "May be dismissed as infructuous in light of settlement" or "may be listed urgently due to prolonged custody").

After the case brief is prepared and uploaded by the assigned law clerks, it is subjected to a comprehensive review process by the consultants working with the CRP. These consultants meticulously scrutinise each brief to ensure factual accuracy, internal consistency, and proper classification of the matter in accordance with the nature of the legal issues involved. The review also involves a close examination of the brief's structure, language, grammar, and the articulation of both factual and legal content to ensure clarity, precision, and coherence. Where necessary, consultants undertake a cross-check to identify whether similar or connected matters are pending before other benches of the Court. Following the review, each brief is categorised using a colour-coded system to aid quick visual identification. Divergent findings across courts or forums are marked in blue, concurrent findings are indicated in green, while matters that are infructuous or capable of being disposed of with minimal judicial time are flagged in yellow to be listed at the top. This additional level of assessment maintains uniformity and accuracy in the preparation of case briefs and also facilitates more effective judicial decision-making by

providing the Bench with concise, reliable, and well-structured summaries. It further assists in the rational prioritisation of matters for listing, ensuring that cases are taken up in a manner consistent with their urgency and complexity (see *Annexure VIII*).

At this point, the legal and analytical labour undertaken by the law clerks, refined and classified by Consultants, is formally reviewed by the Deputy Registrar and Assistant Registrar, the senior administrative officers of CRP. The officer's review functions as both a procedural audit and an integrative mechanism, ensuring that research-led classification and the briefs are up to the mark. The officer's review is the final layer of scrutiny on:

1. Verification of Procedural Information: Confirming that the details of the case are factually and legally correctly recorded and mapped in the briefs.
2. Review of Classification Logic: Cross-checking that the proposed classification list (short, infructuous and old etc.) prepared for the Listing Section is supported by factual indicators and procedural posture.
3. Assessment of Completeness: Ensuring that the case is correctly assessed and the brief reflects the complete history of the matter and the journey of the case till it reached the Supreme Court.

In a system where thousands of cases pass through multiple hands, the risk of inadvertent error, inconsistency, or omission is always present. The Registry-level review serves as a safeguard, a final checkpoint that protects both the credibility of the classification and the integrity of the listing process. The objectives of this stage may be articulated as follows:

- To uphold procedural integrity by ensuring that every matter proposed for listing has been thoroughly vetted and correctly classified.
- To serve as a formal point of accountability, providing administrative oversight over the research process and creating an institutional audit trail.
- To act as a conduit between research and listing, ensuring that legal classification translates into operational scheduling within the Supreme Court's existing ecosystem.

This collaborative review mechanism ensures that no case moves forward based solely on the judgement of a single individual. Instead, each case brief emerges from a process that blends individual diligence with a shared institutional perspective. By introducing multiple layers of scrutiny, the system creates internal checks that significantly reduces the possibility of oversight, thereby strengthening the credibility and accuracy of case classification.

Through this process, listing decisions are made with a clear understanding of the case's legal context, procedural history, and any element of urgency. The briefs are structured to present the material in a logically sequenced, factually verified, and legally sound manner. This enables the highlighting of core issues in the matter, and helps reduce the time a judge may need to familiarise themselves with the file without in any way diminishing the seriousness with which each case is approached and read by the judges. Important data points such as time spent in custody, the date of initial cause of action, date of filing, or advanced age of an accused in long-pending matters are flagged for judicial notice. As a result, the Court may be better positioned to respond to matters with appropriate speed and decisiveness.

From the feedback received, many judges found these briefs useful. Offices of some of the judges further formatted the briefs, as per their own requirements, with the help of the law clerks at the judicial residence. As the judges read the original files, these briefs primarily served to indicate basic key information of the case and justification for the said classification on the basis of which it is listed. Over time, this repository of carefully processed data and case briefs may serve multiple institutional purposes beyond immediate listing: it could evolve into a valuable resource for docket pattern analysis, judicial training, and the systematic tracking of legal developments.

Only after this rigorous, multi-level review is a matter sent to the appropriate Listing Section, from where it enters the formal cause list. This stage serves as the final institutional checkpoint before a matter is placed before the Bench for judicial consideration.

## **F. Listing and Paper Book Coordination**

Once the identification and internal review of cases classified as, short, infructuous and old along with their corresponding briefs has been completed within the Centre for Research and Planning (CRP), the briefs are finalised for transmission to the Listing Section. The Listing Section then evaluates how each case may be accommodated within the existing judicial roster, ensuring alignment with the Court's scheduling norms and the subject-matter allocations of various benches.

In practice, a significant proportion of the top-listed cases on hearing days originated from this process. On Miscellaneous days (After Notice), typically Tuesdays and Wednesdays, the first

ten matters on the board are those assessed and forwarded as short, infructuous or old. Likewise, on Regular hearing days, generally Thursdays, approximately, on average, six to twelve matters listed (discounting special benches or fixed date matters) have similarly undergone prior scrutiny and classification as short, infructuous and old. If the time and scheduling permits, one should list simple and long hearing matters too in a phased and planned manner to ensure their eventual hearing and disposal. This could not be done within the short span we had for the project.

Under the directions of the Hon'ble Chief Justice of India, the matters are listed and approved briefs are dispatched to the residences of the Hon'ble Judge(s) prior to the scheduled hearing. This step, too, follows a structured and multi-tiered procedure. Once the cause list is finalised, it is shared by the Listing Section with CRP. The CRP team then prepares court-wise briefs, which are printed in three copies. These are handed over to the Paper Book Section, which coordinates the delivery of the briefs along with the case files to the respective residences of the Hon'ble Judges.

This stage of the case management framework is not limited to operational scheduling alone. It represents a shift in the judicial workflow introducing intentionality, anticipation, and institutional coherence into the process of case preparation. Stage V of the initiative exemplifies how systemic reform can take root in the day-to-day functioning of the Court: ensuring that each case reaching the Bench has been deliberately prioritised, meticulously reviewed, and adequately prepared. This approach enhances both the efficiency and the thoughtfulness with which judicial time is allocated, reinforcing the commitment to structured and timely adjudication.

### **G. Monitoring of Listed Matters and Feedback Integration**

With cases now listed before the benches and many disposed of as short, infructuous or old, we monitored for outcomes and fed insights back into the system. This stage ensures that the process does not end at the courtroom door. Instead, it closes the reform loop by asking critical questions: *Was the classification accurate? Was the matter indeed ready for disposal? Did judicial time yield proportionate outcomes?* At its core, this stage is based on the basic insight that no system can evolve unless it learns from its results. Through close observation, systematic data capture, and honest analysis, CRP ensures that case management remains not

a one-time intervention but an adaptive, evidence-based system. Dedicated CRP staff tracks each listed matter once it reaches the hearing stage. This involves the meticulous documentation of:

- Judicial observations made during hearings, especially if the judge makes remarks about procedural delay, classification accuracy, or necessity of hearing;
- Duration of hearings, to evaluate whether cases marked as “short” were disposed of swiftly or required more time than anticipated;
- Final outcome, including whether the matter was disposed of, adjourned, tagged with another matter, or dismissed as infructuous.

Wherever possible, CRP teams coordinate with Court Masters and Registry officers to record these outcomes with accuracy and neutrality. Every data point contributes to a more refined understanding of how docket classifications interact with real-world judicial behaviour.

After enough data is collected over a series of listing cycles, the CRP analyses trends such as:

- Accuracy of initial classification (e.g., how many “short” matters were disposed of within one hearing);
- Common reasons for adjournment (e.g., lack of readiness, incomplete filings, or reclassification mid-hearing);
- Category-specific challenges (e.g., whether “old” matters more often require further clarification than anticipated);
- Judicial receptivity to the briefs and whether certain types of matters would benefit from deeper pre-listing engagement.

While the earlier stages of the case management initiative are concerned with control over timeframes, categorisation, and procedural flow this stage acknowledges the inherent limitations of any classification system and recognises that even the most meticulously prepared brief cannot always anticipate the dynamic nature of courtroom proceedings. Surprises may arise during oral arguments; new facts may surface, legal nuances may shift, and a case that seemed straightforward on paper may evolve in unexpected directions. To this extent, there should be provision and accounting for some changes in scope and nature of hearing of an individual case despite the given classification. After all, the classification merely ensures one hearing based on our understanding from the scanned paper book. However, the judges peruse the detailed and original case records and evidence to evaluate these cases using

their decades of expertise on the subject. The advocates often bring to light material evidence and arguments that require further consideration and time of the court. These and any procedural factor dictate the actual course of the case. Therefore, perfection cannot be aimed at, as the cases will have their own run based on several human factors.

The objective here is not to achieve flawless prediction, but to enable responsiveness. For example, judicial assessment of the evidentiary record may lead to outcomes that diverge from prior assumptions such as an acquittal in a matter previously upheld through concurrent findings, or a judgment on merits in cases that, though long pending, can be ultimately admitted due to complex evidentiary considerations. What the listing system facilitates is a meaningful opportunity for such cases to be heard on merit. Once listed, they are treated like any other matter in the court: counsel are given equal opportunity to present their arguments, and the judges examine the briefs and the case files through the lens of their own legal reasoning and judicial experience.

Importantly, the process does not end with listing. Without a feedback loop, classification risks becoming a purely academic exercise. The monitoring of outcomes allows the CRP to assess whether the underlying assumptions that guided the categorisation of the case were largely validated in actual proceedings. Where discrepancies emerge between anticipated and actual outcomes, the classification model can be reviewed and refined. In this way, the system remains dynamic and capable of learning from experience, adapting to judicial realities, and improving over time.

## **H. Conclusion: From Reform as Event to Reform as Culture**

The case management initiative undertaken by the CRP at the Supreme Court of India represents a subtle yet essential reform in the functioning of judicial administration. It marks a departure from the conventional practice of scheduling and volume-centric adjudication, replacing it with a more deliberate, forward-looking, and research-supported model of docket handling.

Rather than addressing pendency in isolation, the initiative engages with the broader institutional question of how judicial time is valued, how priorities are determined, and how the constitutional obligation to deliver timely justice is managed. Through a system of case classification based on the facts and legal questions of each case, the preparation of structured

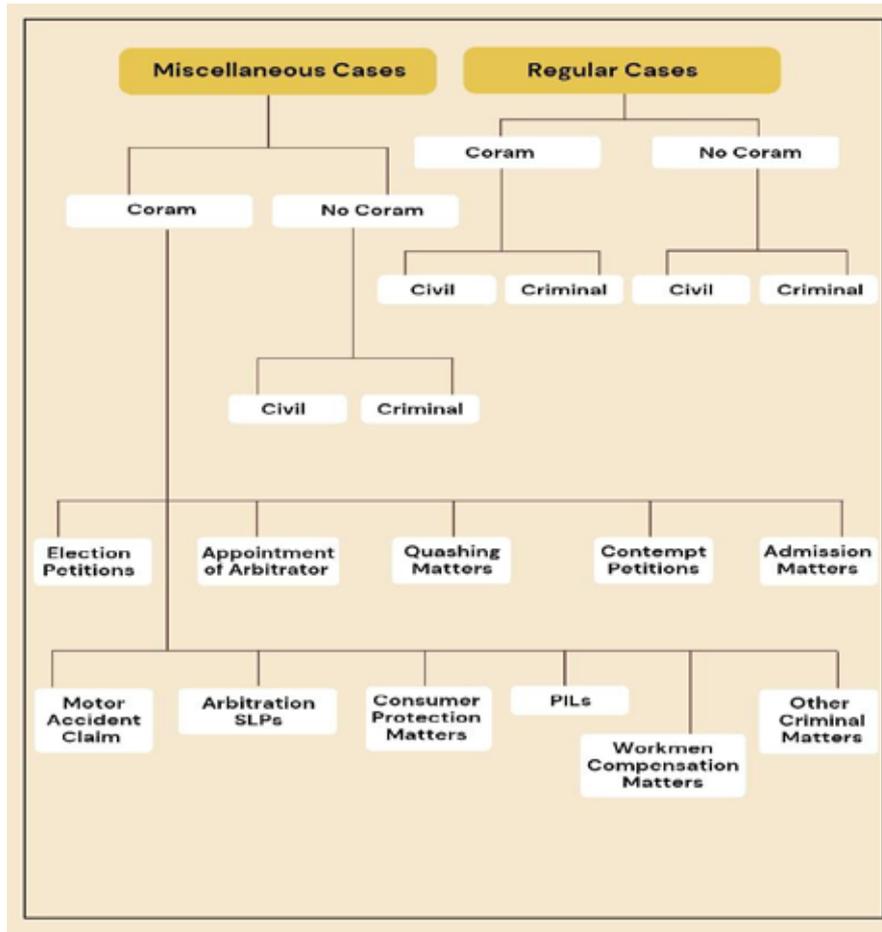
case briefs for judicial use, and the incorporation of feedback mechanisms to reassess and adjust classifications, the initiative aims to introduce a greater degree of order and intention into the listing process.

Its strength lies not in the adoption of external technologies or reliance on other agencies, but in its use of internal knowledge systems. It draws on the expertise of trained legal researchers, fosters coordination between the Registry and judicial branches, and builds institutional capacity from within. In this way, it maintains both the integrity and autonomy of the judicial process.

The framework shaped through practical experience, guided by data, and strengthened through collaboration offers a model that is adaptable and scalable. Its principles can be tailored to suit the requirements of High Courts, tribunals, and subordinate courts, each applying the methodology in accordance with their own institutional realities. Yet the shared objective remains consistent: ensuring that delays in justice are not accepted as inevitable, but are treated as indicators of structural stress requiring thoughtful intervention.

## **I. Executive Summary**

1. The first step towards unclogging of dockets commenced with aggregating case files. The Supreme Court's existing internal database of cases with scanned files set the momentum for systematic retrieval and categorisation of all pending matters. The electronic case files were retrieved from the digital database with the Excel sheets, kick-starting our project. This huge database was then strategically divided by CRP on the basis of:



2. Miscellaneous cases (After Notice) generally include cases at an intermediate stage after notice has been issued, but not yet fixed for final hearing. Regular hearing cases are the admitted cases which are ready to be heard at length on merits. They may demand deeper judicial engagement and longer hearing time.
3. The segregated cases in electronic format are then allocated to the law clerks on the basis of their preferential subject matter and workload parity. Then starts the case-by-case analysis. The law clerks go through the entire case file, extract key information and prepare a concise brief/gist of its contents focusing on the brief facts, findings and reasonings of each of the lower courts, legal issues involved and the grounds for approaching the Supreme Court.
4. Once the briefs are ready and uploaded on an Excel sheet by the law clerks, the legal consultants, Assistant Registrar and Deputy Registrar of the CRP classify each of the cases as ‘short’ (mature cases for brief hearings), ‘infructuous’ (obsolete cases due to external developments), ‘old’ (pending for an extended period), ‘simple’

(straightforward cases but requiring at least one or two hearings) or ‘requires detailed hearing’ (complex cases needing extensive arguments). The classification stage is the cornerstone of our initiative, determining which cases proceed to a court hearing.

5. Based on the same information as the Excel sheet, the law clerks prepare briefs in editable Word format, which are then meticulously reviewed by the consultants to ensure factual accuracy, internal consistency, and proper classification of the matter in accordance with the nature of the legal issues involved. Thereafter, the final formal review of each of the briefs is done by the Assistant Registrar and Deputy Registrar of CRP. This serves as the final stage of scrutiny before a matter is ultimately listed before a bench.
6. The list of the final matters classified and reviewed by the CRP are then transmitted to the Listing Section of the Supreme Court which lists these matters before every bench of the Supreme Court depending on the bench roster and the existing cause lists. On Miscellaneous (After Notice) days, typically Tuesdays and Wednesdays, the first ten matters on the board of every bench have been those assessed and forwarded by the CRP as short, infructuous and old. Likewise, on regular hearing days, generally Thursdays, listed matters, ranging between six to twelve on average, have similarly undergone detailed assessments by the CRP Team.
7. Once the cause list is finalised, it is shared by the Listing Section with the CRP. The CRP team then arranges the briefs court-wise and item-wise, prints three copies and hands them over to the Paper Book Section, which coordinates the delivery of the briefs along with the case files to the respective residences of the judges prior to the scheduled hearing. With this the cases identified and thoroughly assessed by the CRP are provided an opportunity to be heard on merit.
8. The last stage focuses on monitoring, observation, and analysis with the CRP meticulously tracking the progress and outcomes of each listed matter post-hearing. This exercise is significant as it provides valuable insights into the accuracy of our case classification, common reasons for adjournments, category-specific challenges, disparity between anticipated and actual outcomes and the underlying factors.

### III. Project Findings and Results

#### **A. Introduction**

From November 2024 to 8th May 2025, CRP focused on processing matters across four categories: Miscellaneous matters (After Notice) with No Coram, Regular matters with No Coram, Miscellaneous matters (After Notice) with Coram and Regular matters with Coram. As part of this exercise, CRP processed more than 10,000 matters to identify short, infructuous and old cases. By comprehensively analysing the matters on the basis of the parameters discussed above, CRP was able to successfully classify 3,374 main matters (+1314 connected matters) as short, infructuous or old matters. Of these matters, 2,677 main (+967 connected matters) have already been listed of which 1,525 main matters (+490 connected matters) have been disposed of within one or two hearings across the three categories (minus regular matters with coram) so far.

CRP's consistent efforts were sustained only due to an increase in the total number of Miscellaneous days by the Court, with Regular hearings being paused in November 2024, until January 2025, after which two days in a week were dedicated as the Miscellaneous days.<sup>40</sup> By increasing the number of Miscellaneous days, the Court was able to hear Miscellaneous (After Notice) matters which form a considerable part of the Court's docket. In consonance with this decision, CRP began its analysis of the Miscellaneous (After Notice) No Coram matters where 2,514 matters were classified resulting in 1,074 short, infructuous and old matters (+627 connected matters) being listed before the Court resulting in 770 main (+173 connected) disposals. Overall, this resulted in a 71.6% disposal rate of CRP matters in this category. Due to an increase in the hearing of miscellaneous matters the Supreme Court's overall disposal rate increased by 40% from December 2024 (4,448 cases disposed) to January 2025 (6,235 cases disposed)<sup>41</sup> which included CRP identified matters.

As the Regular hearing resumed in January, CRP was able to identify and list regular no coram criminal matters that were pending in the Supreme Court docket and belonged to the short,

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40 January 2025: Highest disposal so far in 2024-25 term of SC” Supreme Court Observer, Feb. 14, 2025, available at: <https://www.scobserver.in/journal/january-2025-highest-disposal-so-far-in-2024-25-term-of-sc/> (last visited on Apr. 14, 2025).

41 January 2025: Highest disposal so far in 2024-25 term of SC” Supreme Court Observer, Feb. 14, 2025, available at: <https://www.scobserver.in/journal/january-2025-highest-disposal-so-far-in-2024-25-term-of-sc/> (last visited on Apr. 14, 2025).

infructuous and old category. Through this exercise, CRP identified 1485 main regular matters (748 criminal matters and 737 civil matters). After the identification of 748 criminal cases, 687 matters (+ 330 connected matters) could be listed before the Court of which 376 (+63 connected matters) could find judicial resolution and be disposed of. This is a disposal rate of 54.7%. By virtue of each bench approximately clearing at least two to five cases minimum per Thursday Regular hearing, the criminal disposal rate increased (recorded at 109.39% at present on May 13, 2025). Considering that the regular cases typically demand lengthy hearings, and disposals are rightfully not quite speedy to accord for proper and detailed hearing of these matters, these cases helped improve the clearance rate on regular days by ensuring a consistent upward trend in disposals.

The listing for Regular Civil matters began in March, nearly eight weeks after Regular Criminal matters; these matters have also contributed to the disposal rate in regular matters. 299 main CRP matters (+10 connected) have been listed in the Court of which 124 main matters (+3 connected) i.e. 41.5% have been disposed of. In our observation, within short, infructuous and old CRP identified matters, civil regular cases tend to have longer hearings and may require appraisal of detailed and bulky evidence. Yet, importantly, of the disposed matters, 57 were disposed within one hearing.

The second last case category where CRP assisted is the Miscellaneous matters with Coram. In this category, 2824 matters were processed, of which 815 matters were identified to be sent for listing. Of these 617 main matters (+347 connected matters) have been listed so far under this category, and 255 or 41% disposals (+254 connected matters) have been recorded in the first hearing itself. Unlike other categories, miscellaneous coram matters are live and include fresh actions under challenge, therefore, even in the simplest case, due consideration has to be given by the judges. CRP is also currently processing Regular Coram matters. However, these are yet to be classified and approved for listing.

The overview above provides a snapshot of CRP's intervention across each category and its implications. Category-wise details of the matters are given below. It must be noted here under Table I which presents Category-Wise Overview that the 'Total Matters Processed' column does not refer to the total number of cases in the system under that category, but rather the select matters where scanned paper book was available, at that time, and the clerks at the CRP could evaluate. Certain matters had to be excluded due to various reasons such as preexisting

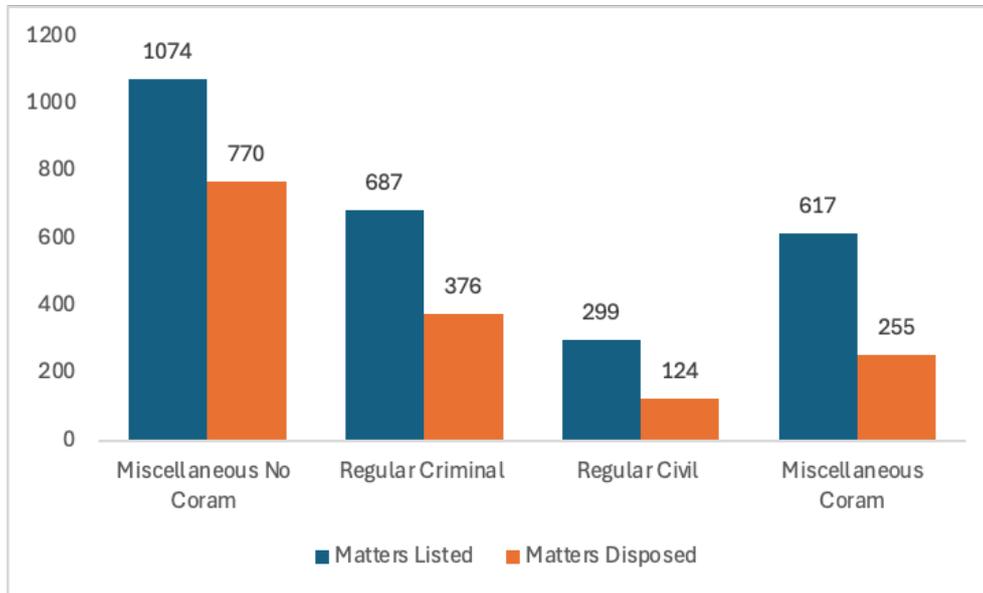
disposals, leave already being granted in miscellaneous matters or subsequent update in case files leading to unavailability of scanned paper books during reviews. Similarly, matters that remain unlisted are typically due to procedural issues, such as it is pending in the Registrar's Court, the docket of appropriate bench is already full, complete records and their scanned copies are unavailable or a new advocate needs to be appointed etc.

**Table 1: Category-Wise Overview**

	<b>Total Matters Processed</b>	<b>Short, Infructuous or Old Matters Identified</b>	<b>Matters Listed</b>	<b>Disposed Matters</b>
<b>Miscellaneous No Coram After Notice Matters</b>	2514	1074	1074	770
<b>Regular Matters (Criminal)</b>	1345	748	687	376
<b>Regular Matters (Civil)</b>	2388	737	299	124
<b>Miscellaneous Coram After Notice Matters</b>	2824	815	617	255
<b>Total Matters</b>	9071  (+2083 Regular Coram undergoing classification)	3374	2677	1525

An overview of the disposal matters for each of the categories is as follows:

**Graph 2: Category-Wise Disposal**

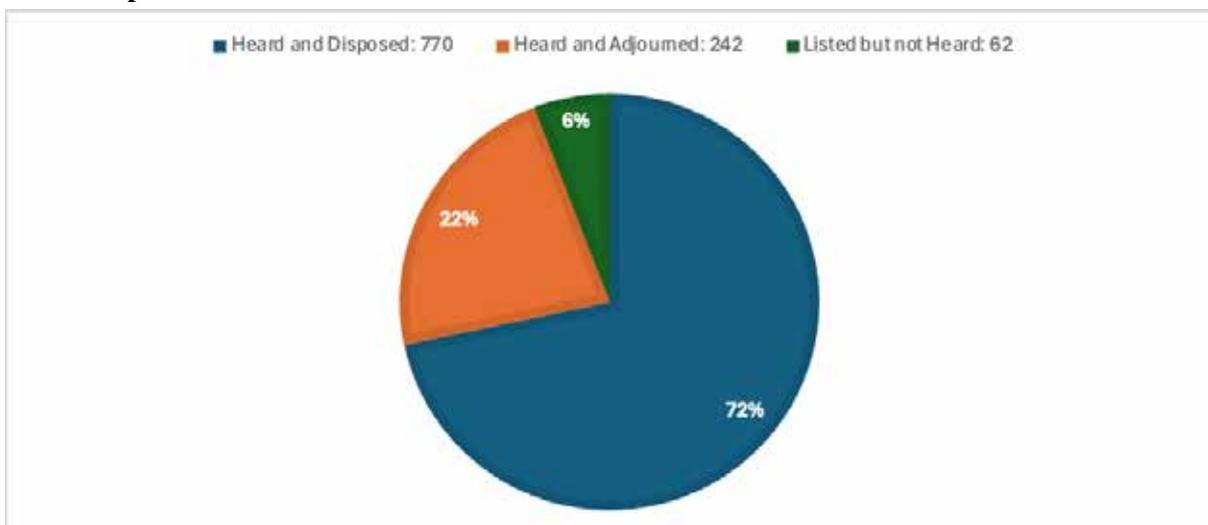


Note: This graph accounts for the main matters only

**B. Miscellaneous After Notice No Coram**

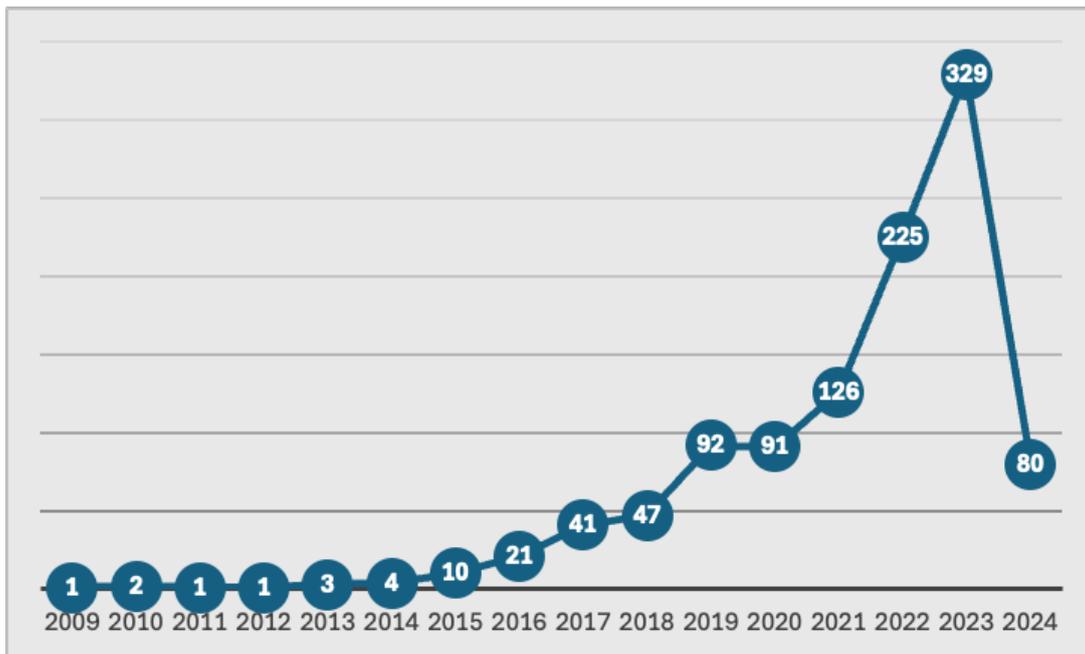
As mentioned above, 770 main matters (+173 connected matters) have found judicial resolution and been disposed of. This has led to an overall disposal rate of 71.6%. The pie chart below provides an overview of these matters.

**Graph 3: Miscellaneous After Notice No Coram Listed CRP Matters Overview**



Collectively, the pendency of all the matters identified under Misc No Coram averaged 8.5 years till they were listed, with the oldest case being filed in 2009,<sup>42</sup> and the most recent cases filed in 2024. The year-wise chart for the matters is as follows:

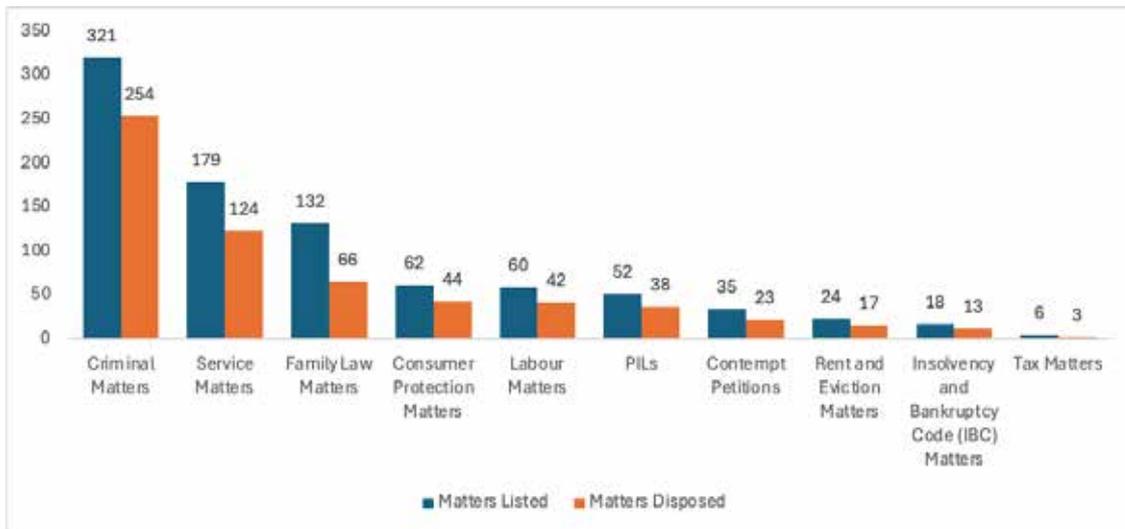
**Graph 4: Year-Wise Filing of Miscellaneous No Coram After Notice Listed CRP Matters**



Though the cases were assessed across the board, within the final classified matters, a total of ten key sub-categories can be identified. The categories, along with the total number of disposed matters are mentioned in the graph below:

42 The State of Uttar Pradesh v Bijay Kumar Singh Parma (SLP(C) No. 019996 - 019998 / 2009).

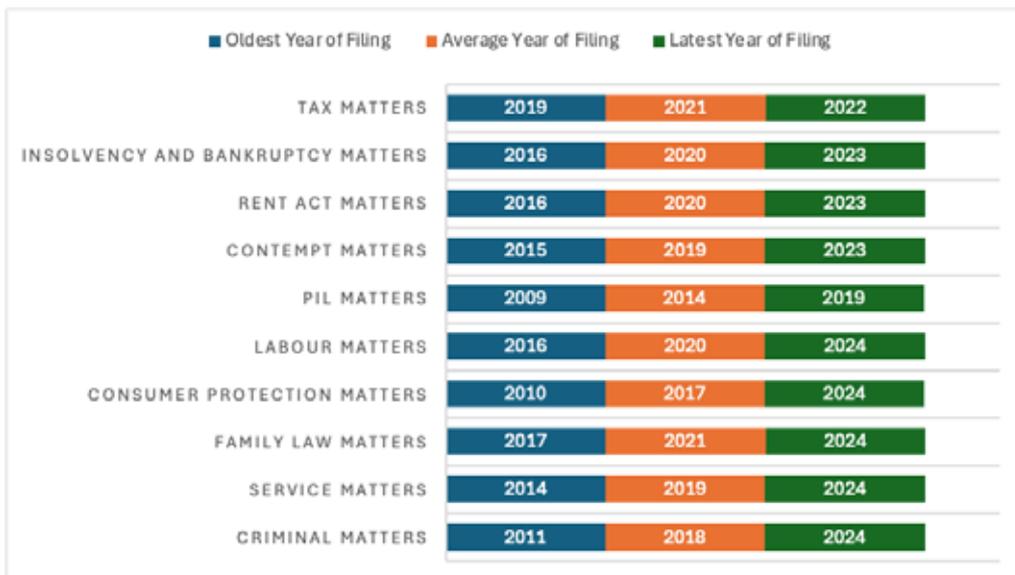
**Graph 5: Key Sub-Categories Listed and Disposed in Miscellaneous No Coram After Notice CRP Matters**



Note: This graph accounts only for the main matters

As illustrated in the graph, these ten categories represent the most popular matters, as well as, matters where minimal cases were identified. A subcategory-wise breakdown of the mean pendency for each key category is highlighted in the following graph:

**Graph 6: Mean Pendency for Key Miscellaneous No Coram After Notice Listed CRP Matters**



## **Criminal Matters**

With 254 main matters (+22 connected matters) disposed of 321 (+55 connected matters), criminal matters account for the highest proportion of Miscellaneous matters. The most commonly used provisions in these identified criminal matters happened to be Conspiracy under Section 120B IPC (52 matters), Criminal Breach of Trust under Section 406 IPC (22 matters) and Cheating under Section 420 Indian Penal Code, 1860 (IPC) (21 matters). Our observation is that these cases largely arose from the disputes related to contractual defaults and financial frauds.<sup>43</sup> A significant subset of these, that is 106 cases or one-third, involved writ petitions seeking the quashing of ongoing criminal proceedings. Additionally, 49 cases were applications for cancellation of bail. These cases suggest that the Supreme Court is often approached under the writ jurisdiction to seek intervention in the ongoing litigations at the lower courts on the grounds of procedural irregularities.

Of the disposed cases, 162 were disposed of with one hearing (63.7%). 21 cases could not be disposed of in first hearing due to procedural reasons, that includes missing Trial Court documents, filing of counter affidavits, and incomplete pleadings. The largest subset of disposal (84 matters) were those where the Court agreed with the lower court's reasoning while in 12 the parties withdrew the cases. 25 cases had either become infructuous (22 matters) or abated with the death of one of the accused (3 matters) and in two matters, there was non-appearance of parties. Nine cases, relating to financial and land disputes, were referred to mediation for resolution. These criminal matters had civil underpinnings. In the remaining matters, a specific order was passed granting or rejecting the relief sought. Leave was granted in nine cases, with no specific trend emerging.<sup>44</sup>

## **Service Matters**

Service matters formed the second largest category of CRP Miscellaneous matters with 179 matters (+103 connected matters) of which there were 124 disposals (+15 connected matters). These matters primarily comprised challenges to appointments (40 matters), retirement benefits

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43 Statutory provisions like the Prevention of Corruption Act, 1988 and the Dowry Prohibition Act, 1961 were invoked as well.

44 Of the pending matters, 23 were delayed due to procedural reasons such as lower court records not being available (12 matters), nonappearance of parties (4 matters), filing of additional documents (5 matters) and delay in legal representative being included in the matter post the appellant's passing (1 matter).

(30 matters), pay (31 matters), regularisation of service (22 matters), recruitment processes (17 matters), termination or dismissal (18 matters) and compassionate appointments (10 matters). Of the disposed matters, 50 service-related cases involved simpler legal questions and were disposed of in the first hearing. This includes:

- Cases related to entitlement or recalculation of pension, gratuity, or other retirement benefits (16 matters);
- Challenges to appointments or recruitment, often citing arbitrariness or failure to meet medical fitness standards (7 matters);
- Disciplinary proceedings (6 matters);
- Reinstatement following contractual terminations (4 matters);
- Matters involving compassionate appointments and promotions (4 matters)

As per our observation, regularisation cases (7 matters) and demand for higher pay scales or pension scheme transitions (5 matters) often required more than one hearing. Additionally, leave was granted in 15 matters.<sup>45</sup> One matter was adjourned to be tagged with a connected matter since it challenged the Government's Order dated 24.8.2018, pertaining to qualifying the Teacher Eligibility Test (TET).<sup>46</sup> Other reasons for non-disposal include procedural delays such as failure to file rejoinder or pleadings (7 matters) and nonappearance of counsel (1 matter).

### **Family Law Matters**

Family law cases formed the third most popular category among the matters shortlisted by CRP, with a total of 132 cases (+6 connected matters). These matters include disputes related to divorce (82 matters) and restitution of conjugal rights (3 matters), child custody (10 matters), adoption, guardianship and maintenance (15 matters).

Of these, 66 matters (+1 connected matter) have been disposed of and 31 sent for mediation. These include withdrawals (5 matters), infructuous (5 matters) and abatement (2 matters). Other reasons for disposal included non-prosecution (4 matters) and orders of non interference as no

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<sup>45</sup> These included cases pertaining to pay scales, retirement benefits and disciplinary penalties (1) and removal and dismissal of service (4). In 13 matters two to three hearings were required due to procedural delays.

<sup>46</sup> *Shaikh Rafik Chand v. The State of Maharashtra*, SLP(C) No. 004847/2023.

legal error was evident (5 matters). Notably, in 45 of the 66 disposed cases, only one hearing was required before the matters were disposed of. In line with the judicial approach towards family matters, the Court encouraged and sent 31 cases for mediation, which related to divorce, custody and maintenance. Another major reason for non-disposal was procedural hurdles with incomplete pleadings or absence of the Trial Court records (15 matters). Additionally, leave was granted in eight matters. It was also observed that when returnable dates are reinforced, the Registry is better equipped to ensure timely scheduling in these cases.

### **Consumer Protection Matters**

62 cases (+57 connected matters) reviewed under the Consumer Protection Acts had 44 disposed matters (+11 connected matters). Overall, consumer matters included 33 appeals under Section 23 of the Consumer Protection Act, 1986,<sup>47</sup> while the rest of the matters were SLPs. Of the disposed matters, 38 matters were disposed of in the very first hearing. These cases were withdrawn (15 matters), dismissed as infructuous (2 matters) or dismissed due to abatement of the parties (1 matter). Those matters that remain pending are primarily due to procedural delays such as non-service of notice or pending affidavits (5 matters) or the non-appearance of counsel (1 matter).

### **Labour Matters**

60 matters (+17 connected matters) were included under this category, with 42 disposals (+10 connected matters). Overall, these cases essentially pertained to termination and reinstatement (20 matters), employee compensation (8 matters), arrears of salary, provident fund disputes (7 matters) and matters under the Industrial Disputes Act, 1947 (6 matters).

It was observed that these matters were processed under two distinct procedural tracks by the judges. 30 cases were disposed of at the stage of Special Leave Petitions (SLPs), while seven cases progressed to grant of leave, followed by full hearings and final judgments. Cases involving dismissal or termination, regularisation of service, payment of back wages or salaries, reinstatement, and employee compensation were often resolved under the first track within one

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<sup>47</sup> “Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order.”

to two hearings, where only two cases were dismissed as withdrawn. Under the second track, in seven matters, leave was granted, the matters were heard and disposed of- indicating that the legal questions involved were relatively straightforward and did not necessitate a long hearing. One matter was also sent for mediation, and was to be listed before the Court post the Mediation Centre's report. This matter referred to the mediation was on compensation sought by the appellant, an operator on a stone cutting machine, after an accident at his workplace which resulted in his arm's amputation.<sup>48</sup>

### **PIL Matters**

52 PIL matters (+11 connected matters) formed part of the case docket for Miscellaneous No Coram (After Notice) cases. Of these, 38 were disposed of (+8 connected matters), many of which involved matters deemed infructuous (11) or frivolous (18). Moreover, in two cases the Court indicated its inclination to not entertain petitions since there was no substantive question of law. Unlike criminal, service, or family law cases where the bulk of filings occurred after-2020, a majority of PILs classified by CRP were filed much earlier. 23 of the 52 matters were instituted between 2013 and 2019 but were not pursued thereafter, unlike other categories where the primary reason for pending matters included procedural delays. In this category, cases were pending due to lack of follow up from the counsels.

### **Contempt Matters**

The case docket for Miscellaneous No Coram After Notice Matters included 35 Contempt Petitions (+9 connected matters) with 23 disposed matters (+5 connected matters). 20 of these matters were disposed of in the first hearing. Six of these were infructuous by their disposal date, one had abated, seven were withdrawn and orders of non-interference were in six of these.

### **Rent Act Matters**

A total of 24 matters (+2 connected matters) related to laws on rent control were identified by CRP, of which 17 (+2 connected matters) were disposed of. The disposed matters included one matter which was deemed infructuous and one which was withdrawn but rest were resolved on merit. A majority of these cases concerned issues of eviction (8 matters). Here, if the Court

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<sup>48</sup> *D. Nagarjuna v. DRN Infrastructure*, SLP (C) 18754/2023.

dismissed tenants' challenge to the eviction orders (3 matters), three months were typically granted to vacate, clear payments and give an undertaking. 10 matters remained non-disposed due to procedural delays, such as the parties' failure to file applications to substitute legal heirs of the deceased parties or to file application belatedly to vacate abatement.

### **Insolvency and Bankruptcy Matters**

A total of 18 (+6 connected matters) were listed under the Insolvency and Bankruptcy Code, 2016 (IBC), of which 13 cases (+3 connected matters) were disposed of. The majority of the disposed cases were appeals under Section 62 of the IBC,<sup>49</sup> which allows for challenges to decisions of the National Company Law Appellate Tribunal (NCLAT).<sup>50</sup> Of the disposed cases, one was disposed of as infructuous and two were withdrawn. Eight of these cases took only one hearing to dispose of and pertained to appeals from the NCLAT.

### **Tax Matters**

Only six taxation matters (+25 connected matters) were classified and listed by CRP as falling under the required category where three were disposed of. Fewer tax cases indicate that these cases with significant financial implications that come to the Court typically require multiple hearings for resolution. Moreover, the cases being disposed of were those rendered infructuous, primarily due to new regulatory frameworks that made the previous regimes obsolete (2 matters).

### **C. Regular Criminal No Coram Findings**

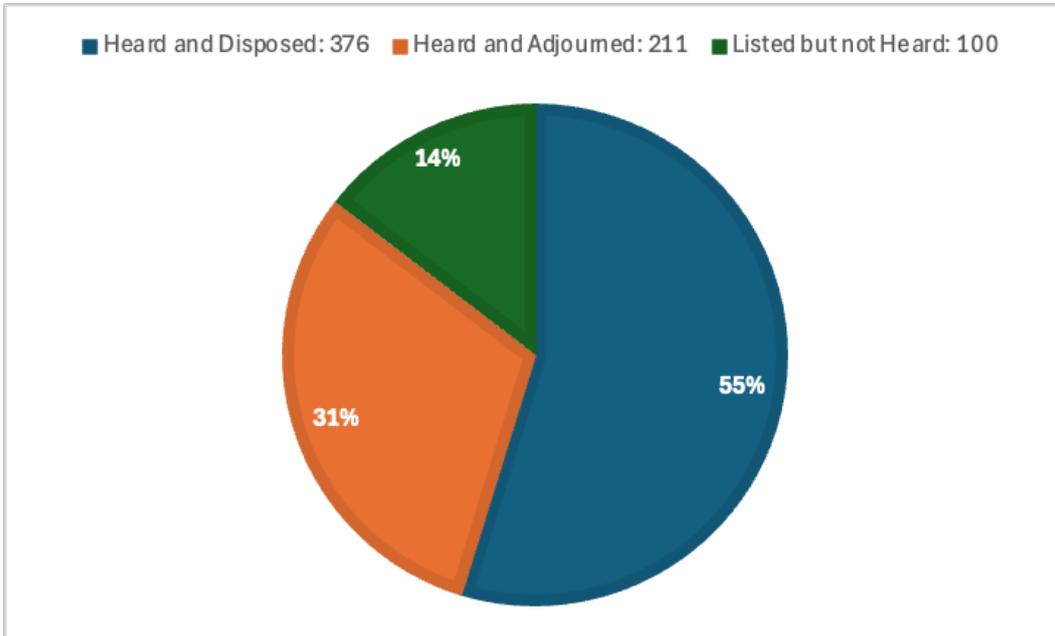
A total of 1,345 cases were classified in this category, resulting in 748 matters being identified, of which 687 (+164 connected matters) could be listed before the Court, leading to 376 disposals (+63 connected matters), and an overall disposal rate of 54.7%. The table and pi chart below provides an overview of these matters.

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49 Any person aggrieved by an order of the National Company Law Appellate Tribunal may file an appeal to the Supreme Court on a question of law arising out of such order under this Code within forty-five days from the date of receipt of such order.

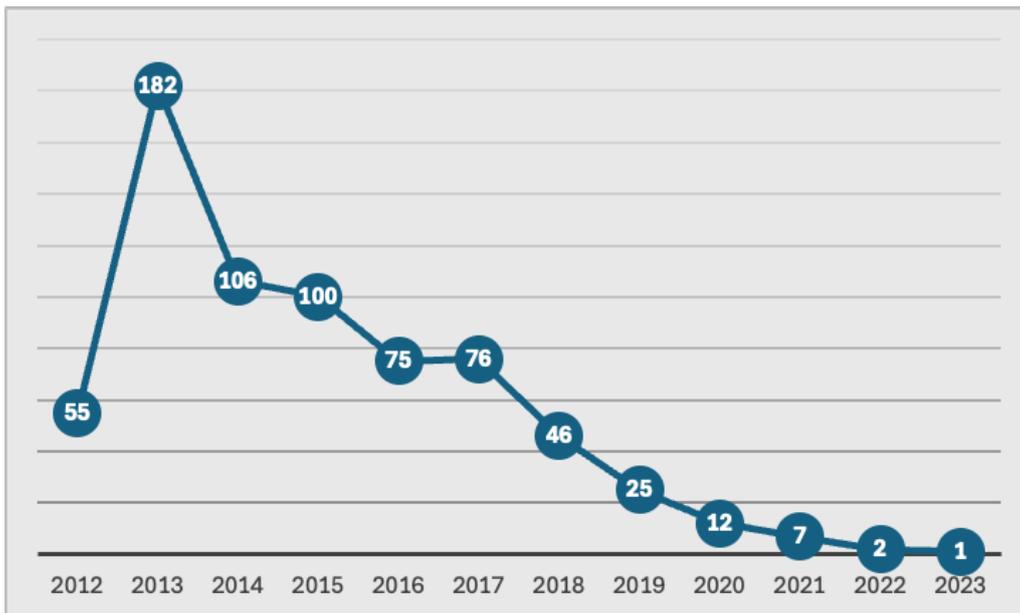
50 Although in IBC matters there is a strict 330-day deadline mandated for the Corporate Insolvency Resolution Process (CIRP), including extensions, compliance with this timeline was seen to be rare due to adjournments, lack of returnable dates, and failure to list matters regularly. This leads to procedural stagnation, especially in appeals challenging the rejection of CIRP admission or delay condonation denials, where the underlying CIRP may have already concluded.

**Graph 7: Criminal Regular No Coram Listed CRP Matters Overview**



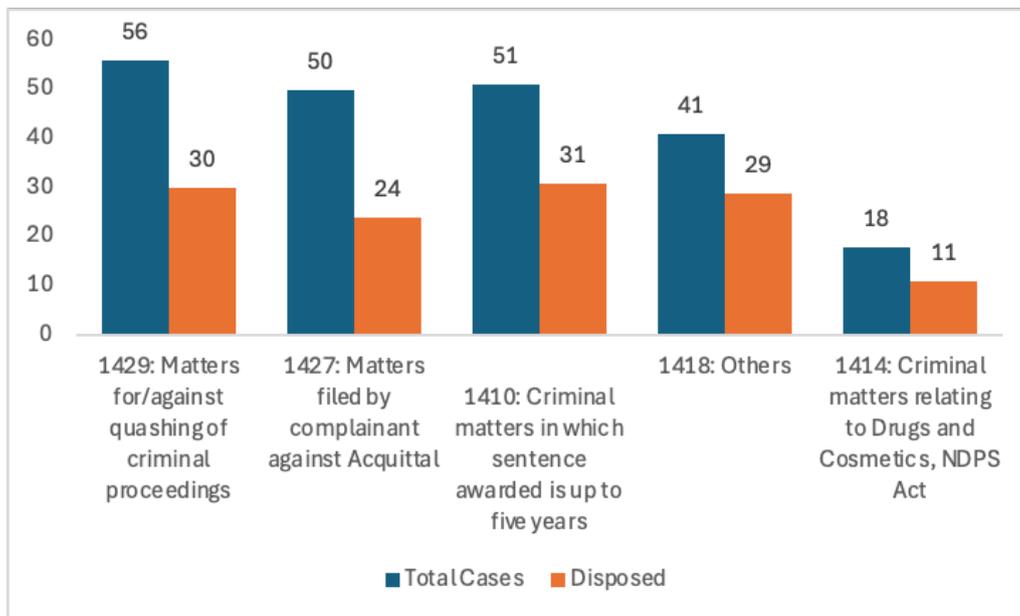
An analysis of the year of filing for these matters highlighted that the average length of time these matters were pending is 7.5 years, with the oldest case being filed in 2012, and the most recent one in 2023. Some cases from the earlier time period could not be processed for analysis as they are still being digitised. A year-wise chart of the cases filed is as follows:

**Graph 8: Year-Wise Filing of Regular Criminal Listed CRP Matters**



Each case was assessed on the basis of its factual matrix. The 748 cases identified in Criminal No Coram show there are five key areas which ended up forming a majority of the identified cases:

**Graph 9: Key Sub-Categories Listed and Disposed in Regular Criminal Listed Matters**



Note: This graph accounts only for the main matters

A subcategory-wise breakdown of the mean pendency for each key category is highlighted in the following graph:

**Graph 10: Pendency of Key Miscellaneous No Coram After Notice Listed CRP Matters**



An extensive analysis of each of the five categories mentioned is continued in the sections below.

### **1429: Matters for/against Quashing of Criminal Proceedings**

Maximum cases were recorded under Matters for Quashing Criminal Proceedings with 56 cases (+12 connected matters). Of these cases, 30 (+3 connected matters) have been disposed of so far and included cases of cheating under Section 420 IPC (17), Criminal Breach of Trust under Section 406 IPC (10), forged documents (10) under Section 471 and Criminal Conspiracy under Section 120B IPC (9). The other cases were on the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (5), Forest Act, 1972 and Forest Acts for the state of Karnataka (2), the Contract Labour (Regulation and Abolition) Act, 1970 (1), Drugs and Cosmetics Act, 1940 (1), the Protection of Children from Sexual offences Act, 2012 (1), and Negotiable Instruments Act, 1881 (1). Notably, 14 of the disposed matters required only one hearing for dismissal.<sup>51</sup>

### **1410: Criminal matters in which sentence awarded is up to five years**

Criminal matters where a sentence up to five years was awarded formed the second highest number of cases, with 51 matters (+19 matters) being recorded under this category. These cases pertained to Section 307 IPC (9), Section 304 IPC (8), Section 506 IPC (7) and under Section 326 IPC (6). Other special criminal provisions invoked included the Arms Act, 1959 (6), the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (2), and the Narcotic Drugs and Psychotropic Substances Act, 1985 (1).

31 (+11 connected) matters have been disposed of so far. In five cases the matter was dismissed as abated, with the parties passing away before the completion of the matters. Among the pending matters, in at least seven matters, listing was delayed due to procedural reasons including passing away of the party's counsel (1), failure by parties to file additional documents (1), delays in the appellant's legal representatives coming on record after the appellant's death and lack of digital records from lower courts (3).

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<sup>51</sup> Judgment pronouncement awaited in 42064/2014. One was infructuous.

### **1427: Matters filed by the Complainant Against Acquittal**

50 matters (+8 connected matters) included criminal acts done in furtherance of common intention under Section 34 IPC (9), rioting under Section 148 IPC (6) and under Section 302 IPC (5). Other than IPC, four statutes were relied on: Arms Act, 1959 (6), Negotiable Instruments Act, 1881 (3), Explosives Substances Act, 1908 (2), and the Tamil Nadu Prohibition of Harassment of Women Act (1).

24 matters (+5 connected matters) were disposed of in which one of the matters was disposed of as abated since the appellant-complainant and his son had passed away.<sup>52</sup> Additionally, ten of the disposed matters only required one hearing. Lack of Trial Court records (12) has also been a primary reason for pending matters within this category.

### **1418: Other Criminal Cases**

A total of 41 cases (+21 connected matters) were recorded under this category, with 29 disposals (+17 connected matters). This wide category consists of cases under the Arms Act, 1959, Juvenile Justice Act, 1986, Companies Act, 2013, and Prevention of Corruption Act, 1988. Two matters were disposed of as infructuous. 19 of these matters were disposed in their first hearing, while the rest were disposed of in two hearings.<sup>53</sup>

19 matters were recorded under the category of Drugs and Cosmetics, Narcotic Drugs and Psychotropic Substances (NDPS) Act 1985, with 10 disposals, all pertaining to the NDPS Act, 1985. Of the disposed matters, two were disposed of as infructuous and one was abated. Six of the disposed matters required only one hearing while the remaining four required two hearings since records from lower courts had to be called for these matters.

### **1414: Criminal matters relating to Drugs and Cosmetics, NDPS Acts**

A total of 18 cases (+19 connected matters) were recorded under this category, with 11 disposals (+2 connected matters). 10 of these matters were disposed of in their first hearing, while the rest were disposed of in two hearings. Of the disposed matters, one became infructuous and was additionally disposed of as abated.

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<sup>52</sup> *Rajuram v Phoosharam*, CrI.A. No. 001937 / 2014.

<sup>53</sup> Of those disposed of in two hearings, three were initially adjourned since Trial Court records had not yet been received.

## Judgment Analysis

Of the disposed Criminal Regular Matters, the Supreme Court reserved judgment on 36 matters. The judgment has since been pronounced for 20 matters (detailed analysis given in **Annexure X**). An area-wise analysis of some of the cases that gained media attention is as follows:

### 1. Juvenile Justice

In *Om Prakash @ Israel @ Raju @ Raju Das v. Union of India and Another* (2025 INSC 43), a Division Bench of Justices M.M. Sundresh and Arvind Kumar acquitted a convict initially sentenced to death for a 1994 murder committed when he was 14 years old. Despite multiple attempts across trial, appeal, review, curative petitions, and even a mercy petition (where his death sentence was commuted to life imprisonment), the convict's plea of juvenility at the time of the offense was consistently overlooked by the judicial system. The Supreme Court acknowledged that a grave injustice has been perpetrated, on account of the consistent failure on part of the judicial machinery to recognise and act upon the constitutional mandate vis-à-vis the plea of juvenility.<sup>54</sup>

### 2. Curbing Prosecutorial Incompetence

*Mahabir v. State of Haryana* (2025 INSC 120) which concerned a 1998 murder, saw the Supreme Court acquit appellants wrongly sentenced to life imprisonment by the High Court, which had improperly reversed a Trial Court acquittal in revisional jurisdiction. The Division Bench of Justices J.B. Pardiwala and R. Mahadevan strongly criticised the public prosecutor's conduct, who had sought capital punishment despite the High Court's limited revisional powers. The Court made critical observations on the flawed appointment process of public prosecutors, highlighting favouritism and nepotism,<sup>55</sup> and urged states to ensure merit-based appointments.<sup>56</sup> Notably, the Court directed the

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54 Ananthakrishnan G., "Death row to freedom: SC flags grave oversight, finds man was convicted as adult for murders committed at age 14," *The Indian Express*, Jan. 9, 2025, available at: <https://indianexpress.com/article/india/sc-frees-man-convicted-adult-murders-9767646/> (last visited on Apr. 14, 2025).

55 Amit Anand Choudhary, "High Court erred, says Supreme Court but blames Haryana government," *The Times of India*, Jan. 30, 2025, available at: <https://timesofindia.indiatimes.com/india/high-court-erred-says-supreme-court-but-blames-haryana-government/articleshow/117705037.cms> (last visited on Apr. 14, 2025).

56 "Govt Pleaders & Prosecutors Must Be Appointed On Merit; Not On Political Considerations Or Nepotism: Supreme Court," *LiveLaw*, Jan. 29, 2025, available at: <https://www.livelaw.in/supreme-court/govt-pleaders-prosecutors-must-be-appointed-on-merit-not-on-political-considerations-or-nepotism-supreme-court-282353> (last visited on Apr. 14, 2025); "Appoint prosecutors on merit and not on political factors: Supreme Court," *Deccan Herald*, Feb. 14, 2025, available at: <https://www.deccanherald.com/india/appoint-prosecutors-on-merit-and-not-on-political-factors-supreme-court-3378936> (last visited on Apr. 14, 2025).

State Government to pay Rs. 5,00,000 compensation each to the unjustly incarcerated appellants for their three-month imprisonment after two decades of their initial acquittal.

### 3. **Qualifications v. Eligibility in Public Employment**

In *Jomon K.K. v. Shajimon P. & Ors. etc.* (2025 INSC 425), the Supreme Court held that possessing higher qualifications does not automatically guarantee selection over candidates meeting the basic requirements.<sup>57</sup> The decision, delivered by Justices Dipankar Datta and Manmohan, affirmed a Kerala High Court judgment that excluded the appellant from the post of “Boat Lascar” which was advertised in 2012 by the Kerala Public Service Commissioner, despite holding a Syrang’s license (a higher qualification than the required Lascar’s license). The Court reasoned that allowing candidates with higher qualifications to compete for roles requiring lesser qualifications could disadvantage those with only the basic qualifications, disrupting the level playing field intended for them.

### 4. **Scrutiny of Extra-Judicial Confessions**

In *Ramu Appa Mahapatar v. The State of Maharashtra* (2025 INSC 147), a Division Bench comprising Justices Abhay S. Oka and Ujjal Bhuyan, overturned the Bombay High Court’s affirmation of the Trial Court’s conviction of the accused under Section 302 IPC. The Court found that the extra-judicial confession made in relation to a 2003 murder, a primary evidence against the accused, lacked credibility and suffered from material contradictions. The Court reiterated that *extra-judicial confessions are weak evidence requiring rigorous scrutiny, voluntariness, truthfulness, and corroboration, especially in cases relying on circumstantial evidence where a complete chain of circumstances must be established.*<sup>58</sup>

### 5. **Witness Credibility and FIR Integrity**

In *The State of Uttar Pradesh v. Raghuvir Singh* (CRIMINAL APPEAL NO.1588 of 2015), the Division Bench comprising Justices J. B. Pardiwala and R. Mahadevan

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57 “No Universal Rule That Candidate With Qualification Higher Than Basic Eligibility For Post Must Be Preferred: Supreme Court,” *LiveLaw*, Apr. 2, 2025, available at: <https://www.livelaw.in/supreme-court/no-universal-rule-that-candidate-with-qualification-higher-than-basic-eligibility-for-post-must-be-preferred-supreme-court-288268> (last visited on Apr. 14, 2025).

58 Deeksha, “Extra-judicial confession lacked credibility and evidence suffered from material contradiction; SC acquits murder convict even after strong suspicion,” *SCC Times*, Feb. 7, 2025, available at: <https://www.sconline.com/blog/post/2025/02/07/extra-judicial-confession-lacked-credibility-sc-acquits-murder-convict/> (last visited on Apr. 14, 2025).

upheld the acquittal of an accused in a 2004 murder case. The Court reasoned that *a witness's failure to name all perpetrators in the FIR, especially when they were allegedly present, weakens the complainant's credibility*. This omission, deemed unnatural, becomes relevant under Section 11 of the Indian Evidence Act, 1872. The Court noted that the lead complainant, the deceased's father, had omitted naming two individuals he claimed were present during the crime.

## **6. Importance of Careful Scrutiny by the Courts**

In *Wahid v. State Govt. of NCT of Delhi* (2025 INSC 145), the Division Bench comprising Justices P.S. Narsimha and Manoj Misra, acquitted Wahid and Anshu in a 2011 Delhi robbery. The case involved the robbery of a mini-bus and its passengers by four armed individuals.<sup>59</sup> The acquittal was based on questionable identification and circumstantial evidence, with the Court stressing *the importance of careful examination when the FIR doesn't name the accused and eyewitnesses lack prior familiarity with them*.

## **7. Writ Jurisdiction Must Prevail over Alternative Remedy in Prolonged Instances of Injustice**

In *Neha Chandrakant Shroff & Anr. v. The State Of Maharashtra & Ors.* (2025 INSC 484), the Supreme Court, comprising Justices Pardiwala and Mahadevan, overturned a Bombay High Court decision regarding a long-standing property dispute. The case centered on two Mumbai flats owned by the appellants, occupied by the Maharashtra Police Department since 1940 without a written lease or requisition order. Initially, nominal rent was paid, but this ceased entirely in 2008. The appellants' writ petition, seeking possession, was dismissed by the Bombay High Court on April 30, 2024, which directed them to pursue alternative legal remedies. However, on April 9, 2025, the Supreme Court, in a landmark judgment, set aside this decision.<sup>60</sup> The Court ruled that the prolonged, undocumented occupation and non-payment of rent constituted a clear injustice warranting its intervention. The Supreme Court found it unreasonable to compel the appellants to file a civil suit after such an extended period of occupation.

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59 Yash Mittal, "Meticulous Examination Needed In Cases Where FIR Was Against Unknown Persons & Accused Are Not Known To Witnesses: Supreme Court," *LiveLaw*, Feb. 5, 2025, available at: <https://www.livelaw.in/supreme-court/meticulous-examination-needed-in-cases-where-fir-was-against-unknown-persons-accused-are-not-known-to-witnesses-supreme-court-283018> (last visited on Apr. 14, 2025).

60 Supreme Court Asks Maharashtra Police To Vacate Bombay Flats Held Since 1940s; Criticises HC For Rejecting Owners' Writ Petition <<https://www.livelaw.in/supreme-court/supreme-court-asks-maharashtra-police-to-vacate-bombay-flats-held-since-1940s-criticises-hc-for-rejecting-owners-writ-petition-289478>> (last visited on Apr. 18, 2025).

Consequently, it ordered the State to vacate the flats within four months and pay all outstanding rent from 2008. The Deputy Commissioner of Police was directed to provide an undertaking ensuring compliance. The Court emphasised that the rule of exclusion of writ jurisdiction due to alternative remedies is discretionary, and constitutional courts i.e High Courts and Supreme Court must intervene to address injustice.

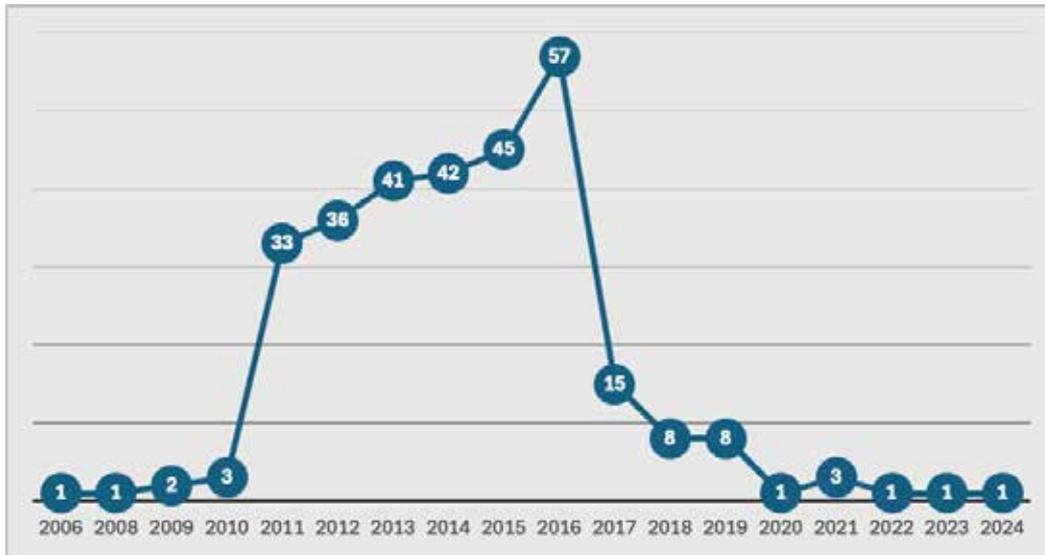
#### **D. Civil Cases No Coram and Miscellaneous Coram (After Notice): A Projection**

We are briefly detailing here the Civil Regular No Coram and Miscellaneous Coram matters classified by CRP, though their listing and hearing are ongoing. After the Criminal Regular No Coram matters, Civil No Coram matters were analysed. Around 2,388 Civil No Coram matters were classified, of which 737 (+30 connected) emerged as short, infructuous or old. These belong to the following case categories, among others:

- Labour matters (40 matters)
- Matters of rent and eviction (20 matters)
- Direct and indirect tax matters (85 matters)
- Service matters (126 matters)
- PILs (10 matters)
- Election matters (9 matters)
- SLPs challenging arbitration matters (13 matters)
- Appeals against orders of statutory bodies (20 matters)
- Family law matters (13 matters)
- Contempt Petitions (14 matters)
- Matters falling under ‘Ordinary Civil Matters’ (78 matters)

299 regular civil matters were listed by 8th May, 2025. Of these 299 matters (with 10 connected matters), 124 (with 3 connected matters) have been disposed of so far.

**Graph 11: Year-Wise Filing of Regular Civil Listed CRP Matters**



Notably, 57 of the disposed cases required only one hearing for disposals.<sup>61</sup> In three matters, the cases were disposed of as withdrawn, while in three others the judgments were disposed of as reserved and their judgments will be pronounced.

### **Miscellaneous After Notice Matters (With Coram)**

Miscellaneous After Notice Coram matters were processed simultaneously with the Civil Regular No Coram. Since there are a total of over 12,000 plus Coram matters (dynamic number, subject to change) in the Court, these cases could not individually be analysed and classified. Rather, trends from the previous three were identified to shortlist matters that are likely to qualify as short, infructuous or old matters. Consequently, cases were identified in the following areas, among others:

- Election Petitions (7 matters)
- Accidental Claim (49 matters)
- Service Matters (30 matters)
- Matters pertaining to Rent and Eviction (2 matters)
- Quashing Matters (64 matters)

<sup>61</sup> Whereas the remaining six cases were disposed of in two hearings, one case required three hearings, and one required four hearings.

- Petitions for Appointment of Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 (11 matters)
- SLPs Challenging Arbitration Matters (4 matters)
- Contempt Petitions (73 matters)
- Matters Pertaining to Consumer Protection (62 matters)
- Admission Matters (6 matters)
- Workmen Compensation Matters (5 matters)
- Other Criminal (83 matters)
- PILs (27 matters)

So far, these matters have accounted for 2,823 cases; of these, 815 matters have been classified as short, infructuous, or old but 142 had already an upcoming date. Additionally, some classified matters could not be listed either since leave had already been granted (34) or these matters were pending in the Registrar's Court (22). 617 matters (+347 connected matters) were listed as CRP matters, of which 255 (+254 connected matters) have been disposed. 191 matters were disposed of in the first hearing. The most significant challenge in Coram matters was shortlisting cases as they often already have or get an upcoming date for hearing while matters are being classified. Thus, many of them could not even get priority listing. Further, the Coram of the cases cannot be changed, therefore, our observation is that advance list and tracking of cases identified under this category will need to be prepared to ensure their timely listing and disposal.

#### **E. Additional Measures**

CRP also assisted in additional measures taken at the Supreme Court to hear and provide judicial resolution for important matters. These include:

- Identifying tax cases with effect under Rs. 5 crores.
- Analyse the status of group matters with 50+ cases attached.
- Provide briefs of connected matters.
- Checking the data on mediation cases to understand the status of cases referred.
- Assisting in disposal of Motor Accident Claims Tribunal cases (MACT).

**Tax Matters:** CRP initially assisted by reviewing 73 (with 142 connected matters) tax matters where the tax incidence was lower than Rs. 5 crores. A similar exercise was carried out multiple times to assist in disposal of tax matters. By undertaking this exercise, CRP was able to assist in pending tax cases.

**Group Matters:** CRP reviewed 72 group cases where 50+ connected matters were tagged with the main case. Through this exercise, we found that the Supreme Court has an advanced tagging and clubbing system with correct identification of attached matters and the majority of these matters are being listed regularly with both the Bench and the Bar actively pursuing these cases.

**Connected Matters:** Subsequently, CRP assisted in providing briefs for cases where the main matter had been disposed of and the connected matters were still pending in the Court. The briefs designed for these cases focused on answering the question on whether the issues in connected matters were squarely answered by the issue discussed in the main matter for further detailed scrutiny by the Bench. Around 500+ connected cases of this nature across five-six cases were disposed of by different benches.

**Mediation Matters:** The Supreme Court had referred a total of 905 cases for mediation in 2023, and 1,385 in 2024.<sup>62</sup> CRP had assessed the status of these cases to verify the pending matters from the shared list. An overview of the status in these cases revealed that only 23 matters had not been referred back to the Court after failed mediation. These 23 cases were then sent for listing.

**MACT Matters:** The Supreme Court presently has 914 Motor Accident Claims Tribunal (MACT) matters on the docket. These matters can be categorised as one that typically require a short hearing. The CRP Team assisted the Court in preparing briefs for these cases which facilitated disposal of some of these matters when listed and heard before the Court.

## **F. Learnings from the Courtrooms**

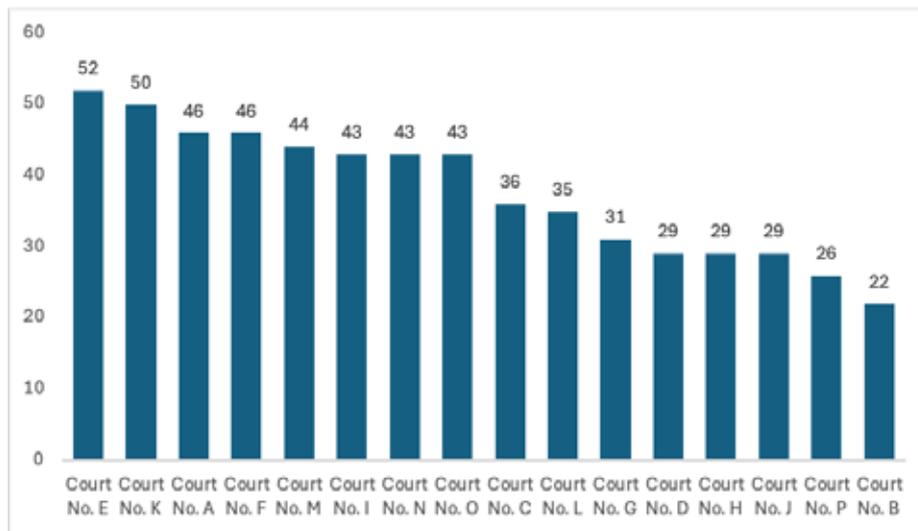
CRP identified matters were listed across courtrooms and the judges were instrumental in hearing them and providing their final judicial resolutions. Sustained efforts by judges allowed

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62 Figures as per list received from the Mediation Centre.

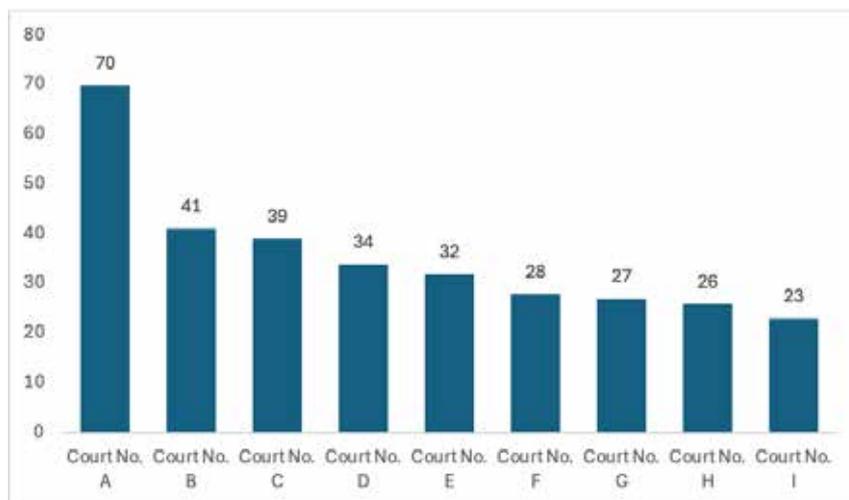
CRP identified matters to be disposed of in great numbers over a span of just four to five months. The graphs below provide a representation of matters disposed by certain benches in both Regular and Miscellaneous cases.

**Graph 12: Miscellaneous After Notice Matters Courtroom Disposal Representative Graph**



The courtrooms numbers have been changed and fictionalised (in no particular order).

**Graph 13: Regular Matters Courtroom Disposal Representative Graph**



The courtrooms numbers have been changed and fictionalised (in no particular order).

These graphs highlight the Court's consistent efforts in providing judicial resolution and disposing of these cases. **It should be noted that hearing of CRP matters were sometimes interrupted due to special benches, cases of national importance, fixed date matters and other contingencies hence the disposal rate is uneven. Ratio of cases listed, heard and disposed also depend on the subject-matter of the cases and the specific nature of cases allotted to that roster. Sometimes in the courtrooms, procedural delays and requests for adjournments by the counsels were noted especially where old matters were listed. Otherwise, each and every courtroom has been instrumental in disposing of the CRP matters.** The two graphs above also indicate the faster nature of Miscellaneous (After Notice) matters as opposed to Regular matters, since even Short Regular matters often require longer hearings.

The strategies adopted by the Court to ensure sustained higher disposal rates are listed below.

- CRP matters were allocated slots on the board. Especially in Miscellaneous After Notice matters, CRP matters comprised at least the first ten matters for each bench. In general, ten miscellaneous cases were heard at the beginning within the first 30-45 minutes on average. A few benches heard them at the end of the board, considering them to be quicker in nature, after allocating time to the detailed matters first. In regular cases, six to twelve matters were CRP listed matters.
- In matters which had to be adjourned, especially where lower court records were required or other procedural compliances were needed, a fixed time period or date was given in the cases.
- A general request was issued in the cause list that the counsels not seek adjournments. In some courtrooms where a passover was given, the matter was relisted for 2 PM on the same day instead of being adjourned for a future date. This resulted in matters being resolved speedily.
- Some benches sought a three page brief from counsels, with summary of the procedural history, facts and arguments of the case to expedite the hearings.
- In several older criminal matters, the Court sought digital records of the Trial Courts and High Courts to be made available to the counsels. The Registry passed an order in January ensuring availability of the digitised Trial Court records to prevent future delays.
- In one matter, the Court opined that whenever leave is granted in an appeal challenging the order(s) of conviction or order(s) of acquittal, there has to be a

practice of immediately calling for the soft copies of the record of the High Court and the Trial Court; to upload the same on the system; and to provide soft copies thereof to the learned counsel representing the parties.<sup>63</sup>

- Some benches mandated that in cases where Advocates on Record (AORs) have been designated as Senior Advocates they must inform the Registry immediately instead of waiting for the next date of hearing.

#### G. Executive Summary:

1. CRP analysed over 10,000 matters and classified 3,374 main matters (+1314 connected matters) as short, infructuous or old. Of these, 2,677 main matters (+967 connected) were listed and 1,525 main matters (+490 connected matters) were disposed of within one to two hearings.
2. **Miscellaneous (No Coram After Notice):** 2,514 Miscellaneous matters (No Coram) were processed of which 1,074 matters (+627 connected matters) were classified as short, infructuous or old. These cases were listed before the Court, resulting in 770 main matter disposals (+128 connected) and achieving a 71.6% disposal rate.
3. Within **Miscellaneous (No Coram After Notice)** there were largely ten key areas - criminal matters (254 disposals), service (124 disposals), family law matters (66 disposals), consumer protection (44 disposals), labour (42 disposals), PIL (38 disposals), contempt (23 disposals), rent and eviction (17 disposals), insolvency and bankruptcy (14 disposals) and tax (3 disposals).
4. **Regular Matters (No Coram):** Under criminal cases, CRP analysed 1,345 matters and identified 748 matters for listing of which, after scrutiny for complete records, 687 were listed, and 376 disposed of, achieving a 54.7% disposal rate. This effort contributed to the Supreme Court's increased criminal disposal rate, which reached 111.89% for the year, partly due to benches disposing of at least 2-5 cases per Thursday hearing. In civil matters, CRP analysed 2,388 matters and identified 737 matters for listing. Of these 737 matters, 299 civil matters (with 10 connected cases) have already been listed, and have resulted in disposal of 124 main matters (with 3 connected matters). Notably, 57 of the disposed matters were resolved within a single hearing here.

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63 Mijai Molla @Mijanur Molla @ Ors. v. The State of West Bengal (Criminal Appeal No(s). 2445/2023).

5. **Miscellaneous After Notice Matters (Coram):** CRP analysed 2,824 Miscellaneous matters with Coram and identified 815 for listing. 617 (+347 connected matters) have been listed with 225 disposals overall (+254 connected matters), and 191 disposals in the first hearing.
6. CRP is also processing the final category: Regular matters (with Coram) which are to be classified and approved for listing.
7. CRP also assisted in several related initiatives which would amount to additional 500+ disposals::
  - (a) Tax Cases: Reviewed tax matters (with tax incidence under Rs. 5 crores);
  - (b) Group Matters: Analysed group cases with 50+ connected matters, finding effective tagging and clubbing systems in place;
  - (c) Connected Matters: Provided briefs for cases at the final hearing stage with significant connected matters, leading to disposal of 500+ connected cases;
  - (d) Mediation Matters: Assessed status of 2,290 cases referred for mediation (905 in 2023, and 1,385 in 2024), verifying that matters have been either resolved or taken back to court and identifying 23 pending matters not referred back to the Court.
  - (e) MACT Matters: The Supreme Court has 914 pending Motor Accident Claims Tribunal (MACT) cases that typically require short hearings. CRP will help expedite their disposal by preparing concise briefs for the Court.
8. **Courtroom Learnings:** The Supreme Court disposed of a significant number of CRP identified matters across courtrooms within four to five months. The graphs highlight the typical disposal rate of CRP identified matters varied across the courtrooms. Strategies adopted by the judges to achieve the notable results include:
  - (a) Allocating time for CRP identified matters;
  - (b) Minimising adjournment gaps;
  - (c) Providing fixed dates or time period for hearings and compliance;
  - (d) Using passovers to resolve matters on the same day;
  - (e) Requesting concise briefs from the counsels for arguments to assist the bench;
  - (f) Seeking digital records to expedite cases;
  - (g) Ordering availability and digitisation of Trial Court records in an appeal challenging the order(s) of conviction or order(s) of acquittal;
  - (h) Mandating prompt updates on AORs' designations as Senior Advocates.

## IV. Notes from the Classification Meetings

Our legal team and the clerks had their own areas of expertise and interest including Criminal Laws, Constitutional Law, Service Matters, Insolvency and Bankruptcy, Land and Property Matters, Tax, Arbitration, General Civil Matters and IPR. Distribution of cases based on expertise allows for a structured approach to case allocation and facilitates identification of trends and areas of focus. An endeavour was made to allot cases to the law clerks as per their subject of preference, to the extent possible. After the officers, consultants and the law clerks meticulously went through the cases in these categories, classification meetings were organised periodically in groups to share our learnings and discuss the trends we learned from following up on the cases through watching the court proceedings and noting the orders passed in these cases. During these meetings key issues and trends, along with the procedural hurdles being faced were discussed. The observations and recommendations are noted below:

### **A. General Observations**

- The Code of Criminal Procedure (CrPC) does not impose a limit on the maximum number of adjournments that can be sought, which can result in significant delays. In contrast, Order 17 of the Civil Procedure Code (CPC) limits adjournments to a maximum of three. However, this provision is often not adhered to in practice, leading to prolonged proceedings. To improve court efficiency and reduce delays, record of the total number of adjournments requested can be kept.
- In the case of *State of MP v. Dilip* (CrI A. 1362/2015) (CRP identified Short Matter), the Court ruled that Advocates-on-Record (AORs) must notify the Registry once they are designated as Senior Advocates. This notification is intended to prevent delays in the case at later stages, ensuring a smoother and more efficient legal process.
- A concerning trend has emerged in legal aid cases, where subsequent hearings are not held due to non-perusal in some cases.
- Different Listing proforma can be created for different kinds of matters. The proforma must mention proper provisions of the law. The proforma should mention categories such as woman/senior citizen/SC/ST etc. mandatorily during e-filing.
- Second Appeals (Section 100 CPC): From certain jurisdictions, SLPs are frequently filed alleging that the High Court failed to frame a substantial question of law.

- Some Special Leave Petitions (SLPs) continue to be ongoing, despite the fact that the relief sought had already been granted in previous Record of Proceedings (ROPs). This suggests that certain cases may be lingering in the system unnecessarily due to non-reporting.
- Limitation Issues: It appeared that there is a growing trend of parties framing multiple prayers in lower courts to keep limitation periods artificially open. Some form of stricter scrutiny at the SLP stage, particularly when limitation is being creatively interpreted, could help.
- Third-Party Rights in Property Disputes: In long-pending civil appeals involving land or property, third-party interests can occur and the Court needs to be apprised timely whether any other rights have crystallised during pendency.
- Old versus. New Land Acquisition Regimes: There remains confusion between applicability of compensation under the 1894 Act and the 2013 Act. Cases can be sorted based on which statute applies, so that similar kinds of cases can be bunched and heard together.

## **1B. Subject Specific Observations**

### **Criminal Matters**

#### **Recommendations for Classification:**

- For matters where the findings are merely modified, they can be categorised as ‘Concurrent Findings, Modified’. This clarification allows for the specific modifications to be clearly specified, providing a nuanced understanding of the changes made to the original findings.
- Special formats to be created for briefs of connected matters which indicate the role of each accused.
- Our learning from the courtrooms is if the matter in criminal law is being listed after a significant gap, an advance notice and preparation may be required by lawyers to trace the client, give updated information, obtain all documents, file any paperwork needed and refresh the case. One potential solution is to inform lawyers in far advance of their matters when taking out old cases.

### **Other Observations:**

- Often in criminal cases the proforma does not mention the sentence undergone including proper charges and the relevant laws being challenged.
- The Surrender Certificate, a crucial document for determining the period of custody undergone, is often missing from the paper-books as it is not submitted with the documents. This omission can possibly lead to inaccuracies and delays in the judicial process.
- Many cases become infructuous due to the completion of the sentence, but they remain unreported as such.
- The Juvenile Justice Act, 2015 is a relatively recent legislation, therefore, in many old cases this crucial information of the accused being juvenile came to light during hearing at this late stage, at the Supreme Court.
- Non-perusal of cases where life imprisonment is awarded for murder, dowry death or bride burning, and the accused are currently on bail which contributes to delays.
- Matters under the Prevention of Corruption Act, 1988, where the amount in question is nominal (Rs.300-Rs.500) were found to not have been pursued for years.
- Many cases of UAPA, 1967 of persons indirectly associated with the offence were pending separately.
- In Narcotic Drugs and Psychotropic Substances (NDPS) cases, a majority of the cases were for small quantities of substances. In NDPS matters there were procedural lapses such as non-examination of public witnesses, defective seizure proceedings etc. Bail is often denied in NDPS cases due to non-compliance with Section 52A of the NDPS Act. This section mandates that samples be taken in the presence of a magistrate, ensuring the integrity of the evidence. However significant delays in FSL (Forensic Science Laboratory) reports were noticed. For instance, there were a group of 80 pending bail appeals in a single courtroom due to these delays.
- Cases filed under Section 498A IPC often originated from urban centres but were dismissed on the grounds of insufficient evidence to support the allegations.
- A significant number of cases are pending under Section 138 of the Negotiable Instruments Act. These cases typically involve companies seeking to quash First Information Reports (FIRs) and often bypass the Trial Court level by directly approaching the Supreme Court.

## **Service and IBC Matters**

### **Recommendations for Classification:**

- By extracting data from disposed Service matters in the docket, valuable insights can be gained to identify short cases for an informed future case management. For instance, service matters involving disputed amounts/arrears between Rs. 5 lakhs to 10 lakhs and with no bunch of connected matters can be categorised on merit for short hearings. Using this amount as a filter can further help streamline the court's proceedings.

### **Other Observations:**

- Backlog exists in compassionate appointment matters, with some cases pending for extended periods. Several cases were delayed where compassionate appointments were given after a long period of around 10 or 11 years. This highlights the need for a more efficient and compassionate approach to resolving these cases.
- A significant issue in compassionate appointment cases is determining which date should be given preference: the date of death or the date of the application. This ambiguity can lead to confusion and delays in the appointment process.
- A case is currently pending at the stage of an interlocutory application because the concerned employees have passed away. The matter cannot proceed until the family heirs replace the deceased employees, highlighting the need for a more efficient process to handle such situations and minimise delays. A specific time period can be prescribed for filing interlocutory applications.
- In service matters, cases filed by the administration or where interim stay has been granted were noted to have delays and were not pursued.
- Appeals often challenge the initiation of the Corporate Insolvency Resolution Process (CIRP), with the insolvency process typically being opposed by the suspended management.

## **Tax**

### **Recommendations for Classification:**

- In tax cases, a specific proforma can be used to organise and present relevant information, including valuation figures, tax calculations, duty payments etc.
- List of precedents can be prepared for such matters.
- Cases with low tax effect can be marked and listed separately for streamlining their disposal.

**Other Observations:**

- Few tax matters fall under the category of ‘short matters’, though many could fall under the simple category. They require appraisal of facts for following reasons:
- When a dispute revolves around a notification, the key issue often centres on the effective date of the notification, i.e., when it became applicable.
- In ITAT (Income Tax Appellate Tribunal) cases, arguments often focus on principles of natural justice, specifically whether parties were heard equally or not. This involves examining if the proceedings were fair, impartial, and provided both parties with an equal opportunity to present their case.
- Tax-related questions often depend on state-specific rates and tax laws, which are subject to change.
- A significant number of cases involve goods that have been misvalued or undervalued.
- Cases are often remanded back to the original authority due to defects or issues with the show cause notice.
- When perishable goods are taxed, petitioners often follow a specific course of action: they pay the duty first and then challenge it. This is typically done to secure the release of the goods, as delaying payment could result in spoilage or significant loss of value. These cases then can remain on docket as no speedy pursuance is required.

**Arbitration Matters****Recommendations for Classification:**

- There is scope to further streamline arbitration-related cases for classification by splitting them based on statutory sections like Section 11 (appointment), Section 34 (challenge) or Section 37 (appeals).
- Many Arbitration matters can fall within the category of ‘short matters’ but from court observations the process of selecting and appointing an arbitrator can vary. Awards can become complicated when challenged on the basis of public policy, particularly when the challenge involves a contractual dispute.

**Other Observations:**

- Many Special Leave Petitions (SLPs) are based on ex parte agreements.

## Civil Matters

### Recommendations for Classification:

- **Compensation-Oriented Matters:** Categories like land acquisition disputes, disputes arising from the Motor Accidental Claim Tribunals (MACT), and consumer claims usually revolve around financial compensation. Unless facts and questions of law determine otherwise, these are generally less complex in terms of evidence, and disputes can be summarised in quantitative terms. Concise and formatted briefs can be prepared with basic tables showing calculations, statutory entitlements, and what has been granted at each stage, which can assist the judges in focusing on the core issue. MACT Compensation and Multiplier Confusion: MACT matters often involve disagreements about income calculation and application of the multiplier. A standardised framework or table (especially for notional income cases), can be adhered to.
- **Complex Civil Disputes:** Matters involving title, partition, and inheritance are often bogged down by voluminous evidence and long procedural histories. To avoid duplicating efforts, it is helpful to provide concise summaries of how evidence was evaluated at lower levels, particularly when concurrent findings have been made. This approach towards briefs and reviews can streamline the process and promote efficiency.
- **Transfer Petitions:** These are usually short and procedural, and could be cleared faster as a short category for classification and briefs.
- **Injunction Appeals:** To address the issue of identification of injunction appeals where the High Court has already provided a resolution, implementing a periodic status update mechanism, potentially coordinated through the High Courts, could provide the necessary insights and help bridge the information gap of the status of the cases. Many infructuous cases emerged as the trial had concluded and this was manually checked by the CRP Team.

### Other Observations:

- **Industrial Disputes:** A significant number of matters under this category are suitable for mediation from the outset. To expedite resolution, these cases could be referred to the Supreme Court's Mediation Centre, subject to the parties' consent, even before formal listing. Additionally, periodic review of pending Industrial Disputes matters can be done at the Mediation Centre.

- **SRA and Similar Appeals:** Several old matters under the Specific Relief Act, 1963 are pending due to procedural defects like non-filing of vakalatnamas, substitution applications, or impleadments.



**Classification Meeting of the Project Team**

Please note: These opinions and views are those of the participants in the meeting and do not necessarily reflect the views or perspective of the institution.



## **PART II:**

# **Our Interactive Sessions with the Bench, the Bar and the Registry**

## V. Notes from Hon'ble Judges at the Supreme Court of India

### A. Hon'ble Mr. Justice B.R. Gavai, Judge, Supreme Court of India

*B. R. Gavai*  
*Judge*  
*Supreme Court of India*



11, Tughlak Road  
New Delhi-110011  
Tel.: 23016022

April 16, 2025

### Message

The Centre for Research and Planning (“CRP” for short) has been undertaking the arduous, but extremely important task of identifying and dealing with matters that can be disposed of quickly so as to reduce the number of pending matters before this Court. I must firstly express my appreciation towards the CRP for efficiently identifying such matters and listing them before the benches. I must also appreciate the efforts taken by the law clerks attached with the CRP, who have essentially been the engines behind this machine. Their efforts into making briefs for the aforementioned matters greatly accelerated the process and resulted in a total of 1,232 matters being disposed of.

This was a novel initiative aptly implemented by the CRP, which resulted in reducing the immense pressure on the system. However, the actual problem of pendency is much larger and such initiatives cannot be a one-time measure. Continuous development and implementation of such ideas is what will ultimately lead to the creation of a system which is free from pendency. I suggest that within the CRP, a team of law clerks or any other members be created which not only works on implementing existing ideas, but also on identifying the problems in our system which lead to pendency, and the formulation of ideas to tackle the same. Such a continuous problem-solving approach would ultimately put a real dent in the number of pending cases.

Following are my suggestions which identify, and try to deal with some issues relating to pendency that I have noticed during my experience in this Court:

- 1) This suggestion is related to the bundling of similar cases. A pending matter which is arising out of a similar issue or if it is to be heard together with another matter, such matters should be tagged together prior to the stage of hearing before a Court. As per the current practice, the matter has to be mentioned before the Court when

the matter is listed for it to be tagged along with another pending case. This leads to a wastage of the Court's precious time and furthermore, it takes up the spot of another case which could have been listed where an effective hearing could have taken place. Moreover, if such similar matters are listed before different benches of this Court, it creates greater confusion and discord between the proceedings. Hence, a procedure must be developed whereby, similar pending matters must be listed together before the same bench by default, and an option must be given to the parties to get the matter de-tagged if sufficient reasons are raised.

- 2) This suggestion is about disposing of matters where the issue raised in it has already been settled through a judgment in another matter during its pendency. A judgment of this Court not only aims to solve the problem raised in the particular case but also lays down the law of the land. It has overreaching effects and must result in the disposal of many matters which have been lying pending before this Court. The CRP must identify matters which are covered by such judgments and bring them up to the surface so that the primary issue to be examined is whether the matter is covered by the judgment pronounced during its pendency or not and the same could be disposed of as soon as possible.



**B. R. Gavai**

**B. Hon'ble Mr. Justice Abhay S. Oka, Judge, Supreme Court of India**

*Abhay S. Oka*  
*Judge*  
*Supreme Court of India*



*5, Tughlabad*  
*New Delhi 110011*  
*Res : 011-23015962*  
*011-23017059*

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## **APPRECIATION**

The Centre for Research and Planning (CRP) has undertaken the project of identifying old, short, and infructuous cases. I am informed that within a short time, more than ten thousand cases have been processed. Out of the identified cases, a large number of cases have been disposed of. I must record my appreciation for the efforts put in by members of CRP. All of them have worked very hard round the clock, and ultimately, the project undertaken has given results.

The Project of unclogging the dockets' is going to be a continuous project. Therefore, I have a few suggestions to make. We need to work on the concept of what a 'short' case is, In my view, many criminal appeals/ special leave petitions arising out of orders of conviction or acquittal can be included in the category of short cases. A large number of such cases have fewer than ten prosecution witnesses. In many cases, the depositions of only two or three witnesses are material. These cases of appeals/ special leave petitions arising out of appeals against conviction or acquittal, where the number of witnesses is ten or less, can be processed as short cases. While preparing notes for the use of the Hon 'ble Judges, a brief summary of depositions of only the relevant witnesses can be added to the note. I have provided a format of note for the benefit of CRP.

While identifying 'old' cases, priority should be given to those appeals/ special leave petitions in which the proceedings of the trial before the civil and criminal courts have been stayed. Unless these matters are taken up, the entire system gets clogged.

While preparing the notes for the benefit of judges, it is necessary to ascertain whether the issue or issues arising in the case are covered by any judgment of this Court. Citations of the judgment and relevant paragraphs of the judgments can be mentioned in the note.

While identifying old' cases, it is necessary to give priority to the cases arising out of matrimonial disputes. The reason is that the long pendency of matrimonial disputes is affecting

society at large. By one family dispute, three families are adversely affected. First is the small family of husband, wife, and children, if any. Second is the family of the wife's parents, and third is the family of the husband's parents.

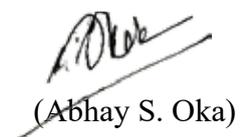
The Law Clerks working with all Hon ble Judges have evolved their own formats of notes. CRP must get copies of the formats used by them from the Private Secretaries of all the Judges. Thereafter, a comprehensive format of notes should be made. The standard formats will have to be more than one. The reason is that tax matters, civil matters, criminal matters, and writ matters require different formats. Moreover, members of the CRP must meet all the sitting Judges and take their feedback on the manner of making notes.

Those members of the CRP who are preparing the notes must make it a point to sit in different courts. Only after learning how the cases are conducted by different courts, the members of CRP will understand what kind of information needs to be incorporated in the note. I am of the opinion that without interacting with the Hon ble Judges, CRP will not be able to perform effectively.

Young members of CRP must remember that their loyalty should be to the institution of the Supreme Court and not to individual judges.

CRP can make a very valuable contribution to the functioning of the Supreme Court. Many more activities can be undertaken by CRP.

While I record my appreciation for the efforts put in by members of CRP, I wish great success to all of them in the future endeavours of CRP.



(Abhay S. Oka)

April 22, 2025

## VI. Extracts from ‘Reducing Pendency at the Supreme Court: A Dialogue’

03.03.2025

On March 3, 2025 CRP organised a talk on ‘Pendency at the Supreme Court: A Dialogue’ with Hon’ble Mrs. Justice B.V. Nagarathna, Mr. N. Venkataraman, Additional Solicitor General of India (tax expert), Mr. V. Giri, Former Judge and Senior Advocate (expert in civil law) and Mrs. Mukta Gupta, Former Judge and Senior Advocate (criminal law expert) as speakers. The audience consisted of the Registrars and other members from the Registry, designated Senior Advocates, Counsels for the states, Advocates on Record, young lawyers and law clerks from CRP and the judicial residences.

The programme began with a note from Hon’ble CJI, Justice Sanjiv Khanna<sup>64</sup> signifying the importance of building a cohesive case management system and strategies taken since November 2024 for expeditious disposal of cases. He noted that the case clearance rate shows a positive trend as it breaches the 100% mark, but cautioned that one should not over rely on data as it does not reveal the complexities of the system. He commended the entire CRP Team for identifying short, infructuous and old cases through carefully processing nearly 10,000 matters that have assisted the benches in dealing with these cases.



Ms. Kriti Sharma, Deputy Registrar, presenting the project report. On dais (from left to right): Mr. N. Venkataraman, Additional Solicitor General of India, Mrs. Mukta Gupta, Former Judge and Senior Advocate, Hon’ble Mrs. Justice B.V. Nagarathna, Judge, Supreme Court of India and Mr. V. Giri, Former Judge and Senior Advocate.

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<sup>64</sup> Read by Ms. Harshita Mishra (Director, CRP).

## A. Speech by Hon'ble Mrs. Justice B. V. Nagarathna



It is said that justice hurried is justice buried and justice delayed is justice denied. The focus of today's discussion is on denial of justice to the litigants owing to delays in the judicial process in the Supreme Court. The focus is on how to reduce the pendency before the Apex Court. At the outset, I congratulate the Hon'ble Chief Justice of India, Shri Sanjiv Khanna for anticipating the concerns regarding the pendency of cases not only before the Supreme Court but at the level of the High Courts as well as the District Courts. This is despite the increase in the sanctioned strength in the cadre of Judges at various levels including the Supreme Court. Since, the docket explosion has not been managed effectively and efficiently, the pendency and arrears in each court is a mammoth problem which we are facing today.

We need to introspect and evolve ideas which are practical and pragmatic so that the Registry could list the cases before the different Benches of this Court where they can be disposed of owing to the different nature of cases.

To give an idea of the status of pendency in the Supreme Court, I may give a few statistics:

S. No.	Particulars	Total number of matters
1	Total Pending Matters	80,961
1.1	Total Regular Matters	21,621
1.2	Total Misc. Matters	50,583
1.3	Defective/Non-Verified/Under Scrutiny (Not Proposed for listing)	8,757
1.2.1	Fresh matters	4,646
1.2.2	After Notice Matters	25,790
1.2.3	Other Misc. Matters	20,147

Therefore, our concern is with regard to the listing of cases which could be disposed of having regard to the peculiar stage of cases in which they are presently. For instance, there are 571 election matters pending before this Court right from the year 2006. If an Election Petition has been dismissed and an appeal has been filed before this Court and the term of the House (Assembly or any other elected body) has lapsed, then such matters have been rendered infructuous owing to the share lapse of time. They could be disposed of as such without going into the merits of the case unless there is some observation which calls for consideration. Only those election appeals where a disqualification has been imposed on the returned candidate whose election may have been set aside would call for consideration. Even here, if the period of disqualification is over then it would have become an infructuous appeal.

Therefore, I would list out the following type of cases which could be identified by the learned Advocates, particularly the AORs who could get these cases listed before this Court.

**I. Election Appeals:**

- (1) Appeals against orders/judgments passed in election petitions where they have been dismissed by the High Court or by other courts and the term of office of the elected candidates has come to an end.
- (2) Appeals against orders/judgments passed in election petitions where they have been allowed by the High Courts and the term of office of the elected candidates has come to an end and where there have been no adverse findings leading to disqualification or calling for setting aside of any such observations.
- (3) Election Appeals which have been filed against orders passed under Order VII Rule 11 CPC or against striking down of pleadings in Election Petitions where the term of office of the elected member has come to an end.

**II. Tax Matters:**

- (1) Cases which could be disposed of on the basis of 'low-tax effect' by keeping the question of law, if any, open.
- (2) Tax Matters which are covered by the decisions of this Court.

**III. Motor Vehicles Accident Claims and Workmen Compensation Claims:**

SLPs/Civil Appeals against motor vehicle accidents claims and Workmen Compensation Claims which could be disposed of on the basis of the decisions of this Court which have settled the law.

#### **IV. SLPs/Civil Appeals against interim orders passed by the High Courts in Writ Petitions/Writ Appeals/LPAs:**

SLPs/Civil Appeals have been filed against the interim order passed by the High Courts in writ petitions/writ appeals/LPAs and the High Courts have disposed of the later cases finally, the cases pending before this Court would be rendered infructuous particularly when the High Court's orders/judgments have been assailed separately before this Court.

#### **V. Civil Matters:**

- (1) SLPs/Civil Appeals which have arisen out of interim applications, where there is no stay of suits or other proceedings and such suits and other proceedings have been disposed of. Such SLPs or Civil Appeals arising out of interim applications filed in the suits and other proceedings would have been rendered infructuous.
- (2) SLPs/Civil Appeals pending against the orders passed by the High Courts in exercise of jurisdiction under Order 43 Rule 1 CPC which deal with appealable orders during the pendency of the suits and where the suits or other proceedings have been disposed of. As a result, SLPs/Civil Appeals would be rendered infructuous and they could be listed before the Court.
- (3) SLPs/Civil Appeals pending as against orders passed in execution proceedings where the execution proceedings have been closed and as a result the SLPs/Civil Appeals would be rendered infructuous.

#### **VI. Regular First Appeals and Second Appeals:**

- (1) SLPs/Civil Appeals arising out of orders of regular first appeals and second appeals passed by the High Court where the application for condonation of delay has been dismissed and consequently the appeals have been dismissed. In these cases, the correctness or otherwise of the orders of the High Court declining condonation of delay in filing the regular first appeals or second appeals before the High Court has only to be considered and not on the merits of the appeals.
- (2) SLPs/Civil Appeals filed against orders of the High Courts dismissing the regular first appeals for default/non-prosecution and there being no restoration of the said appeals by the High Court. In these cases, whether a case for restoration of the appeals before the High Court is made out or not has to be only considered and accordingly the cases may have to be remanded to the High Courts.
- (3) SLPs/Civil Appeals against interim orders passed by the High Court in regular first appeals or second appeals and where such appeals have been disposed of by the High Court.

- (4) SLPs/Civil Appeals against final judgments passed by the High Court in regular first appeal or second appeal on merits without hearing the appellant(s) or in the absence of the appellant(s), where possibly the matters would have to be remanded to the High Court.

**B. Education Matters:**

- (1) Where the academic year has been completed or where the examination has been concluded, such cases would be rendered infructuous and accordingly could be listed and disposed of.

**C. Service Matters:**

- (1) Where an employee has been suspended and there is a challenge to the suspension without any interim relief and the employee attains superannuation or the order of suspension has been revoked.
- (2) Where the challenge is to a show cause notice, charge memo or any challenge to an interim order passed during an enquiry and the enquiry is concluded and a final order is passed either exonerating the delinquent employee or imposing a punishment.
- (3) Where there is a challenge to an order of transfer and significant time has lapsed without there being any interim order of stay and the matter has been rendered infructuous.
- (4) Where there is a challenge made to a selection process and on filling up of the vacancy a subsequent order has been issued for a fresh recruitment.
- (5) Where a case for regularisation is pending before this Court and the employee has attained superannuation.
- (6) Where appointment/promotion of a person is challenged and the said person has retired or attained superannuation.
- (7) Where a challenge is made to a committee's constitution and the term/tenure of the said committee is completed.
- (8) Where the matters are seeking to fill up vacancies of certain posts but the vacancies have already been filled up.
- (9) Where the challenge is to a particular service condition and the same has been substituted by a new service condition.

In all the above cases, the SLPs/Civil Appeals would be rendered infructuous and hence they could be listed for being disposed of.

**D. IBC Matters:**

- (1) Civil Appeals challenging the admission of a corporate debtor to CIRP (Corporate Insolvency Resolution Process) and where the resolution plan has been approved and there is no challenge to the same or is in the process of execution.

- (2) Where government dues are not raised and therefore are not part of the resolution plan which has been approved and the case is covered by the judgment of this Court in *Ghanashyam Mishra v. Edelweiss Asset Reconstruction Company Limited*, (2021) 9 SCC 657.

The above appeals would be rendered infructuous.

#### **E. Criminal Matters:**

- (1) SLPs/Criminal Appeals pending against the orders passed by the Sessions Court on interim applications during the pendency of the trial and which have been sustained or set aside by the High Court and where the trial is concluded.
- (2) SLPs/Criminal Appeals against acquittal filed by the State and the accused has died.
- (3) SLPs/Criminal Appeals against conviction where the petitioners/appellants have died.
- (4) SLPs/Criminal Appeals against death penalty and life imprisonment where the accused have died either in jail or while on bail, as the case may be.
- (5) SLPs/Criminal Appeal where there is no suspension of sentence and during the pendency of these cases before the Supreme Court the accused has been released on completion of sentence.
- (6) SLPs/Criminal Appeal against order passed by the High Court refusing to discharge the accused and there being no interim order passed by the Supreme Court, the trial has been concluded and would have resulted in either acquittal or conviction of the accused.

In the aforesaid cases, the Special Leave Petitions/Criminal Appeals would have been rendered infructuous and could be listed for being disposed of.

##### **(a) Bail Matters:**

- (1) SLPs filed against orders of High Court declining grant of anticipatory bail and during the pendency of the cases before the Supreme Court the accused has been arrested or granted regular bail.
- (2) SLPs filed against orders of High Court declining grant of regular bail and during the pendency of the cases before the Supreme Court, the accused has been granted regular bail by the High Court or has been discharged.

The aforesaid type of cases would have been rendered infructuous and therefore it could be listed to be rendered disposed of.

##### **(b) High Court Orders from Criminal Revision Petitions:**

- (1) SLPs/Criminal Appeal against orders passed by the High Court in Criminal Revision Petition arising out of a criminal trial and the trial having been concluded resulting in acquittal or conviction and the matter before this Court being rendered infructuous.

**Section 482 Cr.P.C.: Quashing petitions:**

- (1) SLPs/Criminal Appeal against the order refusing to quash the FIR and subsequent criminal proceedings and there being no interim order being passed by the Supreme Court, the same being infructuous owing to the conclusion of the trial resulting in either acquittal or conviction.

**Cheque Bounce Cases:**

- (1) SLPs/Criminal Appeals against the judgment of conviction in which the parties are willing to compromise and enter into a settlement or where the parties could be referred to mediation.
- (2) SLPs/Criminal Appeals against interim orders for payment of interim compensation not exceeding 20% ordered by the High Court in a criminal revision petition which has been disposed of by the High Court.

**F. Land Acquisition Cases:**

- (1) SLPs/Civil Appeal arising from orders passed by the High Court under Section 24(2) of the 2013 Act which are covered by the judgment of the Supreme Court in *Indore Development Authority v. Manoharlal & Others*, (2020) 8 SCC 129.

**G. Partition Suits:**

- (1) SLPs/Civil Appeals arising from judgments of the High Courts in partition suits which could be now disposed of on the basis of the judgment of the Supreme Court in *Vineeta Sharma v. Rakesh Sharma* (2020) 9 SCC 1.

**H. Transfer Cases/TC (Civil.):**

- (1) Cases seeking transfer of matters from the High Court to the Supreme Court where there is no interim stay of proceeding before the High Court during the pendency having been rendered infructuous owing to disposal of the case sought to be transferred by the High Court(s).

**I. Arbitration Matters:**

- (1) SLPs/Civil Appeals arising out of orders passed under Section 9 of the Arbitration and Conciliation Act, 1996 which have been rendered infructuous owing to the passing of the award or for any other reasons.

- (2) SLPs/Civil Appeals where the Trial Court has referred the matter to an arbitration tribunal under Section 8 of the A & C Act, 1996 and the arbitration has been concluded resulting in an award.
- (3) SLPs/Civil Appeals against the interim order passed by the High Court under Section 37 of the Arbitration and Conciliation Act, 1996 and where the appeal itself has been concluded by the High Court. Such matters would have been rendered infructuous before the Supreme Court.
- (4) SLPs/Civil Appeals against orders of appointment of an Arbitrator/Arbitral Tribunal under Section 11 of the Act which are assailed before the Supreme Court and there being no stay of the arbitral proceedings resulting in an award. Consequently, the SLPs/Civil Appeal would be rendered infructuous.

**J. Family Court Matters:**

- (1) SLPs/Civil Appeals against award of interim maintenance and the main case regarding maintenance has been disposed of.
- (2) SLPs/Civil Appeals against divorce decrees and where the separation of the parties has been more than ten years and there is no possibility of cohabitation.
- (3) SLPs/Civil Appeals against decree for restitution of conjugal rights or judicial separation and there has been no compliance of the decree leading to a fresh cause of action under Section 13(1)(A) of the Hindu Marriage Act, 1955.
- (4) SLPs/Civil Appeals against orders of maintenance passed under Section 125 of the CrPC and there has been a permanent alimony/maintenance awarded to the spouse owing to divorce between the parties.
- (5) SLPs/Civil Appeals which do not survive for further consideration owing to amicable settlement between the parties either to part ways or to cohabit together.  
In all the above cases, the pending matters before this Court would have been rendered infructuous and could be accordingly disposed of.

**K. Transfer Petition:**

- (1) Transfer petitions which have been rendered infructuous owing to there being no stay of the proceeding before the concerned Trial Court and the same having been concluded during the pendency of the transfer petition before this Court. Consequently, the transfer petition would have been rendered infructuous.
- (2) Transfer petition pending before this Court could be disposed of owing to dismissal of the proceeding before the Trial Court for non-prosecution, by reserving liberty to the petitioner to revive the transfer petition in the event of restoration of the proceeding before the Trial Court.
- (3) Transfer petition could be disposed of on the basis of mediation and settlement arrived at between the parties and the settlement agreement is placed on record

which may be accompanied by joint application under Article 142 of the Constitution of India also.

- (4) Transfer petitions which are to be withdrawn or not pressed on instruction of the petitioner.

**L. Rent Control matters:**

- (1) SLPs/Civil Appeals against eviction orders and where the tenant has vacated the scheduled premises and, therefore, such matters have been rendered infructuous.
- (2) Aforesaid cases which have been rendered infructuous for other reasons.

**M. Public Premises Act:**

- (1) SLPs/Civil Appeals which have been rendered infructuous owing to the unauthorised occupant vacating the scheduled premises.

**N. Consumers Cases:**

- (1) SLPs/Civil Appeals pending before this Court only on the issue of rate of interest applicable and no other controversy or question may be involved in the matter. Such cases could be disposed of by either referring the matter for mediation or by a judicial verdict.

**O. Contempt of Court:**

- (1) Civil Contempt of Court proceeding or *suo-moto* contempt pending as SLPs/Civil Appeals before this Court where there has been compliance and the contempt proceedings have to be dropped.

**P. Tender Matters:**

- (1) SLPs/Civil Appeals against orders passed by the High Court in tender matters where the period of tender has lapsed or there has been a cancellation of a tender and a fresh tender notification has to be issued.

**Q. Miscellaneous Applications:**

- (1) Miscellaneous Applications which are sought to be withdrawn or not pressed.

- (2) Miscellaneous Applications which have been rendered infructuous owing to subsequent development in the case.
- (3) Miscellaneous Applications which have been rendered infructuous for any other reasons.

#### **R. Withdrawal of Cases:**

Any SLP/Civil Appeal/Criminal Appeal/Writ Petition which is sought to be withdrawn could be moved for listing before the appropriate Bench.

#### **S. Compromise Petitions/Settlement Agreements/Joint Applications:**

Any SLP/Civil Appeal/Criminal Appeal/Writ Petition which is sought to be compromised/settled could be moved for listing before the appropriate Bench. I have given a bird's eye view of the cases that could be taken out of turn for the purpose of listing, possibly under a separate heading in the cause list as 'matters to be disposed of'. For this purpose, the cooperation of the members of the Bar is required to intimate the Registry if they have such types of matters which have become infructuous and could be disposed of as such. Also, cases where there is hardly any controversy between the parties as they are covered by the judgment of this Court could be moved for listing out of turn provided both sides agree that it is covered by the judgment of this Court.

If an email is sent, in the aforesaid situations, it would assist the Registry in identifying such cases for listing out of turn the cases for disposal. However, there is a caveat here. Sending an email by an Advocate/AOR will not be construed to be an early hearing application. It is only for assistance of the Registry for identifying the cases and listing the same before the Court for an out of turn disposal.

There may be certain cases where the coram has not yet been constituted owing to retirement of Judges who formed the earlier Bench. If an email for disposal of the aforesaid types of cases is sent, then the coram would be constituted by Hon'ble Chief Justice of India.

#### **B. Speech by ASG N. Venkataraman: A Perspective on Tax Cases**

Humble Pranam to Hon'ble Mrs. Justice B.V. Nagarathna, my colleagues, dear friends, Registry, and more importantly, those have slogged it out to bring this project into good shape. Last half an hour has been informative and packed with data. Her Ladyship identified 24 or more areas where matters can be infructuous, and has given you the lucky word that the more cases you clear the more you get. I hope that does not become true for the Supreme Court!

This project was a complete team effort – the Registry, the CRP, Courts – put together. We have four areas where few inputs can be shared. There are 3-4 ways in which we, the advocates, could be of assistance in disposals.

One category is where there is a single matter which is a pure question of law pending at the Supreme Court. However, if the Court disposes of the case, it can have a cascading effect and at least 12,000 matters across India will get disposed of. The Court is extremely gracious in providing a resolution to such matters. This one disposal serves a broader objective. Therefore, we should dispose of such cases and disposals can then happen across forums.

The second category is where there are 300-400 connected matters connected at the Supreme Court. Disposal of 300 matters in the Supreme Court would again mean disposal of 25,000 matters across the lower courts. For instance, in a tax matter, seven High Courts have rendered their judgments with four in favour of the revenue and three in favour of the assessee. How does the government implement it under the central law? So the only resolution mechanism is through the Supreme Court. Over a period three hundred matters have reached the Supreme Court and when this is to be mentioned the Court will give it a priority listening and, there can be a huge disposal in this way.

Third area where we can possibly work is where certain templates can be arrived at. As an institution, we are bound by examination of the facts and the law and judgments are tailor made to each case. That's the endeavor we have been doing for 75 years. Yet, if we see across High Courts and the Supreme Court, there are many prototype matters. Of course, we cannot render a prototype judgment without drawing on the facts. It is a raw idea at this stage, but possibly we can examine creating a template. For example, bail is one area which I see across various courts. We can take a sample size of 300 or 500 cases and involve the experts in that field and expert judges who can guide in creating a template of appropriate size and length for the order. A thoughtful deliberation can be done to decide the underlying contour and bring the template concept out. Our Court is capable of pioneering this and it will pave a huge way.

Fourthly, we are now talking to a small gathering of counsels in this audience. However, the government should be involved at some point of time. 25 years back we had the ONGC judgment for inter-ministerial disputes but, at some point of time, it abated. This is because it was completely bureaucratic. The Supreme Court, in a very well intentioned judgment, said

that you should sort it out. Now, this resulted in a mix of a bureaucratic and a judicial approach. This is one raw area that we can explore.

In commercial matters, ultimately, the bottom line is revenue. The government took a call in tax matters - of thresholding – it started from Rs. 50 lakh and now it is Rs. 5 crores. It's alright, we the government have lost our case at some level, but unless it is more than five crores, it is futile to experiment with further litigation. Litigations have to end somewhere. We can't burden the judiciary beyond a point. So, matters which have revenue implications, not only in tax, but banks too, can be looked into in this manner. Arbitration has been tried in a limited way, where if the party pays 85% we don't litigate. Therefore, a standard threshold can be set. Similarly, interbank issues can be looked into since all regulators have become quite efficient over a period of time because of judicial pronouncements.

RBI is actually a very trim regulator if they can be brought on board, as many disputes across courts are on interbank. These are long term solutions which we can resolve with ministries, regulators and commercial institutions to bring litigation down and resolve existing disputes out of court without having to go through the long process of an arbitration. I can give you one or two examples from the government which is extremely supportive of alternative resolutions. In one of the arbitrations, the statement of claim itself ran into thousands of pages as the claim was fairly high and three retired judges had been appointed. It would have been a lengthy hearing with defense again possibly going into 8000 pages and arguments would have to be concluded because you are fighting on behalf of the union. As State Counsels, we said, after all, it is a problem between a contractual employee and the contractor, with the employer being the government, and the contractor a very branded entity. A meeting was called with senior level representatives of the company and it was suggested to try alternative mechanisms. This reduced the whole litigation exercise by 35% and with the next extension further down to 30%. These are possibilities with the government and ministries which are supportive as the government understands that protracted litigations are not fruitful.

This is the beginning. In fact, it is a learning experience for me that such a strong team is working at the Supreme Court towards pendency alone. They have been interacting with us. I can tell you out of experience, that their accuracy rate is above 90 percent. In tax cases, they find the low tax effect matters which are pending and they pass it on to the departments, who then send it to us and we send it to the Ministry. The hit rate is 90 plus. This is something which

we should really credit to the CRP team which has worked on it. To conclude with these thoughts, we learnt a lot on where the matters can go infructuous today and where there can be easy disposal. These were impactful 30-40 mins and we will try and support the endeavor, as much as possible. This is a commitment from our side for a laudable objective which should happen across judicial forums. It is a great beginning, good luck and thanks once again to this whole team.

### **C. Speech by Mr. V. Giri: A Perspective on Civil Litigations**

Good evening, Hon'ble Mrs. Justice B.V. Nagarathna, Mr. Venkataraman, ASG, Mrs. Mukta Gupta, revered senior advocates and members of the Bar, members of the Registry, officers of the Centre for Research and Planning, law clerks and other invitees.

It has been an extremely productive one hour. Mr. Venkataraman said 24 areas have been identified by Justice Nagarathna in her address which requires further action by the Centre for Research and Planning and the members of Registry. Of course, along with the active participation of members of the Bar which could make the task of weeding out matters that do not require a lengthy adjudicatory process by the Supreme Court possible. It is essential to bring down the pendency of the matters. This will leave more time for the honourable judges to deal with matters of substance and cases that have huge impact on the litigants and the public, with the care and attention they require at the level of the Supreme Court. That, in essence, is the very purpose of this dialogue and obviously it has to be taken forward.

There are certain pointers which I would like to place before Her Ladyship and then the bench as a whole for a plan of action that could be brought about and implemented. I am just taking one aspect of it- civil litigation. Civil litigation as a generic term would cover a large chunk of cases, requiring efficient management up to the stage of admission or grant of leave. To effectively address these, it's essential to create subcategories like taxation matters, constitutional issues, matters involving statutory violations, miscellaneous writ petitions etc. By segregating these categories, we can streamline the process, allowing for more efficient management and resolution of pending cases. This approach may facilitate the development of targeted strategies for each category, ultimately contributing to a more effective plan of action.

The second area is of the criminal matters under the Indian Penal Code (IPC), 1860, Enforcement Directorate (ED), Foreign Exchange Management Act (FEMA), 1999 and other areas classified as criminal appeals or the special leave petitions. To streamline the court's processes, cases can be divided into distinct categories. This helps prioritise and manage the large volume of pending cases more effectively. For instance, election law cases, as the Hon'ble Judge was saying, would probably account for about 500. There may be cases where elections have been set aside and matters are still live, therefore, requiring consideration by the Supreme Court. At the same time, cases where election petitions have been dismissed but appeals are pending may not require significant interference, unless lingering disqualification is contemplated by the statutory provisions. Though, there are a few matters, for example corruption practices, where if it is proved, even at the end of the fourth year out of a five year term it would still have an impact on the prospects of the candidates whose election has been set aside. Therefore, each category requires a specific protocol for efficient management and resolution. By establishing clear guidelines, the court can ensure timely and effective disposal of cases, reducing pendency and promoting justice.

In civil appeals, when a Supreme Court bench deems the matter worthy of being heard, the Court typically grants leave and proceeds to hear the case in detail. For these cases, a protocol could be established to streamline the process. On a preliminary basis, this protocol might involve refining a standard operating procedure, subject to the approval of the Hon'ble Chief Justice and other Hon'ble judges. In many cases, for instance, suit for specific performance, partition suit involving personal laws and land related litigations, the number of parties could be plural. In my opinion, the first step here should be to prepare a mutually agreed-upon statement of case, jointly crafted by both the parties. This concept is reminiscent of the practice in older reported cases in SCR and ILR, where a statement of case would precede the main judgment, vetted by the concerned judge(s) before reporting. Inspired by the English reporting system, a similar approach could be adopted. In civil matters, a common statement of case could be prepared by both sides and submitted to the bench before the hearing date. This would involve a joint preparation of statement of case by counsels for both parties. The draft statement could be circulated to the opposing side at least a week or two before the hearing date. A brief conference, either in-person or via video conferencing could be held to finalise and agree on the statement of case. Lastly, the mutually agreed-upon statement of case could be submitted to the Court before the hearing. A crucial aspect of the statement of case is that it should be a precise and meticulous summary of the facts, avoiding any arguments. The statement should

include a clear description of the property involved, a concise statement of the issue at hand, a summary of the decision of the Trial Court, first appellate court, and second appellate court (if applicable), any notable remarks or observations made by the Supreme Court in earlier proceedings. Specific page numbers and PDF references should be included for easy navigation. The statement of case should be circulated at least one week prior to the hearing date. If a senior counsel is briefed on the matter, they should review and approve the statement of case, suggesting any necessary changes or revisions.

I would like to make it clear that this statement of case is different from the short written submissions to the parties may have to file. The written submissions should adhere to a specific page limit, which we, as responsible members of the Bar, should cooperate with if the Court deems it necessary. The written submissions should be concise, ideally not exceeding 3-5 pages. It should include references to relevant paragraphs in the judgments of the Trial Court, appellate court, or second appellate court, and citations of applicable case laws. Soft copies can be circulated, and hard copies can be made available to the Court or handed over to the court master, if necessary. Elaborate judgments from outside jurisdictions should be supplied and exchanged between parties well before the matter is taken up. All documents, including written submissions and judgment copies, should be circulated among parties in a timely manner to facilitate efficient proceedings.

The other aspect, which is slightly tricky, because I don't know myself when I would slip and fall in that, but there must be a timeline for oral submissions. I would say on a tentative basis, 30 minutes to 45 minutes by the appellant, 30 minutes to 45 minutes by the respondent, and 15 minutes for the rejoinder. If it can be reduced well and good. The oral submissions should be in sync with the written submissions, which have already been filed, vetted by the senior counsel if the senior briefed the matter. If there is a new point to be taken up after the written submissions are filed, according to me, it should be made available to the Court on an exceptional basis at least two days prior to the date on which the matter is taken up for hearing. If any additional case law is to be filed, again it must be made available to the Court at least two days prior to the date on which the matter is taken up for hearing.

Once this is done, the Court will be fairly certain as to how many matters could be taken up on a day. And again I would say without prejudice that as far as possible, let not the members of the Bar seek an adjournment unless it is for a great personal reason. On final hearing days, the

Court may only be able to take up a limited number of matters, but approximately ten. To facilitate efficient proceedings, it's essential for members of the Bar to cooperate and prioritise these matters. By doing so, we can ensure that the Court can effectively manage its workload and hear the scheduled cases.

For advocates who travel outside Delhi, having advance notice of the Court's schedule can help them plan accordingly. This includes knowing whether their matter will be taken up and whether they will be required to argue it themselves or if alternative arrangements need to be made. When an advocate is unexpectedly unavailable, it is understandable that they may need to request an adjournment. However, this can disrupt the Court's rhythm and cause inconvenience. As responsible members of the Bar, it is essential to cooperate with the Court and avoid unnecessary adjournments. Sudden adjournments can have a significant impact on the Court's proceedings, leading to disruption of the Court's planned schedule; it can contribute to the mounting backlog of cases, hindering the Court's ability to dispose of old cases efficiently. As advocates, we have a responsibility to cooperate with the Court and contribute to the efficient disposal of cases. By doing so, we can help reduce arrears and ensure that justice is delivered in a timely manner.

Another important aspect is the timely listing of matters. To ensure adequate preparation, advocates on record and non-senior advocates should receive at least two weeks' notice before a matter is taken up on a particular day. This notice period allows them to review the matter, contact clients, and prepare the statement of case, ensuring that the statement of case is circulated to all parties at least one week prior to the hearing date. While two weeks' notice is currently provided, there may be instances where sudden listing causes difficulties for advocates on record. The President of SCAORA present here can provide insight into how to mitigate such challenges. To prevent difficulties caused by sudden listing, potential solutions could include enhanced communication between the Registry and advocates to ensure timely notice and minimize last-minute changes and streamlined listing process- exploring ways to streamline the listing process to reduce the likelihood of sudden changes or unexpected listings.

A significant challenge in civil matters is the prolonged pendency of cases, often spanning 25-30 years or more. This can lead to complications, such as change in legal representation or impleadment of new legal representatives, procedural complexities like setting aside abatement, condoning delays, and determining the rightful legal representative which can be

time-consuming. In some instances, disputes may arise over who is the rightful legal representative, requiring remand to the lower court for an inquiry to determine the rightful representative. However, in cases that are ready for hearing, it is essential to avoid unnecessary adjournments and cooperate with the Court.

In arbitration cases, civil appeals often challenge orders passed under Section 37. The Supreme Court has consistently held that interference with awards under Section 34 is limited, and interference with Section 37 is even more restricted. This narrow window of scrutiny should be reflected in civil appeals under Article 136. To facilitate efficient disposal of these cases, written submissions should clearly specify the issues and areas addressed in the arbitration award, indicate the areas where Section 34 and 37 are applicable and concisely summarise the findings related to Sections 34 and 37. Given that the law in this area is well-settled, it is essential to assist the Court in dealing with these matters efficiently. By providing concise and focused written submissions, parties can help the Court avoid unnecessary expenditure of time and resources.

I have outlined a preliminary framework for developing a protocol to address these matters. I believe further discussions and inputs from various stakeholders would be beneficial in refining this approach. I am grateful for the opportunity to share my thoughts and appreciate the initiative taken in exploring this topic. Thank you.

#### **D. Speech by Mrs. Mukta Gupta: A Perspective on Criminal Matters**

Hon'ble Mrs Justice B.V. Nagarathna, my esteemed brothers Mr. Venkataraman, Mr. V. Giri, my brothers and sisters on the dias, young budding lawyers, the law clerks, officers of the Registry, Ms. Kriti Sharma, Ms. Padma Ladol, and Mr. Arul Varma, and all of you who worked tirelessly to bring this concept and work on it. I must congratulate you - this project is a very good idea. This needs to be continuously followed to bring down the pendency.

To start on a lighter note, in the High Court, we all used to say that if the docket is hundred matters a day and 25 matters are fresh matters, we at least generate 15 SLPs from the 25 matters because if there is a stay, the respondent will approach the Supreme Court and if there is no stay, petitioner will go to the Supreme Court. Many times, matters become infructuous

however, the same is not brought to the knowledge of the Court. On the first day when notice is issued, no returnable date is fixed. That also adds to the clogging because on a returnable date after four weeks or six weeks, it is brought to the notice of the Court that the matter has become infructuous, but when there is no returnable date, the lawyers also do not inform the Court that these matters need not be taken up.

Let me tell you one thing, as Justice Nagarathna put it, this is spring cleaning time and the more you clean the more you get. And this is actually tested. I don't know how many of you remember when the concept of mediation came in India, there were strikes. The lawyers thought that their work was being taken away, but today mediation is a fully recognised concept and there are trained mediators. Mediation is being increasingly encouraged as a means to clear backlogs and reduce pendency. By resolving disputes through mediation, the court can focus on more complex cases. However, it's essential to recognise that mediation is not a one-time solution; it's an ongoing process that requires continuous effort. One effective way to reduce pendency is to prevent it from arising in the first place. As a senior advocate, I often advise clients on the viability of their cases before filing. If I determine that a case has little merit, I candidly inform the client, suggesting alternative options, such as pursuing the matter in the High Court at a later stage. By being honest with clients, I may lose a specific brief, but I gain their trust and confidence. Clients appreciate transparency and are more likely to return to me in the future. In fact, clients who experience a similar outcome in court often come back to me, acknowledging that I had advised them correctly. This approach not only helps reduce pendency but also fosters long-term client relationships.

We are increasingly relying on mediation to resolve disputes. However, it's crucial to counsel parties on the significance of mediation, emphasising that it's not a mere formality. When parties settle, they can gain a substantial advantage. A recent judgment under Article 142 highlights the benefits of mediation. In this case, the court granted a divorce but awarded high compensation. The client was concerned about the compensation amount. I explained that if the divorce hadn't been granted, the client would have spent more time and money pursuing the case, which had already been ongoing for 20 years. By settling through mediation, the client avoided further costs and uncertainty. The compensation amount, although seemingly high, was more manageable compared to the potential costs of prolonged litigation. This example demonstrates the value of mediation in resolving disputes efficiently and effectively.

Sending clients to mediation without proper orientation can render the process meaningless. Clients may view mediation as a mere formality, hoping for a better outcome the next day. The success of mediation largely depends on how clients are prepared and counseled before entering the process. As counsel, it is essential to effectively prepare clients for mediation. Justice Nagarathna's comprehensive list highlights various aspects of mediation. Based on my experience, I would like to add some insights, particularly from the criminal side, to further enhance the mediation process.

We encounter two types of habeas corpus cases in the Supreme Court: child custody disputes and runaway marriages. In child custody cases, the litigation often begins in the High Court and reaches the Supreme Court, but by the time a decision is made, the child may have become a major, rendering the habeas corpus petition moot. In cases involving runaway marriages, parents often register FIRs and insist on finding their children. However, this approach can be counterproductive. In my experience, counseling parents to stay calm and withdraw their petitions can lead to a more favorable outcome. Within 15 days, the children often resurface, and parents can then counsel them effectively. A notable example involves a lawyer's child who had run away to get married. I advised the parents to remain calm, avoid escalating the situation, and try to build confidence with their child. They followed this approach and eventually, their child returned home. The child was able to continue their education, find employment, and ultimately marry their partner. These cases highlight the crucial role counselling plays in reducing pendency and advising clients on the most effective course of action. By taking a thoughtful and measured approach, counsel can help clients achieve a more favorable outcome and avoid unnecessary litigation.

We frequently encounter petitions in the Supreme Court seeking to quash First Information Reports (FIRs). These petitions are often filed immediately after an FIR is registered, and if no coercive action is obtained, the next step is typically to pursue anticipatory bail or other remedies. However, by the time the chargesheet is filed, and charges are framed, the sanctity of the petition for quashing the FIR becomes questionable. At this stage, the petition may have become infructuous. In such cases, it may be advisable to withdraw the petition and instead raise the issues before the Trial Court. The Trial Court or High Court may be better equipped to handle extensive hearings on the matters, unless there is a significant legal issue that impacts multiple cases. This approach can help streamline the process and reduce unnecessary litigation.

As Justice Nagarathna pointed out, the bail process can be lengthy and often results in the accused person being arrested by the time their case is heard. If anticipatory bail is not granted, and a long notice is given, the person may be arrested before their case is considered. Similarly, if a regular bail is sought, the person may have exhausted their remedies before the Trial Court, High Court, and Supreme Court by the time their case is heard. Many times, by the time a trial is nearing completion, most of the witnesses have been examined, leaving little to be decided. This can render the case moot. Appeals against acquittal filed by the state can also face significant delays. In the High Court, once leave is granted, the appeal may take 15 to 20 years to reach a final hearing. If the case is then appealed to the Supreme Court, the process can take even longer. The delay in resolving these appeals can have severe consequences. By the time the case reaches the Supreme Court, the accused may have passed away or be nearing the age of 75, 80, or 85. At this stage, it may be futile to pursue the appeal, especially for petty offences. The state should consider withdrawing such appeals to avoid sending an 80-year-old person to jail for a minor offence committed 40 years ago.

In appeals at the High Court and Supreme Court levels, the approach taken by the counsel can significantly impact the efficiency of the process. When handling appeals, counsel should consider the specific issues at hand and be willing to make informed statements to facilitate a smoother decision-making process. This cooperation can help to narrow down the scope of the appeal and avoid unnecessary delays. When the state counsel acknowledges that the dispute is limited to a specific point, and the law on that point is well-settled, it can expedite the decision-making process. In such cases, the court can quickly determine whether the appeal warrants further consideration. In conviction appeals that reach the Supreme Court, the accused person often has already served a significant portion of their sentence. In cases where there is no minimum sentence prescribed, counsel should consider discussing with their clients the possibility of filing an application for release based on the time already served. Given the lengthy delays that can occur in the trial and appeal process, counsel should take into account the age of the accused and the time already served when deciding whether to pursue further action. A sympathetic approach is often taken in such cases, and counsel should be prepared to make informed decisions that take into account the specific circumstances of the case.

Matters under Section 138 NI Act, which involve bounced cheques, are flooding the trial courts. A common scenario involves a single investment resulting in multiple cheques

bouncing, leading to litigation. The complaint often names multiple accused individuals, including nominated directors and executive directors who may have no involvement in the matter. Before bringing such matters to the Supreme Court, it's essential to carefully evaluate the merits of the case. This involves considering whether all named accused individuals have a legitimate role in the dispute and whether the case has sufficient merit to warrant Supreme Court consideration.

In cases involving common questions of law, it's relatively easy to get a notice issued in the Supreme Court by claiming a connection to an existing case. Both defense counsel and state counsel often use this approach. However, this can lead to unnecessary delays as matters get dragged on under this pretext. When multiple matters are being heard together on a question of law, it becomes impractical for the court to hear each counsel individually. At this stage, the role of the counsel, particularly the Advocate-on-Record (AOR), is crucial in making submissions that are common to all cases. This helps to streamline the argument and ensures that the court can efficiently consider the key issues.

Written submissions can be just as effective as oral arguments in presenting a case. Judges typically review written submissions before delivering or dictating a judgment. By making written submissions, counsel can ensure that their arguments are heard and considered by the court, even if they are not able to present their case orally. This approach can help to cut short the entire argument and provide a clear and concise presentation of the case.

As Justice Nagarathna pointed out, some cases involve causes of action that no longer survive. For instance, if the matter has been resolved or the property has been vacated, it's essential to review the case and determine whether it still has merit. If not, it's crucial to inform the client and take necessary steps to withdraw the case. If counsel is concerned that writing a memo may be perceived negatively by the client, they can simply inform the client, and the client can issue the memo. This approach ensures that the client is aware of the situation and can take necessary actions.

CRP has made significant progress in addressing these issues, and appreciation is due to Ms. Kriti Sharma and her team for their tireless efforts. This initiative is just the beginning, and the first conference has been instrumental in preparing brand ambassadors for the program. The goal is to percolate this information to every individual, ensuring positive results. I must thank

the Chief Justice and Justice Nagarathna for taking this very good initiative. Thank you very much.

## **E. Suggestions by Advocates**

### **1. Alternative Dispute Resolution:**

- ADR should be encouraged to reduce the Court's burden, particularly for family, matrimonial, and property disputes.
- The Mediation Centres and advocates need to inform the Court as soon as the matters have been settled and parties have reached a compromise. The delay in informing the Courts results in higher pendency.
- Lok Adalats should be held frequently, especially for MACT matters since they form a significant portion of the case docket but can be disposed of quickly.
- Pre-litigation mediation can be made a practice in the Supreme Court. A form can be created to provide that option to clients.

### **2. Responsibilities of AORs/Advocates:**

- AOR offices can periodically notify the Courts about matters that can be disposed of as abated, resulting in reduced pendency.
- The number of adjournments should be limited. This can ensure that matters that do not require detailed hearings are disposed of faster.
- A summary, similar to the table provided in Criminal appeals, can be attached to the matters which will allow the Counsels to prepare with regard to the matter, as well as allow the judge to assess the time required for the hearing.
- While giving opinions for SLP, ASGs can be more careful in suggesting that the State file SLPs. This will help reduce pendency at the stage of the filing.

### **3. For Courts:**

- Courts may consider avoiding issuing notice and directly grant leave in cases like 'Matters against State Acquittal', 'Rent Matters', 'Death Penalty'.
- Day-to-day hearings may be encouraged in long-pending constitutional and high-stake commercial cases to ensure quicker resolution.
- Interim applications could be disposed expeditiously to ensure smoother case progression.

- Courts may encourage concise and time-bound written submissions to reduce excessive oral arguments.
- Courts may actively discourage frivolous litigation. Stricter scrutiny of appeals could also be introduced to ensure that only cases with genuine legal issues proceed.
- Matters like those pertaining to Section 100 of CPC can be remanded within two weeks notice. Questions with no substantial question of law can be disposed of quickly.
- Time-bound disposal of PILs, especially in environmental and governance matters, should be encouraged, preventing prolonged litigation from stalling public projects.
- Stricter admissibility criteria should be enforced for PILs, requiring petitioners to demonstrate bonafide public interest, absence of personal or political motives, and direct impact on fundamental rights or governance.

#### **4. For Registry:**

- An open house can be hosted with the AORs and the Registry to have a discussion on how to streamline the process for getting matters listed.
- There can be interactions with other branches of the Registry to discuss other potential solutions for reducing pendency.
- The Office Report specifies if the matter is incomplete. However, it is only generated one day in advance. If these reports are generated well in advance it may assist the advocates.
- Cases can be prioritised on the basis of urgency and impact. These can be categorised into urgent, constitutional, public interest, infructuous, and withdrawal matters for efficient listing.
- A dataset can be created, which can be accessible for both the lawyers and the judges where the undecided questions of law in the Court are mentioned. This will be useful for deciding which matters require detailed hearings and which can be clubbed with other matters.
- Withdrawal cases should be fast-tracked to allow parties to formally withdraw matters that are no longer in dispute.
- Time-sensitive cases such as the death penalty, fundamental rights, and economic policy matters can be prioritised.

- Cases related to economic reforms, infrastructure projects, and policy decisions can have an expedited hearing mechanism.
- A benchmark age can be set by the Registry to consider a matter old and such an age may be made publicly known to all members of the bar through a notification.
- To avoid delays in extremely old matters which are ready for final disposal, the Registry may issue an advance notice to advocates – maybe a week in advance – to inform them about the listing of matters in the following week. This will allow the advocates time to follow up with the client and prepare the case.
- Strengthening the e-filing systems and digitisation to reduce procedural delays in listing and document management.
- A technological system with inclusion of an AI tool can be employed to determine the approximate time duration for disposal of a case.
- The assistance of software can be taken to cure defects to reduce the Registry’s burden.

#### **5. Policy and Infrastructural Reforms:**

- More Constitution Benches could be constituted to dispose of pending constitutional and interpretation matters efficiently.
- Apart from Constitution Benches, dedicated Special Benches (SBs) can be formed to handle specific categories of cases like Commercial & Economic Bench, Criminal Law & Death Penalty Bench, Environmental & Public Interest Litigation (PIL) Bench, Election & Political Matters Bench.
- There can be a Green Bench or Education Bench to hear specific kinds of matters.
- A separate “Commercial & Economic Bench” can be set up to handle high-value disputes efficiently.
- Matters with similar issues can be clubbed together and heard together. This can be done particularly for regular matters.
- The hybrid hearing model introduced during the pandemic helped in handling multiple matters across different courts. VC hearings could continue for routine proceedings, case management hearings, and procedural matters. Training judicial officers and lawyers to efficiently use VC platforms could further improve accessibility.

- Partial working days during the summer break may be used to take up old matters and reduce backlog.

The above suggestions are from the audience which included Senior Advocates, recently designated Senior Advocates, Standing Counsels from States and Union Territories, Partners from law firms litigating at the Supreme Court, Advocates on Record, representatives from Supreme Court Advocates on Record Association (SCAORA) and Supreme Court Bar Association (SCBA) and young lawyers.

Please note: These opinions and views are those of the speakers and do not necessarily reflect the views or perspective of the institution.

## **VII. Initiatives of the Supreme Court Registry**

### **A. The Management of e-Courts: An Art of Fastening Justice Through Technology**

#### **Interactive Session Held on 10.01.2025**

**Brief Background:** The Supreme Court e-Committee oversees the nationwide judicial digitisation movement. The work includes roll-out of various digital applications to the district judiciary and the high courts. It is involved in running the Case Information Software (CIS) (including enhancement to CIS 2.0 and 3.0) which is the spine software of the Indian Judiciary. It enables the citizens, and advocates and various other stakeholders to have a real-time digital tracking of case status, court orders, and cause lists, free of cost and with 24/7 accessibility.

E-Committee plays a crucial role in providing digital tools and applications in streamlining court operations in the district and high courts, this includes for e-filing or virtual court proceedings. JustIS mobile app, an advanced case and court management application, tailored for judicial officers, has helped users navigate features such as pendency tracking, disposal rates, and personal digital note-taking in a secure environment. The app, along with e-Courts mobile app, is instrumental in enabling self-monitoring and workload planning based on real-time data for the judges. Practical guides and digital resources have been released on these technological tools to create awareness and assist the users. Through these coordinated efforts, the e-Committee has advanced its mission of building a modern, technology-enabled judiciary.

Ms. R. Arulmozhiselvi is a District Judge from Tamil Nadu Cadre (2003 batch) on deputation as OSD (Registrar), Training Cell, and Member (Human Resources) in the e-Committee of the Supreme Court of India and has a vast experience with the e-Courts project since the inception of e-Courts Phase I. As an Ubuntu cum CIS Master Trainer and a Cyber Crimes Master Trainer (trained by the National Police Academy, Hyderabad), she has conducted numerous training programmes for judicial officers and court staff, focusing on the Case Information System (CIS), the Ubuntu Operating System, and cybercrime awareness. She has been instrumental in the preparation of user-friendly manuals that simplify the interface and functionality of these tools for end-users across the judiciary. She has been an active contributor to the case management reforms and the digitisation efforts of e-Committee, Supreme Court of India.

**Notes from the Interactive Session:** On 10 January 2025, in a lecture organised by the Centre for Research and Planning, Ms. R. Arulmozhiselvi delineated the judiciary's technological

strides over the past few years. The bulk of the country's pending litigation lies in the Trial Courts, therefore, any meaningful reform must begin at the grassroots level, where judicial bottlenecks are most acute and where citizens first come into contact with the justice system. Various technology innovations are helping courts reduce pendency and improve access to justice. The digital Court Projects, systems like e-Filing, e-SCR, FASTER, and Virtual Courts allow cases to be filed and managed online, judgments to be delivered quickly, and prisoners to be released without physical delay. E-Filing 2.0, documents are now "born digital", meaning filings are complete and digitally structured from the beginning, avoiding physical paperwork, manual scanning, and re-entry errors, thereby streamlining the court workflow from day one.

A key component behind all these advancements is the Case Information System (CIS), which serves as the digital backbone of all District and Taluk courts. CIS manages case records, daily orders, court diaries, and judgments, enabling smooth and paperless court functioning. The National Judicial Data Grid (NJDG), built on CIS data, provides real-time insights on pendency and disposal, helping courts identify bottlenecks and improve efficiency. The Interoperable Criminal Justice System (ICJS) digitally links courts with police, prisons, forensic labs, and prosecution departments, allowing quick sharing of FIRs, charge sheets, bail orders, and other records, reducing manual delays and speeding up criminal trials. Tools like SUPACE and SUVAS use Artificial Intelligence to support judges in legal research and real-time translation. Services like e-Seva Kendras, SMS notifications, email updates, and QR/CNR-based case tracking help litigants stay informed without visiting courts. Hearings through Video Conferencing have made participation easier for those in remote areas. Platforms like the Judgment Search Portal, India Code Portal, and Live Streaming of Constitutional Bench cases promote legal transparency and public trust. All these innovations, when combined, not only improve court efficiency but also significantly help in reducing the overall pendency of cases across the country. She urged wider adoption of the JustIS App and NJDG, encouraging judges to use in-built filters and features for pendency tracking, personal notes, case prioritisation, and self-assessment.

During discussion on Artificial Intelligence (AI) in the judiciary, Ms. R. Arulmozhiselvi emphasised that AI is not meant to replace judges, but to assist them in decision-making by automating time consuming tasks. SUPACE helps judges by summarising bulky case documents and retrieving relevant precedents, while SUVAS translates judgments into regional languages, improving accessibility for non-English speakers. She highlighted how AI can join

granular data points like time of occurrence, type of weapon, or other facts in criminal cases, to assist in quicker comprehension. AI can also support case triage, where incoming cases are analysed and sorted into tracks like summary, fast, or complex, based on urgency and complexity. For example, a cheque bounce case may be flagged for mediation, while a senior citizen's case may be prioritised. AI's role can be instrumental in filing defect detection for instance, the Supreme Court's pilot project where AI helped identify missing annexures or formatting errors, reducing delays in case listings. Furthermore, AI can be used in policy planning by analysing pendency patterns. It can predict future judge requirements or identify which types of cases (e.g., Section 138 NI Act matters, Family/Marital Disputes) contribute heavily to backlogs, thereby supporting data-driven judicial reforms. AI is a force multiplier that can save judges' time, boost productivity, and ensure critical cases get the attention they need without being buried in piles of paperwork.

### **Key Takeaways and Recommendations on the Subject:**

1. **Extending Law Research Support to District and Sessions Judges:** Extend the model of Law Clerks/Research Assistants trained for case evaluations at the CRP, at the District judiciary. Law Clerks can assist with case briefs, legal research, and drafting, improving per-judge productivity.
2. **Leveraging Technology for Faster Adjudication:** Example, deploy AI tools to auto-extract key case facts (age, income, occupation, dependents) in Motor Accident Claims and similar matters. Present structured data in tabular format to assist quicker adjudication and reduce clerical workload.
3. **Enhanced Use of the JustIS App, NJDG for Court and Case-Management:** Promote active use of the JustIS app and NJDG by judicial officers for tracking pendency, disposals, and personal notes. Utilise built-in filters for workload planning and case prioritisation. Leverage the app's self-assessment tools to improve individual judicial efficiency.
4. **Adopting a Unified Structure for Adjudication:** During her official visit to Singapore as an e-Committee member, Ms. Arulmozhiselvi observed a streamlined system: a single court with jurisdiction over all family-related matters- divorce, custody, maintenance, property division, adoption, and succession. This contrasts sharply with the Indian system, where different aspects of a single marital dispute often get scattered across multiple forums: a family court for divorce, a magistrate's court for

maintenance under Section 125 CrPC, a district court for guardianship, and possibly even a civil court for property issues. Such models can present a good case for integration. By channeling all family-related litigation into a single court, the judiciary can ensure consistency in rulings, reduce duplication of effort, and achieve faster and more holistic outcomes.

5. **Segregating Judicial Responsibilities Based on Case Stage:** Allocate procedural stages (e.g., filing checks, charge framing, evidence recording) to designated judicial officers and reserve final arguments and merit hearings separately on fixed days and possible to a dedicated judicial officer.
6. **Addressing the Judicial Vacancies Crisis:** Need for expedited appointment process to address the shortfall of judges in High Courts and District Courts. Increasing bench strength will directly expand judicial hours and improve case-disposal rates.
7. **Harnessing the potential of AI** as the Assistive as the assistive decision making tool and not aiming to substitute the Human Intelligence of Judges was also pressed by Ms. Arulmozhiselvi during the interaction.

By Ms. R. Arulmozhiselvi,

OSD (Registrar), Training Cell, Member (HR), e-Committee



Interactive Session on ‘The Management of e-Courts: An Art of Fastening Justice Through Technology’ by Ms. R. Arulmozhiselvi, OSD (Registrar) & Member (Human Resources), e-Committee, Supreme Court of India held for CRP.

## **B. Role of the Registrar's Court in Case Management at the Supreme Court**

### **Interactive Session Held on 15.02.2025**

**Brief Background:** The Registrar Court of the Supreme Court of India (SC) serves as a crucial intermediary, streamlining procedural aspects of cases after the Court issues notice in a matter. This setup saves judicial time on matters like ensuring proper service of notices, repeated requests for filing affidavits, and frequent fixed deposit receipt (FDR) renewals. Essentially, the Registrar Court acts as a bridge between the parties involved and the Court in case of procedural lacunae in a case. This assists the SC Judges, who can then focus on the cases' core legal arguments and substantive issues rather than getting entangled in ensuring litigants complete the legal papers.

Ms. Sujata Singh has been on deputation as Registrar (Judicial - II) since February 1, 2024. She further supervises the work of Sections V and VI and the Record Rooms of the SC. She looks after the work relating to Parliament Questions, supervises the Public Interest Litigation (English) Section, and is a Secretary to the Family Court Committee as well as the Members' Secretary of the Gender Sensitization and Internal Complaints Committee (GSICC). She serves as a member of the Grievance Redressal Committee and assists the committee of judges for the formation of a panel of Senior Advocates and Advocates on Record and non advocates on Record.

**Notes from the Interactive Session:** On February 15, 2025, in a lecture organised by the Centre for Research and Planning (CRP), Ms. Sujata Singh explained the functioning of the Registrar Court in the context of case management and disposal in the Supreme Court. She mentioned that Registrar Court handles matters as prescribed in Order V, Rule 1 of SC Rules, 2013, which fall under the following categories broadly:

- **Service and Pleadings:** It ensures that the respondent is properly notified, vakalatnamas (authorisations for advocates) are filed, and counter affidavits are submitted. Once these are in order, the case file is then sent back to the Court.
- **Applications for documentation:** Registrar Court also considers application for substituted service of notice of the appeal on any of the respondents and application for dispensing with service of notice of the appeal. Applications for exemption from filing of certified copies of judgments, decrees, orders, certificates or orders granting certificates are also dealt with.

- **Court Fees and Costs:** Applications for condoning delay in paying deficit court fees as well as for imposing costs on the party in default of compliance with the orders passed by the Registrar are also handled by the Registrar Court.
- **Cases without Representation:** In situations where a complete case file is received but the representing advocate has passed away or has been designated as a Senior Advocate (meaning they can no longer appear in the same capacity), the Registrar Court issues an "alternative arrangement notice" to the parties, prompting them to find new representation. A separate notice follows this.
- **Calling for Original Records:** When the Court orders the production of original documents, the Registrar Court is responsible for retrieving these records and returning the file to the Court upon their receipt.
- **Recording Evidence in Original Jurisdiction Cases:** In cases involving disputes between states or between the states and the Union, which fall under the Supreme Court's original jurisdiction, the Registrar Court takes on the task of recording the evidence in accordance with the directions of the Hon'ble Court.
- **Withdrawal & Payments:** Applications for withdrawal of appeal by an appellant before he lodges the petition of appeal also fall under the Registrar Court's purview. Applications for payment out of Court of money or security, or interest or dividend on securities fall under the jurisdiction of Registrar Court.

In recent years, efforts have been made to streamline and reduce pendency at the Registrar Court. As per Order V, Rule 1(22), SC Rules, 2013, two opportunities are given for the parties to file their counter affidavits. This measure aims to ensure a timeframe for completing pleadings. Expedited dates are given for recording evidence to minimise delays in these matters. Additionally, on a given day, the Registrar Court aims to hear old cases, ensuring that long-pending cases receive attention. As of 03.04.2025, the total pendency in the Registrar's Court stands at 6,616 cases.

Ms. Sujata Singh also delineated the role of the PIL (English) Section which receives letters from citizens across India which are considered Public Interest Litigations. These letters can cover a wide array of concerns, from complaints of harassment, issues related to animal protection, and a range of matters concerning human rights. The PIL Section processes these

letters according to established PIL Guidelines<sup>65</sup>. The PIL section receives more than 800 emails and 200 letters by post on a daily basis.

Upon arrival, each letter is assigned a diary number or inward number. Following this, the letter undergoes an analysis. If the content addresses a matter covered by the guidelines, it is referred to the appropriate authority with the jurisdiction for action. For instance:

- Allegations of harassment by the police are directed to the SP/SSP of the relevant state.
- Letters from incarcerated individuals are forwarded to the Inspector General (IG) of Prisons.
- Grievances from labourers of a private company concerning the non-payment of wages are issued to the head of the respective private company.
- Complaints against sitting judges are sent to concerned High Courts.

These referrals are made based on the review of the letters, and subsequent directives are issued. Concurrently, the status of all such letters and their referrals is updated on the Supreme Court website for public access, which ensures transparency. If these letters concern instances of significant public importance but are not currently under judicial consideration, then upon the specific orders of the Chief Justice of India, they can be considered as writ petitions. In other public interest matters, a report may be requested on the action undertaken by the concerned authority. Additionally, the PIL Section is responsible for addressing any Right to Information requests pertaining to these letters. As on 03.04.2025, the total pendency in the PIL section stands at 92,942 emails and 4,000 posts approximately which are being scrutinised on a daily basis.

#### **Key Takeaways and Recommendations on the Subject:**

- **Prioritising old pending cases:** To reduce the backlog of cases, prioritising the oldest ones by frequent hearings is a potential strategy. Specific days can be reserved to hear older cases.
- **Limit the number of adjournments in Trial Courts:** Limiting the number of adjournments granted at the Trial Court level, could also prevent unnecessary delays.

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<sup>65</sup> Supreme Court of India, Handbook on Practice and Procedure and Office Procedure, 2017, available at: [https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/misc/practice.pdf\\_0.pdf](https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/misc/practice.pdf_0.pdf), Page 276-278.

- **Specific Measures for Civil Cases in Trial Courts** : Since civil cases provide more scope for filing of interim application at Trial Court level, a special mechanism may be devised for their effective and quicker disposal. At the same time, for civil cases, execution proceedings rules may be simplified to expedite their conclusion.
- **Enhancing Administrative Effectiveness**: Providing management training to judicial officers was suggested in the 117th Law Commission Report, which could enhance administrative effectiveness. However, this would require creating internal processes, as judicial work is unique in nature.

In closing, Ms. Sujata Singh underscored the idea that strengthening court processes is a collaborative endeavour requiring active cooperation among judges, lawyers, enforcement agencies, and litigants. She highlighted that systemic improvement in the legal sector cannot be achieved without broader investment in education, procedural literacy, and administrative accountability.

By Ms. Sujata Singh,  
Registrar (Judicial-II), Supreme Court of India



Interactive Session on ‘Role of Registrar’s Court in Case Management in the Supreme Court’ by Ms. Sujata Singh, Registrar (Judicial-II), Supreme Court of India held for CRP.

## C. Towards a Digitally Empowered Judiciary: Insights from the Supreme Court's IT Initiatives

### Interactive Session Held on 01.03.2025

**Brief Background:** The Computer Cell of the Supreme Court of India is the institutional engine behind the Court's digital transformation. In coordination with the National Informatics Centre (NIC), the Computer Cell is responsible for planning, developing, and maintaining the technological infrastructure that supports judicial and administrative functioning of the Supreme Court. The Computer Cell's scope of work spans a wide spectrum from case management systems and digitisation of judicial records, to virtual courtrooms and digital public services ensuring their delivery in free, accessible, transparent, safe and secure manner.

Mr. Hargurvarinder Singh Jaggi, a judicial officer from Delhi Higher Judicial Services presently on deputation to the Supreme Court of India as Registrar, Technology leads the Computer Cell and oversees the planning and implementation of strategic information and communication technology (ICT) based platforms, solutions, initiatives aimed at strengthening the institution goals of the Supreme Court of India, right to access to justice and right to administration of justice.

**Notes from the Tour:** On 1st March 2025, the Centre for Research and Planning organised a guided tour of the Supreme Court of India for its Law Clerks to understand the journey of a case. The visit aimed to provide an overview of both physical and digital workflows within the Court. The tour commenced at the Multi-Facilitation Centre, where physical filings are received, followed by Section 1B, where fresh filings (both physical and electronic) are examined and procedural defects, marked, notified by the Registry and cured by the advocates and litigants. Thereafter, the clerks saw the scrutiny section, followed by the Paper Book Section where files are stored and the courtrooms where cases are heard. The case journey ends with the elimination section and preservation of the judicial file in the record room.

In a detailed session led by Mr. Hargurvarinder Singh Jaggi, the participants were given a comprehensive overview of the Court's recent technological advancements. He outlined the major reforms undertaken with particular emphasis on the significant upgrade process of the *Integrated Case Management Information System (ICMIS)*. The improvements to the system have notably enhanced its reliability, scalability, and processing capabilities. He further elaborated on the continuing success of the *electronic mode of filing and hybrid hearing platform*, which have become an indispensable tool for ensuring broad-based access to justice by facilitating participation in proceedings through both physical and virtual means.

During the session, several key initiatives were highlighted that have strengthened transparency and responsiveness within the judicial ecosystem. These include the transmission of real-time case updates through WhatsApp, the adoption of the enhanced *e-Filing Module 2.0*, and the integration of the *Virtual Justice Clock* for public monitoring of case progress. The launch of the *e-SCR* portal and the *Digi SCR* initiatives were underscored as a major step in expanding

public access to Supreme Court judgments in a free, digital, and environmentally sustainable format.

On the administrative front, the session explored several advancements aimed at streamlining internal processes and improving public service delivery, such as the expansion of the *e-Office* suite across the Registry, the launch of the *Su-Swagatam* digital visitor portal, and the establishment of the *e-Sewa Kendra* as a vital public interface. Further, the deployment of free Wi-Fi across the Court premises, the installation of self-help kiosks, and the successful implementation of Artificial Intelligence (AI) powered transcription services for the Constitution Bench hearings has been done by the Computer Cell. Further, the noteworthy innovations such as *eSAM* for asset management, *SCI Interact and Ingestion* for digitisation of paper books, and the automation of training and property return systems were presented as part of the Court's broader commitment to institutional efficiency and digital transformation. These efforts reflect a forward-looking vision of the Supreme Court as a technologically empowered institution that remains deeply committed to transparency, accessibility, and service to the citizenry.

### **Key Takeaways from the Project and General Observations:**

1. **Expanding Technical Manpower with Domain Expertise:** As the technological world of the Supreme Court continues to evolve, we require expert professionals trained in areas such as data architecture, cloud services, cybersecurity, and statistician to understand and crunch data for judicial informatics. Such an expansion will help in ensuring that the digital tools offered by the Supreme Court are based on emerging technologies.
2. **Use of Artificial Intelligence:** The successful deployment of AI within the upgraded e-Filing Module 2.0 reveals the potential for AI and machine learning (ML) based tools in the realm of Indian judiciary. Such technologies not only enhance efficiency, transparency but also strengthen the justice delivery system. It is beneficial to gradually introduce AI in functions such as case categorisation, brief summarisation and smart scheduling, with appropriate safeguards, safe hosting and through testing by the concerned users.
3. **Encourage Confidence-Building Measures to Address Technological Hesitancy:** Some degree of caution and resistance toward digital tools is not uncommon. However, targeted awareness programmes, user-friendly design, and structured transition supports in cultivating broader acceptance and comfort with new systems to all.
4. **Strengthen Internal Mechanisms for Data Security and Privacy:** Given that privacy concerns continue to be cited as a barrier to full digital adoption, it is important that we continue to invest further in internal cyber audit mechanisms, encrypted access protocols, and transparent data governance practices. Demonstrating a strong commitment to data security goes a long way in alleviating any apprehensions among the users.

For facilitating technological and logistical support for this project, Mr. Hargurvarinder Singh Jaggi was ably assisted by the software development team led by Mr. Pavan Prathapa, Assistant Registrar, Ms. Preeti Agrawal, Branch Officer, Mr. Bal Kasaiya, Senior Programmer, and the technical support team led by Mr. Tejinder Singh, Senior Court Assistant, Mr. Siddharth Verma, Senior Court Assistant, Mr. Lokesh Arora, Senior P.A., Mr. Shah Nawaj, Court Assistant and Mr. Hussain Siddiqui, Junior Court Attendant.

By Mr. Hargurvarinder S. Jaggi

Registrar- I (Technology), Supreme Court of India



Supreme Court Tour on 'Journey of a Case' organised for CRP Team. Mr. Hargurvarinder S. Jaggi, Registrar-I (Technology), Supreme Court of India, demonstrated the technological innovations in use at the Supreme Court.

## **D. Purposeful Case Management and Listing at the Supreme Court**

### **Interactive Session Held on 05.04.2025**

**Brief Background:** The Listing Sections of the Registry of the Supreme Court of India serve as the primary administrative units entrusted with the daily scheduling of cases. This function is carried out under the directions of the Hon'ble Chief Justice of India and in strict conformity with the procedures laid down in the Supreme Court of India Rules, 2013 and Handbook on Practice and Procedure and Office Procedure, 2017. The Filing Counter (1B) is responsible for receiving all filings, scrutinising documents for procedural completeness and compliance, and addressing any defects therein. Once the documents are found to be in order case numbers are assigned. Thereafter, the matters are listed for hearing by the Listing Section in accordance with the roster and/or as per the directions of the Hon'ble Chief Justice of India. At present, fresh miscellaneous matters are listed for hearing on Mondays and Fridays, after-notice miscellaneous matters on Tuesdays and Wednesdays, and regular matters on Thursdays.

Mr. Pavanesh D., currently serving as Registrar (Judicial Listing) at the Supreme Court of India, oversees the listing of cases before benches as per the judicial roster, under the direction of the Hon'ble Chief Justice. He is on deputation from the Karnataka District Judiciary, where he has served as a District Judge since 2016. Prior to his judicial appointment, as a practicing advocate, Mr. Pavanesh has argued cases across various forums in the state.

**Notes from the Session:** On 5th April 2025, the Centre for Research and Planning organised a lecture on "Case Management at the Supreme Court of India," which provided an in-depth overview of the procedural and institutional efforts undertaken to streamline the listing and disposal of matters before the Apex Court. The session examined the filing process as governed by the Supreme Court Rules, 2013, and the procedural standards laid down in the Handbook on Practice and Procedure and Office Procedure (2017). The journey of a case from initial filing and scrutiny, through the curing of defects, to the assignment of diary and case numbers and eventual appearance in the cause list- is centrally coordinated by the Filing and Listing Sections of the Registry, under the directions of the Hon'ble Chief Justice of India. The wide jurisdiction conferred upon the Supreme Court by the *Constitution of India, 1950*, along with the increasing use of e-filing, has contributed to a significant rise in the volume of filings in recent years.

Mr Pavanesh D further stated that in response to these demands, a number of structural reforms have been introduced to enhance judicial efficiency and improve the pace of case disposal. As a result of these coordinated measures, the disposal rate of miscellaneous as well as regular matters has seen a significant increase.

- These include the focused scheduling of after notice matters on Tuesdays and Wednesdays, and the issuance of instructions ensuring that matters directed to be listed after a fixed period are in fact brought before the Bench within 10 to 15 days of the completion of that interval.

- Since January 2025, the number of days dedicated to hearing miscellaneous matters (after notice) has been increased to two per week. On these days, each Bench has been listing approximately 45–50 after notice matters, resulting in a substantial acceleration in case movement.
- The classification and identification of short-duration matters have also been systematised with institutional support from the Centre for Research and Planning, thereby enabling the targeted listing of cases suited for expedited disposal.
- A three- judge bench constituted for hearing the death penalty has been hearing the cases, and there has been disposal of nearly 40 per cent of such cases this year.
- Cases relating to death penalty, bail, habeas corpus, eviction, dispossession, demolition and jail petitions are being given priority in scheduling.
- In March 2025, a concerted exercise was carried out to list and dispose of cases pending since before 2010. This exercise also covered connected matters which had remained unresolved despite the disposal of the principal issue, allowing for a more comprehensive clearing of the docket.
- In addition to these, to strengthen procedural efficiency, the number of functional Registrar’s Courts has been increased from one to two. This has contributed to faster processing of procedural matters and supported early listing.
- Additionally, revised case categorisation is being implemented in consultation with relevant stakeholders to better track and prioritise cases based on subject matter and urgency.
- The e-filing system is also undergoing enhancement, with improved mechanisms being introduced to address filing defects in a more structured and time-bound manner.
- Where appropriate, the Supreme Court is cautiously exploring the application of Artificial Intelligence and other technologies to assist with procedural streamlining and administrative efficiency.

These developments reflect a sustained institutional effort to refine the processes of judicial administration through a combination of systemic reform, data-driven decision-making, and the responsible use of technology. The overall objective remains to improve the pace of justice delivery while upholding the principles of procedural fairness, transparency, and equal access to justice for all litigants.

### **Key Takeaways from the Project and General Observations:**

The Learned Registrar delineated positive measures that have or are being undertaken to manage the caseload at the Supreme Court.

1. **Human Resources in the Filing and Listing Sections:** The Filing and Listing Sections of the Registry are entrusted with the crucial responsibility of preparing the daily cause list, often within strict timelines and under significant workload pressures. On days with a high volume of matters, this task becomes particularly demanding. In light of this, there is a recognised need to enhance the manpower available in these sections.

Strengthening human resources or use of technology will facilitate the timely and accurate preparation of cause lists, particularly during peak periods of judicial activity.

2. **Prioritisation of Urgent and Liberty-Related Matters:** In keeping with the directions of the Hon'ble Chief Justice of India, special emphasis is being placed on the expeditious listing of matters involving personal liberty. Cases such as those relating to the death penalty, bail, habeas corpus, eviction, dispossession, demolition and jail petitions are being given priority in scheduling. This initiative underscores the Supreme Court's continued commitment to the protection of fundamental rights and the prompt adjudication of matters that directly impact individual liberty.
3. **Special Benches for Thematically Similar and Long-Pending Matters:** To accelerate the disposal of matters pending in large clusters, the Court has adopted the practice of constituting special benches for thematically grouped cases. Simultaneously, admission matters filed before 2010 and still pending are being listed across all benches for appropriate disposal. In addition, the Centre for Research and Planning is actively engaged in identifying and classifying matters that are short in duration, outdated, or infructuous, thereby contributing to the streamlining of listings.
4. **Revision of Filing Proforma and Implementation of Categorisation Measures:** As part of procedural reform, the format of the case filing proforma is to be revised in line with the recommendations of the Case Categorisation Advisory Committee. The revised proforma includes the mandatory submission of specific details at the time of filing. These requirements are intended to improve case tracking, facilitate accurate classification, and reduce delays by addressing procedural defects at the earliest possible stage.
5. **Identification and Listing of Infructuous Matters:** A concerted effort is underway to identify and list infructuous matters from the pool of long-pending cases. Such cases, rendered non-maintainable due to events such as settlement, the demise of parties, or disposal by subordinate courts, are being listed for closure. This exercise, that was run by CRP, aids in decongesting the docket and improves disposal rates with minimal utilisation of judicial time.
6. **Consolidated Listing of Group Matters Involving Common Questions of Law:** Matters involving multiple connected cases—particularly those arising in service law, land acquisition, and other domains involving common legal issues—are being listed and heard together. This consolidated listing approach promotes judicial efficiency by enabling the simultaneous disposal of several related matters and ensures consistency in adjudication across similar cases.
7. **Listing of Older Cases:** The listing of older cases is being systematically facilitated through the Integrated Case Management System (ICMIS), which has been programmed to automatically prioritise matters that have been pending for over five

years on a daily basis. This process is entirely automated and functions without human intervention, thereby ensuring transparency, consistency, and the timely movement of long-pending cases towards final disposal. A collaborative mechanism involving the Registry and the Bar may also be developed to identify specific categories of older matters suitable for fast-track disposal through targeted hearing days or dedicated benches.

The lecture was enriched by the valuable inputs from Ms. Gracy L. Bawitlung (Registrar, Judicial Administration II), Ms. Kaveri (Registrar, Judicial Administration I), Mr. Vipin Kumar Mittal [Deputy Registrar, Listing (Misc.)] and Mr. Manish Mittal [Deputy Registrar, Listing (Supplementary)] in attendance.

By Mr. Pavanesh D.

Registrar (Judicial Listing-I), Supreme Court of India



Interactive Session on ‘Case Management and Listing at the Supreme Court’ by Mr. Pavanesh D., Registrar (Judicial Listing-I), Supreme Court of India, for the CRP Team.

Please note: These opinions and views expressed under this section are those of the speakers and do not necessarily reflect the views or perspective of the institution.



**PART III:**  
**ANNEXURES**



## Annexure I

### List from Listing Section

Diary No.	Case No.	Cause Title	Category	No. of Connected	Tentative List Date	Lists
			(3802)Matters Relating To Consumer Protection-SLPs relating to Consumer Protection.	161	14-02-2025	List E
			(3802)Matters Relating To Consumer Protection-SLPs relating to Consumer Protection.	30	22-11-2024	List G
			(0908)Election Matters-Others	28	25-02-2025	List C
			(4003)Admission/Transfer To Engineering And Medical Colleges-Others	24	03-04-2025	List D
			(4003)Admission/Transfer To Engineering And Medical Colleges-Others	18	12-02-2025	List K
			(0902)Election Matters-Elections relating to Gram Panchayats and Zila Parishad	17	25-03-2025	List C

## Annexure II

### Google Form for the Responses by Law Clerks

**Email \***

Record ~~the email address~~ the email to be included with my response

**Diary No.**

Your answer \_\_\_\_\_

**Case Number \***

SLP/CA No.

Your answer \_\_\_\_\_

**Case Name \***

(As mentioned in the SC website)

Your answer \_\_\_\_\_

**Name of the Legal Researcher \***

**Tagged Matters \***

If it's a Connected Case (D.No.) of Main Case

Your answer \_\_\_\_\_

**Last Heard \***

As per ROP

MM DD YYYY

\_\_ / \_\_ / \_\_\_\_

**Laws Involved \***

Air (Prevention And Control of Pollution) Act, 1981

Arms Act, 1959

Army Act, 1950

Benami Transactions (Prohibition) Act, 1988

Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015

Bureau of Indian Standards Act, 2016

Companies Act, 2013

Competition Act, 2002

**Nature of Impugned Order \***

Filed against an Interim Order of the HC

Filed against an Interim Order of the Lower Court/ Tribunal

Not an Interim Order

Other: \_\_\_\_\_

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**Findings of Lower Courts \***

Concurrent Findings

Divergent ruling amongst lower forums

Writ Petition Allowed

Writ Petition Dismissed

Other: \_\_\_\_\_

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**Next Date of Hearing, if any**

Your answer \_\_\_\_\_

**Gist of the Case/ Legal Issue Involved \***

Your answer \_\_\_\_\_

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**Classification of Case (by LRs) \***

Short Matter

Requires detailed hearing

Maybe infructuous

Connected with other matter/ Stuck behind other matters

Simple

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**Classification of Case (Consultants)**

Short

Requires detailed hearing

Maybe infructuous

Connected with other matter/ Stuck

**Classification of Case (Consultants)**

Short

Requires detailed hearing

Maybe infructuous

Connected with other matter/ Stuck behind other matters

Simple matter

Old matter

Other: \_\_\_\_\_

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A copy of your responses will be emailed to \_\_\_\_\_

Never submit passwords through Google Forms.

## Annexure III

### Law Clerks' Subject Preferences

	Please mark your area of expertise in the following	Please mark your area of expertise in the following	Please mark your area of expertise in the following	Please mark your area of expertise in the following
	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 1]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 2]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 3]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 4]
	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 5]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 6]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 7]	1. Criminal Law 2. Constitutional Law 3. Service Matters 4. Insolvency and Bankruptcy 5. Land/ Property Matters 6. Tax 7. Arbitration 8. IPR 9. General Civil [Area 8]
Constitutional Law	Service Matters	Insolvency and Bankruptcy	Arbitration	Criminal Law
Insolvency and Bankruptcy	Arbitration	General Civil	Land/Property Matters	IPR
Criminal Law	Constitutional Law	Tax	Land/Property Matters	Service Matters
Arbitration	IPR	Insolvency and Bankruptcy	Service Matters	Constitutional Law
Constitutional Law	Criminal Law	General Civil	Arbitration	IPR
Tax	Constitutional Law	Criminal Law	General Civil	IPR
Criminal Law	Constitutional Law	IPR	Tax	Insolvency and Bankruptcy
Insolvency and Bankruptcy	Constitutional Law	Tax	Arbitration	Criminal Law
Criminal Law	Constitutional Law	General Civil	IPR	Service Matters
Arbitration	Insolvency and Bankruptcy	IPR	Tax	Service Matters
Constitutional Law	Arbitration	IPR	Criminal Law	General Civil
Criminal Law	IPR	Service Matters	General Civil	General Civil
Criminal Law	Constitutional Law	IPR	Tax	Arbitration
Criminal Law	Insolvency and Bankruptcy	Constitutional Law	Tax	Arbitration
Criminal Law	Constitutional Law	Arbitration	General Civil	Land/Property Matters
Constitutional Law	Arbitration	Service Matters	Constitutional Law	IPR
Constitutional Law	Criminal Law	Arbitration	Service Matters	Insolvency and Bankruptcy
Criminal Law	Service Matters	General Civil	Land/Property Matters	IPR
Criminal Law	IPR	Constitutional Law	Constitutional Law	Insolvency and Bankruptcy
Arbitration	Criminal Law	Tax	Arbitration	Arbitration
Service Matters	Land/Property Matters	Arbitration	Service Matters	Constitutional Law

**Annexure IV**  
**Case Allotment Sheet**

Diary No.	Case No.	Cause Title	Category	No. of Connected	Tentative List Date	Lists	Clerks
				161	14-02-2025	List E	Vartika
				30	22-11-2024	List G	ulhus
				28	25-02-2025	List C	Reena
				24	03-04-2025	List D	Shambhavi
				18	12-02-2025	List K	Bhomika
				17	25-03-2025	List C	Reena
				16	01-10-2024	List G	Bhomika
				13	24-02-2025	List D	Ayush

## ANNEXURE V

### POINTERS

#### (i) General Pointers for Briefs

- 1. Procedural History of the Case:** Begin with a comprehensive summary of the procedural background of the matter. Clearly specify the nature of the petition filed before the Supreme Court (e.g., Special Leave Petition, Civil Appeal, Writ Petition, etc.). Include a brief chronological history of the case, identifying the forums before which the matter was previously adjudicated, along with relevant dates.
- 2. Statement of Facts:** Write the facts of the case, mentioning the names of the parties involved, the nature of the dispute, and relevant dates. Highlight the date or event when the cause of action first arose and describe the sequence of events that prompted the initiation of legal proceedings. Clearly mention the forum where the proceedings were first instituted and the specific relief sought by the parties at that stage.
- 3. Findings of the Trial Court/Tribunal:** Summarise the decision of the Trial Court or Tribunal, specifying the date of judgment, the nature of the relief granted or denied, and the key reasoning or findings that formed the basis of the decision.
- 4. Findings of the High Court or Appellate Tribunal:** Summarise the decision of the appellate proceedings before the High Court or Appellate Tribunal, including the date of the order/judgment, the outcome, and the reasoning recorded by the court in arriving at its conclusions. Mention whether the appeal was allowed, dismissed, or disposed of.
- 5. Grounds for Appeal before the Supreme Court:** Clearly write the main grounds on which the petitioner/appellant has approached the Supreme Court and the relief now being sought.
- 6. Orders Passed by the Supreme Court:** Mention the relevant orders passed by the Supreme Court in the matter along with their dates. This may include issuance of notice, grant of interim relief, date of grant of leave, or any other interim or final observation made by the Court.

#### (ii) Pointers for Criminal Briefs

1. Dates of impugned judgment and Trial Court judgment.
2. Date of the alleged offence and if possible date of the filing of FIR along with sections charged under.
2. Brief reasoning by the High Court and Trial Court.
3. Bail granted or rejected dated.

4. Period of custody for applicable cases (reflected in the SLP first page. Add this period with the period since filing of SLP).
5. Facts of the case to be written in a neutral manner without going too much into the specific narration/detailing. Less prosecution story.
6. Provision involved and sentence awarded (if any).
7. SC's last effective RoP.

### **(iii) Pointers for Service Matter Briefs**

1. **Dates of Relevant Judgments:** Clearly specify the date of the impugned judgment by the High Court and the judgment rendered by the Trial Court. Date of Filing in SC is important to compute the arrears and other benefits.
2. **Nature of the Dispute**
  - a) **Provide a concise overview of the dispute, including:**
    - Details of the employee and employer, and the nature of employment (e.g., contractual or regularised).
    - The specific grievance raised by the employee, such as retrenchment, layoff, or termination, particularly if principles of natural justice were not followed.
    - Disputes related to computation of salary, arrears, or other entitlements.
  - b) Explicitly highlight if disciplinary proceedings were conducted and include any observations or comments made by the courts below regarding the decision or conduct of such proceedings.
3. **Reasoning by Courts below:** Please provide reasonings and findings by the Court below.
4. **Applicable Laws:** Identify and discuss relevant statutory provisions, rules, or regulations that are central to the dispute in brief only.
5. **Relief Sought:** Include the exact relief sought or specific prayers to identify the exact issue.
6. **Supreme Court's Last Effective RoP:** Include a reference to the most recent and pertinent Record of Proceedings from the Supreme Court.

#### **(iv) Pointers for Tax Matters Briefs**

##### **1. Dates of Relevant Judgments**

- Specify the date of the impugned judgment delivered by the High Court and the judgment rendered by the Tax Appellate Tribunal or any other forum.

##### **2. Nature of the Dispute: Provide a clear and concise outline of the dispute, including:**

- Whether the case pertains to direct or indirect taxes and the specific provisions in the statute involved or any canon of law involved.
- The amount claimed or demanded by the tax authorities, along with the relevant assessment year for which the demand has been raised.
- The rationale provided by the tax authorities for raising the demand and the subject matter under assessment.
- Exact amount under assessment Tax Effect.
- Filed by Assesses, Central Authority or State Authority.

##### **3. Reasoning of Lower Courts**

- Summarise the key issue and reasoning provided by both the High Court (most important) and the Tax Appellate Tribunal or any other forum that adjudicated the matter.

##### **4. Supreme Court's Last Effective ROP**

- Include a reference to the most recent and relevant Record of Proceedings.

#### **(v) Pointers for Property Matters Briefs**

**1. Dates of Relevant Judgments:** Include the date of the impugned judgment by the High Court and the judgment rendered by the Trial Court.

**2. Outline of the Dispute with Brief Facts:** Clearly specify the nature of the dispute, accompanied by concise facts. Categorise the matter under one of the following, as applicable:

- a) Recovery of immovable property, with or without rent or profits.
- b) Partition suit involving immovable property.
- c) Foreclosure, sale, or redemption concerning a mortgage or any charge on immovable property.

- d) Determination of any right or interest in immovable property.
  - e) Compensation for damage caused to immovable property.
  - f) Recovery of immovable property under distraint or attachment.
  - g) Impleadment or substitution of necessary/proper parties.
  - h) Any other relevant category not covered above.
3. **Detail of Title Dispute:** Explain the title holder (or disputed history) and with whom, the property is in possession.
  4. **Amendment of pleadings:** that should assist the reviewer in telling us which sub category of case it is.
  5. **Reasoning of Lower Courts:** Summarise the reasoning and findings of both the High Court and the Trial Court, specifically where divergent then mention the separate reasoning.
  6. **Details of the Property:** Clearly mention the measurement of the disputed property and the respective shares of the parties involved.

**Note:** Specifically in land acquisition matters, it is important to note if the issue is under Section 4, Section 6 or Section 17 of the Act with dates and exact details of the subject land. In Acquisition cases report purpose of acquisition, possession taken or not along with mode, compensation granted or not along with mode.

7. **Presentation of Facts:** Provide a neutral and objective account of the facts, avoiding overly detailed narration or subjective interpretations.

**Note:** for objective and neutral stance rely more on HC judgment that averments of the petitioner.

8. **Applicable Legal Provisions:** List and briefly discuss the statutory provisions, rules, or regulations pertinent to the dispute.
9. **Supreme Court's Last Effective RoP:** Incorporate a reference to the Supreme Court's most recent and relevant Record of Proceedings and date of filing in the matter, ensuring procedural alignment.

## ANNEXURE VI

### Briefs Uploaded by the Law Clerks (*Before review*)

#### Brief No. 1

<b>Diary No.</b>	001/2022
<b>Case Number</b>	001- / 2022
<b>Case Name</b>	<b>ABC v. THE STATE OF UTTAR PRADESH</b>
<b>Date of Filing</b>	23/05/2022
<b>Date of impugned order</b>	21/02/2022
<b>Category of Cases</b>	1429-Criminal Matters : Matters for/against quashing of criminal proceedings
<b>Nature of Matter</b>	Main
<b>Tagged Matters</b>	N/A
<b>Last Heard</b>	13/12/2022
<b>Laws Involved</b>	Indian Penal Code, 1860
<b>Nature of Impugned Order</b>	Not an interim order
<b>Findings of Lower Courts</b>	Appeal against High Court's order passed u/s 482 CrPC
<b>Gist of the case</b>	<p>SLP preferred challenging the 21.02.2022 order of Allahabad HC (Principal Bench) whereby HC had refused to quash 29.10.2021 summoning order passed by Special Judge SC/ST Act, Saharanpur as well as criminal proceedings initiated by respondent no. 2 herein u/s 420, 467, 468, 504, 506 IPC and u/s 3(1)D, 3(1) Dh and 3(2)(v) of SC/ST Act.</p> <p>As per records, the appellant is working as a Teacher in Higher Primary School. As per the FIR registered by respondent no. 2 herein, the appellant was in the habit of reaching school with delay and leaving the school before the official ending timing. Respondent no. 2 is a Principal Teacher in the same school and belongs to Scheduled Caste Category. As alleged, the appellant was not applying for leave despite having leave to her credit. The FIR states that on 03.09.2020, appellant was shocked to see the leave attendance register records (maintained by respondent no. 2) where she was marked to have taken leave from 31.08.2020 to 02.09.2020. Finding this, appellant is alleged to have misbehaved with respondent no. 2 and is said to have used unparliamentary language with threat. As per respondent no. 2, appellant had denied to sign for cancellation of her leaves after respondent no. 2 had asked her to. It is stated that appellant had said that her signature can only be taken by Divisional Education Officer (Divisional Officer).</p> <p>As per the FIR, on 04.09.2020, Divisional Officer is alleged to have come to school and threatened respondent no. 2 and had got signature of appellant made on places in the register where leave (of appellant) was marked by the respondent no. 2. The Divisional Officer is alleged to have attacked respondent no. 2 and used caste-denominated words when the latter had objected to his favored approach towards appellant. In this regard, on 04.09.2020 itself a complaint was made to the District Basic Education Officer, Saharanpur. On 08.11.2020, a FIR</p>

	<p>came to be registered against appellant herein and Divisional Officer u/s 420, 467, 468, 504, 506 IPC and u/s 3(1)D, 3(1) Dh and 3(2)(V) of SC/ST Act.</p> <p>On 30.01.2021, a final report was submitted by the police stating that sufficient evidence regarding use of caste denoting words on the part of appellant and Divisional officer was not available. Thereafter, a protest petition was filed by respondent no. 2 in pursuant to the final report. On 29.10.2021, Special Judge SC/ST Act rejected the 30.01.2021 final report and took pre-cognizance and issued summoning orders against appellant and divisional officer.</p> <p>Aggrieved, appellant herein approached the HC u/s 482 CrPC for quashing of 29.10.2021 summoning order and the criminal proceedings initiated against her. Vide impugned order of 21.02.2022, HC refused to quash the proceedings after noting that FIR disclose commission of cognizable offence. Allegations found support of material collected during investigation.</p> <p>Hence, this present SLP.</p> <p>On <b>15.07.2022</b>, SC had issued notice in the matter and granted interim protection to appellant from arrest. On 23.09.2022, the court stayed further proceedings in the FIR registered by respondent no. 2. Vide same order, interim order of 15.07.2022 was continued. As per case details on the website, the matter is tentatively next listed on <b>04.03.2025</b>.</p>
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### Brief No. 2

<b>Diary No.</b>	000/2010
<b>Case Number</b>	SLP(C) No. 0000 / 2010
<b>Case Name</b>	<b>STATE OF PUNJAB v. ABC</b>
<b>Date of Filing</b>	02/07/10
<b>Date of impugned order</b>	23/09/09
<b>Please specify Coram</b>	HON'BLE MR. JUSTICE PANKAJ MITHAL HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH
<b>Category of Cases</b>	1807 Others
<b>Nature of Matter</b>	Main
<b>Last Heard</b>	25/02/25
<b>Laws Involved</b>	Constitution of India
<b>Nature of Impugned Order</b>	Not an Interim Order
<b>Findings of Lower Courts</b>	Concurrent Findings
<b>Next Date of Hearing, if any</b>	n/a

**Gist of the case** SLP filed against order dated 23.09.2009 passed by Punjab & Haryana HC that upheld the order dated 30.04.1996 passed in First Appeal and the order dated 02.01.1993 passed in Trial Court, thereby affirming the ownership of the disputed land in favour of the Respondents.

The dispute in this case revolves around the ownership of properties, including #####, which were originally associated with the Maharaja of Jind. The respondents/plaintiffs filed a suit on April 14, 1982 against the State of Punjab and private individuals, seeking a declaration of their exclusive ownership and possession of agricultural land measuring 408 kanals 3 marlas, along with an injunction restraining the State from interfering with their possession. The plaintiffs claimed that these properties were owned by Maharaja ABC and later inherited by his son, Maharaja XYZ, following the law of primogeniture. After the integration of the Jind State into Pepsu, XYZ surrendered his sovereign rights but remained the recorded owner of these properties. The dispute arose when, after XYZ's death, a succession certificate was issued in favor of his heir, MNO, which did not include these disputed properties. In 1967, the State Government claimed ownership of the properties.

On January 2, 1993, the Trial Court ruled in favor of the plaintiffs/Respondent. It held that the suit properties were private holdings of Maharaja XYZ, as evidenced by the jamabandi records of 1953-54, which listed him as the owner. The court noted that the State had failed to prove that these properties were part of the merger agreement or declared as State property. It also found that the State had illegally mutated the land in its favor in 1967 without issuing prior notice to the plaintiff, rendering the mutation invalid. Additionally, the court relied on a previous judgment in a related case, which had upheld the validity of the gift and sale transactions made by Maharaja XYZ, confirming his ownership. The court concluded that the plaintiff was in lawful possession of the properties and that the State had encroached upon 2 kanals of land, which it was directed to vacate.

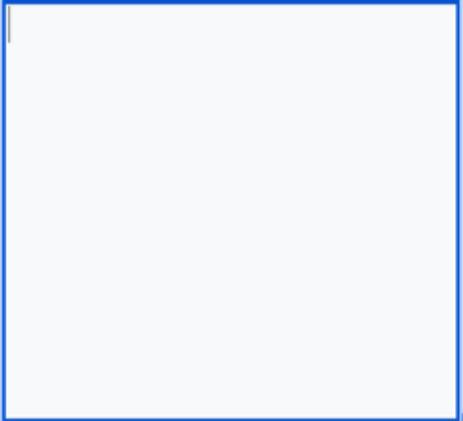
Dissatisfied with the decision, the petitioners appealed to the District Judge of Sangrur, who dismissed the appeal on April 30, 1996. The court found no merit in the appellant's claims. The court held that the properties in dispute were always treated as private properties of the ruler and were not part of the covenant of merger. The inventory provided by the defendant was deemed unreliable and not final. Furthermore, the jurisdiction of the civil court was not barred, and the suit was correctly valued for court fees and jurisdiction. The court also ruled that the suit was not barred by limitation, as the cause of action arose only when the plaintiff's ownership rights were challenged. Additionally, objections regarding non-joinder of necessary parties were not pressed during arguments.

The petitioners then filed RSA No. 000/1996 in the High Court on January 9, 1996, challenging the District Judge's decision. On May 16, 2005, the petitioners filed an application under Section 100 read with Section 151 of the CPC, seeking permission to raise substantial questions of law in the RSA. However, the High Court dismissed the RSA on September 23, 2009, ruling against the petitioners on the substantial questions of law. The court held that the suit was not barred under Article 363 of the Constitution, as the dispute did not arise from any pre-constitutional covenant or agreement with the ruler of Jind State. It affirmed that the properties in question were private holdings of Maharaja XYZ and his successors, not State property. The court found no evidence that the properties were part of the merger agreement or declared as State property. Consequently, the State's claim of ownership was rejected, and the plaintiff-respondent's title and possession were confirmed.

Subsequently, the petitioners filed this Special Leave Petition.

## ANNEXURE VII

### Classification of Cases

Classification of Case (by LRs)	Classification of Case (Consultants)	Column 1
Short Matter		
Short Matter	<p>Maybe infructuous (Cause of action redundant due to efflux of time, subsequent development)</p> <p>Requires detailed hearing/ Complicated (Unlikely to be disposed on the first date of listing)</p> <p>Short Matter</p> <p>Stuck behind other pending/disposed cases in the Supreme Court</p> <p>Simple Matter</p> <p>Disposed</p> <p>Will be disposed</p> <p>Requires detailed hearing</p>	

## ANNEXURE VIII

### Final reviewed briefs

#### Final Brief No. 1

<b>Court No</b>	
<b>Item No</b>	
<b>Diary No.</b>	001/2017
<b>Case Number</b>	0002 - / 2017
<b>Case Name</b>	ABC V. UNION OF INDIA
<b>Date of Filing</b>	11-09-2017
<b>Date of impugned order</b>	04-08-2017
<b>Category of Cases</b>	0816 SLPs filed against judgments / orders passed by the HCs in Writ Petitions filed as PIL
<b>Nature of Matter</b>	Main
<b>Tagged Matters</b>	NA
<b>Last Heard</b>	27-10-2017
<b>Laws Involved</b>	U.P. Government Servant (Punishment and Appeal) Rules, 1999
<b>Nature of Impugned Order</b>	Filed against an Interim Order of the HC
<b>Findings of Lower Courts</b>	Concurrent Findings amongst the lower forum
<b>Gist of the Case/ Head Note</b>	<p>This SLP challenges the interim order of the Allahabad HC dated 04-08-2017 by which the HC made adverse observations against the petitioner and directed that the original records pertaining to the enquiry conducted against the petitioner be produced before the Chief Secretary of the State of U.P. for examination and further directed the Chief Secretary to examine and initiate enquiry against the conduct of the Disciplinary Authority, i.e. Secretary, Education who by order dated 21.02.2017 had already imposed punishment upon the Petitioner of adverse entry for 2016-17 and also withheld three increments for three years.</p> <p>On 27-01-2011, one X filed a writ PIL before the HC praying for issuance of a writ of mandamus directing the respondents to make enquiry against the corruption and misappropriation of public money allegedly caused by the petitioner by the then Basic Shiksha Adhikari, Maharajganj by Special Investigation Team. He also prayed for a Writ of Mandamus directing the respondents to decide the representation dated 09.08.2010 of the writ petitioner by passing a speaking order. X died on 04-10-2016 after a long illness. On 28-10-2016, the petitioner filed an application before the HC praying for dismissal of the PIL on the ground that the PIL pertains to a service matter and the writ petitioner X was not personally aggrieved and has also died. On 21-02-2017, on the basis of the report of the four members Committee dated 20.02.2011, the Additional Project Director by letter dated 21.02.2011 referred the matter to the State Government for initiating disciplinary proceedings against the petitioner, the then Basic Shiksha Adhikari. The disciplinary proceedings instituted against the petitioner</p>

by order dated 26.05.2011 were concluded on 21.02.2017 imposing punishment of adverse entry for 2016-17 and withholding of three increments for three years.

By the impugned interim order, the HC expressed serious concerns regarding the handling of a misappropriation case involving the petitioner/ ABC, a former Basic Shiksha Adhikari. The HC found that ABC had illegally issued a cheque for Rs. 98,60,000/- from the Sarva Shiksha Abhiyan funds to a private entity, Career Educational Welfare Society. While the District Magistrate recovered most of the amount, Rs. 73,155/- remained unaccounted for. The HC criticised the Secretary's departmental order, which downplayed the severity of the offense, describing it as mere negligence. The HC highlighted the discrepancy between the Secretary's report and the actual timeline of events, noting a three-month period during which the misappropriated funds were utilised by the private entity, which the HC stated amounted to temporary embezzlement. The HC also questioned the Secretary's claim that ABC had halted the payment. Citing SC cases, the HC observed that corruption demands dismissal as the only appropriate punishment. The court directed the Chief Secretary of Uttar Pradesh to re-examine the case, ensuring an impartial review of the evidence and the actions of ABC. Furthermore, the court ordered the Chief Secretary to investigate the role of Secretary, and to take appropriate action if negligence or an attempt to camouflage corruption was found. The Chief Secretary was instructed to file a personal affidavit detailing the actions taken. The matter was scheduled for further hearing on September 4, 2017.

**Grounds in the SLP:**

Whether the HC could issue a direction during the pendency of the writ petition, to the Disciplinary Authority which direction has the effect of influencing the mind of Disciplinary Authority in the event of disciplinary enquiry being held against the Petitioner.

This SLP was filed on 11.09.2017. On 17.10.2017, the SC issued notice. As an interim measure, it also directed that the inquiry against the petitioner may proceed without being guided by the directions made by the HC in the impugned order.

**NOTE:** The PIL was last listed in the HC on 04.12.2017. By this order, the HC acknowledged the affidavit filed by the Chief Secretary of Uttar Pradesh, Lucknow. The affidavit detailed that, following a show cause notice and consideration of the explanation provided by the former Secretary of Education (Basic), the State Government had decided to initiate departmental proceedings against him under Rule 10 of the All India Services (Conduct) Rules, 1968. The Chief Secretary requested two months to complete the inquiry. The HC granted this request, allowing two months for the conclusion of the departmental proceedings against former Secretary. The HC further directed that the outcome of the departmental inquiry be reported at the next scheduled hearing. The matter was then listed for further hearing on 08.02.2018.

**Researcher: –; Reviewer: –**

## Final Brief No. 2

<b>Court No</b>	
<b>Item No</b>	
<b>Diary No.</b>	00000/2000
<b>Case Number</b>	SLP(C) No. 00000 / 2000
<b>Case Name</b>	<b>ABC v. XYZ</b>
<b>Date of Filing</b>	08/01/20
<b>Date of impugned order</b>	10/10/19
<b>Category of Cases</b>	1605 Adoption & Maintenance matters
<b>Nature of Matter</b>	Main
<b>Tagged Matters</b>	
<b>Last Heard</b>	26/08/20
<b>Laws Involved</b>	Criminal Procedure Code, 1973
<b>Nature of Impugned Order</b>	Not an Interim Order
<b>Findings of Lower Courts</b>	<b>Divergent ruling</b>
<b>Gist of the Case/ Head Note</b>	<p>The present SLP has been filed challenging the impugned order dated 10.10.2019 passed by the Kerala HC, whereby the HC allowed the respondent's application for the restoration of the matrimonial appeal.</p> <p>The present dispute arises from a matrimonial dispute between the 1st petitioner (wife) and the respondent (husband), who were married on 06.05.2000 in Kerala according to customary Hindu rites. The relationship soon deteriorated, with the petitioner-wife alleging persistent dowry harassment, including demands of ₹3 lakhs in cash and 75 sovereigns of gold. She further alleges that, upon her family's inability to meet these demands, the respondent subjected her to cruelty, issued threats to her life, and ultimately expelled her and their minor son the 2nd petitioner from the matrimonial home in January 2005. Matters were aggravated when, despite the subsistence of their marriage, the respondent allegedly remarried in 2007 and attempted to forcibly take away their minor child. In response, the petitioner filed O.P. No.- under Section 125 of the CrPC before the Family Court, Palakkad, seeking maintenance for herself and the child. The respondent initially participated in the proceedings by filing a counter-affidavit but subsequently remained absent. This resulted in an ex parte order dated 14.05.2009, awarding maintenance to the petitioners. When the respondent failed to comply with the order, the Family Court initiated execution proceedings, including the auction of his properties between 2010 and 2011 to recover arrears.</p> <p>Nearly 539 days after the ex parte decree, the respondent filed IA No. __/2010 to set aside the order. The Family Court dismissed the application on 09.12.2011, holding that the delay was not satisfactorily explained. The respondent then approached the HC by way of Mat. Appeal No. __/2013. This appeal also suffered from a 599-day delay and was dismissed for non-prosecution on 02.07.2019.</p> <p>However, by the impugned judgment dated 10.10.2019, the HC allowed the respondent's application for the restoration of the matrimonial appeal. The HC observed that in family disputes, particularly where substantial maintenance is</p>

	<p>involved, courts must adopt a liberal approach when considering delay. It noted that the respondent had been undergoing medical treatment and had been hospitalized for long periods, which it accepted as a plausible explanation for the delay. Further, the Court reasoned that the respondent should be allowed to contest the matter on merits and directed the Family Court to reopen the original proceedings, thereby setting aside the ex parte decree and condoning the total delay of 1,138 days.</p> <p>The petitioner-wife has now approached the SC, challenging the HC's order primarily on the following grounds:</p> <ol style="list-style-type: none"> <li>1. That the HC erred in condoning inordinate and unexplained delays which cumulatively amounted to more than three years, without properly scrutinising the respondent's conduct.</li> <li>2. That the ex parte decree was passed only after due notice and opportunity, and the respondent's subsequent absence from proceedings reflects a willful attempt to frustrate justice.</li> </ol>
<b>Researcher: -; Reviewer: -</b>	

### Final Brief No. 3

<b>Court No</b>	
<b>Item No</b>	
<b>Diary No.</b>	0000/2011
<b>Case Number</b>	S.L.P.(C)...CC No. 0000 / 201
<b>Case Name</b>	<b><i>ABC v. XYZ</i></b>
<b>Date of Filing</b>	8/23/2011
<b>Date of impugned order</b>	2/17/2011
<b>Category of Cases</b>	0903 Matters under Representation of Peoples' Act Involving corrupt practices
<b>Nature of Matter</b>	Main
<b>Tagged Matters</b>	NA
<b>Last Heard</b>	4/1/2024
<b>Laws Involved</b>	Representation of People Act, 1951
<b>Nature of Impugned Order</b>	Not an Interim Order
<b>Findings of Lower Courts</b>	<b>Election Petition Dismissed</b>
<b>Gist of the Case/ Legal Issue Involved</b>	<p>The present SLP challenges the impugned judgment dated 17.02.2011 of the Bombay HC in Election Petition No. 00/2009, wherein the HC dismissed the Election Petition challenging the election of the respondent, XYZ, as a Member of the Maharashtra Legislative Assembly from the ##### Constituency.</p> <p>The petitioner, ABC, a voter, filed Election Petition No. 00/2009 before the Bombay HC, alleging that the respondent failed to disclose pending criminal cases and assets in his affidavit before the Returning Officer, violating Section 33-A of the Representation of the People Act, 1951, and misleading voters.</p> <p>The respondent filed Applications No. 000/2010 and 0001/2010 seeking the striking off of certain pleadings and dismissal of the Election Petition. The HC, in the impugned order, dismissed the Election Petition and allowed both applications filed by the respondent, holding that (i) the alleged non-disclosure</p>

	<p>did not materially affect the election outcome, and (ii) the omitted information was not essential under Section 33-A.</p> <p>The petitioner filed the present SLP, contending that the HC failed to appreciate the mandatory nature of disclosure requirements and that non-disclosure of criminal antecedents and assets vitiates the integrity of elections. The petitioner seeks setting aside of the HC's order and reinstatement of the Election Petition for adjudication on merits.</p> <p>Proceedings:</p> <ul style="list-style-type: none"> <li>● <b>ROP 24.09.2012:</b> SC directed that the SLP be considered after the decision of the larger Bench in <i>Peoples Union for Civil Liberties &amp; Anr. v. Union of India</i> and <i>Kisan Shankar Kathore v. Arun Dattatraya Sawant &amp; Ors.</i></li> <li>● <b>ROP 04.01.2024:</b> SC directed listing before a Bench excluding Justice K.V. Viswanathan, as he had earlier represented the petitioners as Senior Advocate.</li> </ul>
<p><b>Researcher: - Reviewer: -</b></p>	

**Annexure IX  
Sample Sheet for Listed Matters**

Court No.	Presiding Hon'ble Judge	Total Matters Listed	CRP Matters	Fixed Date Matters	Caseload Matters	Status of Regular Matters Listed on [Date]											
						Disposed Off			CAV			Adjourned			NTU		
						CRP Matters	Fixed Date Matter	10 Yrs Old Trial Case	CRP Matters	Fixed Date Matter	10 Yrs Old Trial Case	CRP Matters	Fixed Date Matter	10 Yrs Old Trial Case	CRP Matters	Fixed Date Matter	10 Yrs Old Trial Case
1	Hon'ble J A	20	14	5	1	2	-	-	-	-	-	1	-	1	11	5	-
2	Hon'ble J B	25	15	5	5	-	-	-	-	-	-	-	2	-	14	3	5
3	Hon'ble J C	25	16	4	5	-	-	3	-	1	-	1	-	2	15	4	-
4	Hon'ble J D	25	19	1	5	1	-	2	-	1	-	1	-	3	17	1	-
5	Hon'ble J E	20	5	12	3	2	-	-	-	3	-	3	10	3	-	-	-
6	Hon'ble J F	32 (including 10 death cases)	13	7+12 Death Cases	-	-	1	-	2	2	2+9 Death Cases	-	-	-	10	5	-
7	Hon'ble J G	23	14	6	3	6	-	-	-	8	-	8	6	1	-	-	-
8	Hon'ble J H	20	14	5	1	1	-	2(3)	-	-	-	-	1	-	13	4	1
9	Hon'ble J I	22	19	1	2	6(8)	-	-	-	-	-	13	1	2	-	-	-
11	Hon'ble J J	25	19	1	5	1	-	-	-	-	-	1	-	5	16	1	-
12	Hon'ble J K	22	10	12	-	2	-	-	1(2)	-	-	1	1	-	5	10	-
13	Hon'ble J L	27	9	14	4	3	-	1	-	-	-	6	2	1	-	12	2
14	Hon'ble J M																
15	Hon'ble J N	19	11	8	-	1(9)	-	-	-	-	-	6	-	-	6	-	1
16	Hon'ble J O	20	19	1	-	2	-	-	2	-	-	-	-	-	9	6	-
	<b>Total</b>	345	216	94	35	33	3	8	3(4)	-	-	5(8)	36	18	126	52	9

## Annexure X

### Pronounced Judgments on the CRP identified Matters

#### LAXMI DAS v. THE STATE OF WEST BENGAL & ORS. [2025 INSC 86 (21 JANUARY 2025)]

**Justices:** Justice B.V. Nagarathna and Justice Satish C. Sharma

**Question(s):** Can the charges of abetment of suicide against Laxmi Das (“appellant”) be quashed?

#### **Factual Background:**

Souma Pal (“deceased”) was found dead near a railway station on 3 July 2008. On investigation it was revealed that she had been involved in a romantic relationship with Babu Das (“accused no.1”) for about four years. Both the families opposed this relationship. Few days prior to the incident, the deceased had altercations with accused no.1 who refused to marry her. The appellant, mother of accused no.1 insulted the deceased and disapproved of her son marrying the deceased. The post-mortem report confirmed that the deceased died from injuries sustained after being struck by a train. The family members of accused no.1 including the appellant were charged with abetment of suicide under Section 306 read with 34 of the Indian Penal Code, 1860 (“IPC”).

The accused persons filed an application for discharge under Section 227 of the Code of Criminal Procedure, 1973 (“CrPC”) which was dismissed by the Trial Court on 22 March 2012. The appellant along with the father and elder brother of the accused no.1 filed a quashing petition under Section 482 CrPC. The High Court on 13 June 2014 while allowing the petition of the accused no.1’s father and brother, rejected the application filed by the appellant.

#### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court quashed the criminal case for abetment of suicide against the appellant. The Court observed that the acts of the appellant refusing his son’s marriage with the deceased and thereupon asking her to end her life if she was not able to live without him are too remote and indirect to constitute the offence under Section 306 IPC.

#### **Reasons for the Decision:**

##### *Absence of essential ingredients for abetment of suicide*

The Supreme Court read Section 306 IPC in conjunction with Section 107 IPC and held that there must be three essential ingredients for the commission of abetment of suicide which are (i) direct or indirect instigation; (ii) in close proximity to the commission of suicide and (iii) clear mens rea.

The Court relied on *Rohini Sudarshan Gangurde v. State of Maharashtra* (2024 SCC OnLine SC 1701) to hold that the accused must have intentionally encouraged or aided the deceased in committing suicide.

The Court also referred to *Prakash and Others v. State of Maharashtra and Another* (2024 INSC 1020) and held that the accused should have directly contributed to the suicide by some direct or indirect act to be liable under Section 306 IPC.

The Court further relied on *Pawan Kumar v. State of Himachal Pradesh*, ((2017) 7 SCC 780) wherein it was held that a charge under Section 306 IPC cannot be sustained for mere allegations of harassment without any positive action proximate to the suicide. Casual remarks or reprimands though can cause harassment does not amount to instigation. There has to be a positive act creating a situation where the victim is driven to end their life.

The Supreme Court held that the appellant's actions were too remote and indirect to constitute an offence under Section 306 IPC. The Court observed that the appellant did not exert pressure on the deceased to end her relationship. Mere disapproval of the marriage with her son or a remark suggesting the deceased should not live did not amount to instigation. There has to be a positive act creating an environment where the deceased is pushed to the edge is necessary to sustain a charge of abetment of suicide.

## **CONSTABLE 907 SURENDRA SINGH v. STATE OF UTTARAKHAND [2025 INSC 114 (28 JANUARY 2025)]**

**Justices:** Justice Bhushan R. Gavai and Justice Augustine G. Masih

**Question(s):** Whether Constable Surendra Singh (“the Appellant”) is guilty for the offence under Sections 302 read with Section 34 of the Indian Penal Code (“IPC”).

### **Factual Background:**

On 15th November 2004, the Station House Officer of the Police Station, Rishikesh received information regarding the smuggling of illegal liquor in a Maruti car bearing registration No. DL2CR4766. Upon the receipt of such information Head Constable of the Police Station Jagdish Singh along with the other co-accused appellant Surendra Singh set out in a silver colour Indica car to intercept the aforementioned Maruti car. When the car was spotted by the police, indication was given to the driver to halt the car, however the car was not stopped by the driver. Head Constable Jagdish Singh fired a single shot from his service revolver which hit the co-passenger seated in the front seat of the Maruti car in her temporal region, eventually leading to her death. The driver of the Maruti car thereafter filed a complaint at Police Station Kotwali, Rishikesh against the Head Constable Jagdish Singh and Constable Surendra Singh for causing the death of his wife by firing a gun shot which had hit her temporal region. On the basis of the complaint, a First Information Report was registered against the accused persons under Section 302 read with Section 34 IPC.

The case was tried before the Sessions Court and Jagdish Singh was convicted and sentenced to life imprisonment while the present appellant Surendra Singh was acquitted as the prosecution had failed to prove the case beyond reasonable doubt. Thereafter, the respondent-State filed a criminal appeal before the Uttarakhand High Court against the acquittal of Surendra Singh. The Uttarakhand High Court allowed the appeal filed by the State and convicted Surendra Singh under Section 302 read with Section 34 IPC. Surendra Singh approached the Supreme Court against his conviction by filing a criminal appeal.

### **Decision of the Supreme Court:**

The Division Bench (Two-judges) of the Supreme Court acquitted the Appellant of all the charges by finding that there was no evidence to show that the appellant had shared a common intention with Head Constable Jagdish Singh to shoot at the deceased resulting in her death. The decision of the Court was authored by Justice Gavai.

### **Reasons for the Decision:**

#### *Scope of Interference in an appeal against acquittal*

The Supreme Court noted that in *Babu Sahebagouda Rudragoudar and Others v. State of Karnataka* (2024) 8 SCC 149, the principles governing the legal position with regard to the scope of interference in an appeal against acquittal were laid down (¶11). In the above mentioned judgment, it was held that an Appellate Court had full power to reappraise and reconsider the evidence upon which the order of acquittal was founded. However in case of acquittal, there was a double presumption in favour of the accused(¶11). Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed innocent unless proven guilty. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced by the Trial Court.

The Supreme Court further observed that it was a settled legal position that the interference with the finding of acquittal recorded by the Trial Court would be warranted by the High Court only if the judgment of acquittal suffered from patent perversity or that it was based upon any misreading of the material evidence and if the only view possible by reading of the evidence was the one where guilt of the accused was established (¶12). However, in the present case, no perversity or impossibility could be noticed in the view taken by the Trial Judge and therefore the interference by the High Court in appeal against the acquittal was not justified.(¶14).

#### *Failure to establish prior meetings of minds under Section 34 of the IPC*

The Supreme Court observed that for convicting the accused with the aid of Section 34 of the IPC the prosecution must establish that all the accused had preplanned and shared a common intention to commit the crime with the accused who had actually committed it (¶18). However, in the present case, the prosecution had failed to place any evidence on record to show that the appellant had common intention with Jagdish Singh to shoot at the deceased resulting in her death (¶19).

## **MAHABIR & ORS. v. STATE OF HARYANA [2025 INSC 120 (29 January 2025)]**

**Justices:** Justice J.B. Pardiwala and Justice R. Mahadevan

**Question(s):** Whether it is reasonable for the High Court to use its revisional jurisdiction to overturn the appellants' acquittal and declare them guilty of murder under Section 302 IPC in spite of the prohibition imposed by Section 401(3) CrPC and without notifying the appellants?

### **Factual Background:**

The complaint concerns an event that took place during the Holi celebration on March 13, 1998. The respondent and his wife were assaulted by Om Parkash (s/o Shiv Lal, the complainant) and Om Parkash (s/o Chandgi Ram, the deceased). On the basis of Om Parkash's (s/o Shiv Lal) testimony, a formal complaint was filed on March 14, 1998, under Sections 302, 148, 149 IPC, of the Indian Penal Code (for short, "the IPC"). The appellants were among those acquitted by the Trial Court, which found two defendants guilty. No appeal of the acquittal was filed by the State. However, the appellants were found guilty and sentenced to life imprisonment by the High Court when the deceased's father filed a criminal revision under Sections 397/401 CrPC. The revision petitioner passed away prior to the judgment, and the appellants were not sent notice. The Supreme Court ordered the Trial Court records, halted the High Court's sentence, and granted the appellants bail.

In accordance with Sections 302, 148, 149 IPC, of the Indian Penal Code (for short, "the IPC"), the three appellants and three other people were tried for murder. The appellants were among those acquitted by the Trial Court, which found two defendants guilty. No appeal of the acquittal was filed by the State. However, the appellants were found guilty and sentenced to life imprisonment by the High Court when the deceased's father filed a criminal revision under Sections 397/401 CrPC. The revision petitioner passed away prior to the judgment, and the appellants were not sent notice. The Supreme Court ordered the Trial Court records, halted the High Court's sentence, and granted the appellants bail.

### **Decision of the Supreme Court:**

A Two-Judge Bench of the Supreme Court granted the appeals, overturning the High Court's decision to convict the appellants of murder and reverse their acquittal. It concluded that by relying on contradictions that were not supported by substantial evidence, the High Court erred, resulting in the appellants' erroneous conviction and unjustified incarceration for more than three months—decades after their acquittal. The State Government was directed by the Court to compensate the three appellants for the infringement of their fundamental rights by paying them Rs. 5,00,000 apiece.

### **Reasons for the Decision:**

#### *Violation of Fundamental Rights and Human Dignity*

The appellants' liberty, dignity, and reputation were seriously harmed, the Supreme Court stressed, and they were wrongfully imprisoned. The Court emphasised that torture in custody is a flagrant violation of human dignity that results in both physical and severe mental suffering, citing *D.K. Basu v. State of West Bengal*.

The Court reiterated that reputation is a protected aspect of life under Article 21 by citing *Kiran Bedi v. Committee of Inquiry and Vishwanath, Agrawal v. Sarla Vishwanath Agrawal*, comparing it to a "purest treasure" and "element of personal security". As a result, the appellants should receive fair compensation because they were not only unfairly convicted but also suffered from mental anguish and social injury.

#### *Failure of Justice and Prosecutorial Misconduct*

The Public Prosecutor's conduct in this case was heavily criticised by the Supreme Court, which said that he acted irresponsibly by requesting the death penalty rather than making a reasonable and well-rounded argument. It emphasised that public prosecutors must be selected on the basis of merit, justice, and legal expertise and denounced the political and nepotistic appointments of law enforcement officials. The ruling made clear that public prosecutors are independent statutory authorities who are not affiliated with the investigating agency. Their role is to assist the court in discovering the truth, not to pursue convictions at any cost. The State Government was held accountable by the Court for hiring an unfit prosecutor and for paying the men who were wrongfully convicted Rs. 5,00,000 each within four weeks.

## **KARAN SINGH v. STATE OF HARYANA [2025 INSC 133 (31 JANUARY 2025)]**

**Justices:** Justice Abhay S. Oka and Justice Ujjal Bhuyan

**Question(s):** Whether Karan Singh ("appellant") is guilty of committing dowry death and cruelty against his wife.

### **Factual Background:**

The appellant married Asha Rani ("deceased") on 25 June 1996. The deceased committed suicide on 2 April 1998 and died as a result of asphyxia by hanging. The police alleged that the appellant had demanded dowry from the deceased and subjected her to cruelty. It relied on three main witnesses namely, the mother (PW-6), brother (PW-7) and uncle of the deceased (PW-8). They alleged that approximately nine to ten days before her death, the deceased had told her mother and brother that her husband had demanded Rs. 60,000 for the purpose of purchasing a jeep. A case was registered against the appellant and his parents under Sections 304-B and 498-A read with Section 34 of the Indian Penal Code ("IPC"). The Trial Court acquitted his parents but convicted the appellant for the offenses under Sections 304-B and

498-A of IPC and was sentenced to undergo seven years of rigorous imprisonment. On appeal, the High Court confirmed the conviction and sentence. The appellant has approached the Supreme Court seeking acquittal.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court set aside the conviction and acquitted the appellant of the offences alleged against him. The Court held that the ingredients of dowry death to be punishable under Section 304-B are not present. It also noted that the presumption under Section 113-B of the Indian Evidence Act, 1872 (“Evidence Act”) can be invoked only when it is proved that the deceased was subject to cruelty and harassment soon before her death.

### **Reasons for the Decision:**

#### *Inconsistencies and omissions in the statements of PW-6 and PW-7*

The Supreme Court found significant omissions in the statements of PW-6 and PW-7 rendering them unreliable. While PW-6 detailed numerous dowry demands and maltreatment allegations during her examination-in-chief, these were not stated in her initial statements. Similarly, PW-7 alleged various instances of dowry demands but failed to report the same in the initial police statement. The Court held that these are material omissions and should be deemed as contradictions. The Court observed that these additions in the statement recorded two months after the incident are an afterthought. Further, the Court found PW-7’s claim that he saw the appellant beating his sister was vague and irrelevant as it occurred several months before the death of the deceased.

#### *Testimony of PW-8 unreliable*

The Supreme Court found PW-8’s testimony to be of limited value. PW-6 claimed PW-8 informed her of maltreatment and dowry demands. But this occurred months after the marriage much earlier to the death of the deceased. The Court observed that PW-8’s statement was recorded over two months after the incident and he lacked personal knowledge of any cruelty or harassment inflicted by the appellant.

#### *Absence of ingredients of Dowry death*

The Supreme Court held that Section 304-B of the IPC defining dowry death requires the prosecution to establish four key elements: (a) death under abnormal circumstances, (b) death within seven years of marriage, (c) cruelty or harassment soon before death and (d) such cruelty or harassment being connected to dowry demands. The Court held that in the present case, the prosecution failed to prove these essential ingredients against the appellant.

#### *Lack of evidence of cruelty or harassment*

The Supreme Court observed that although the death of the deceased occurred within seven years of marriage, to invoke the presumption against the appellant under Section 113-B of the Evidence Act, the prosecution must prove that the deceased was subjected to cruelty and

harassment soon before her death. It found that no specific instances of cruelty or harassment by the appellant was proved by the prosecution. Therefore, the Court held that the necessary prerequisites for applying Section 113-B and establishing an offense under Section 304-B IPC were not met.

## **RAMU APPA MAHAPATAR v. THE STATE OF MAHARASHTRA [2025 INSC 147 (04 FEBRUARY 2025)]**

**Justices:** Justice Abhay S. Oka and Justice Ujjal Bhuyan

**Question(s):** Whether based on the testimonies of PW-1, PW-3, PW-4, and PW-6, the prosecution conclusively proved beyond reasonable doubt that Ramu (“appellant”) committed the murder of Manda (“deceased”) under Section 302 of the Indian Penal Code, 1860 (“IPC”).

### **Factual Background:**

The case of the prosecution is that the deceased Manda was in a live-in relationship with the appellant, Ramu. The couple resided in a chawl owned by PW-1, Ravindra Gopal Jadhav, in Kudus village. On 21.03.2003, the appellant informed PW-1 that Manda had passed away and that he intended to travel to her native village, Dipchale, to notify her family. Accompanied by his son, he went to Dipchale and met Bhagwan (PW-3), the brother of the deceased. In the presence of other villagers Shankar (PW-6), Chanda Bai (PW-4), and Pandhari (PW-5) the appellant allegedly confessed to having quarrelled with Manda and fatally assaulting her. Meanwhile, PW-1 opened the door of the couple’s room, which had been locked from the outside. He found Manda’s body lying in the room with multiple bleeding injuries. Her mangalsutra and bangles were broken, and various household items were scattered. When the appellant returned to Kudus with Manda’s relatives, PW-1 confronted him. The appellant allegedly admitted that Manda had accused him of having an affair, which led to a fight, during which he struck her with a grinding stone and a stick.

PW-1 lodged an FIR, leading to the registration of an offence under Section 302 IPC. During trial, the Sessions Court examined ten witnesses, relying heavily on alleged extra-judicial confessions made by the appellant before PW-1, PW-3, PW-4, and PW-6. By judgment dated 15.10.2004, the Sessions Court convicted the appellant under section 302 of the IPC, sentencing him to life imprisonment along with a fine of ₹1,000. The Bombay High Court upheld the conviction and sentence by judgment dated 02.12.2010. The appellant then approached the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court acquitted the appellant of offence under section 302 of the IPC, holding that the conviction based solely on extra-judicial confessions made before PW-1 and PW-3, and endorsed by PW-4 and PW-6, was untenable. The Court

found the prosecution witnesses unreliable due to serious contradictions and lack of credibility. No corroborative evidence was produced to support the confessions. While suspicion may point towards the appellant, the Court reiterated that suspicion, however strong, cannot replace proof beyond reasonable doubt. The judgment of the Court was authored by Justice Bhuyan.

### **Reasons for the Decision:**

#### *Evidentiary value of extra-judicial confessions*

The Supreme Court reiterated that extra-judicial confessions (confessions made by a party before a private individual, including a judicial officer in his/her private capacity) are inherently weak pieces of evidence and must be approached with extreme caution (¶19.1). Such confessions, made outside of judicial proceedings, are admissible only if they are shown to be voluntary, truthful, and made in a fit state of mind (¶17). The Court emphasised that they must inspire confidence, be free from inducement, threat, or promise, and be evaluated in light of Section 24 of the Indian Evidence Act, 1872 (¶17). While corroboration is not a mandatory rule of law, it is a matter of prudence. A conviction can rest solely on an extra-judicial confession only if it is made to an unbiased, credible witness, clearly implicates the accused, and is supported by cogent circumstances without any material contradictions or improbabilities (¶¶17.1,19.2).

#### *Accused not in fit state of mind while making extra-judicial confession*

The Supreme Court held that the extra-judicial confession allegedly made by the appellant was not reliable, primarily because the appellant was not in a fit state of mind when the confession was made. The Court found that PW-3, during cross-examination, clearly stated that the accused appeared confused at the time of making the confession. This observation was corroborated by other prosecution witnesses, thereby casting doubt on the voluntariness and mental clarity of the accused at the material time (¶20).

#### *Material omissions in statements of PW-3 and PW-6*

The Supreme Court found that the testimonies of PW-3 and PW-6 suffered from significant material omissions. Although PW-3 stated during trial that the accused confessed to killing Manda with a grinding stone, this assertion was missing from his statement recorded under Section 161 of Code of Criminal Procedure, 1973 (“CrPC”). Similarly, PW-6 claimed that the accused made a confession in his presence, but this detail too was absent from his police statement. The Court observed that such omissions created a serious inconsistency between the witnesses’ statements to the police under section 161 of CrPC and their testimony in court, thereby undermining the credibility of the alleged extra-judicial confession (¶¶21-22).

### Unreliable testimony of PW-4

Additionally, the court found the testimony of PW-4 was found to be unreliable, as she admitted during cross-examination that she did not speak directly to the accused but only heard about the incident from others (¶20).

### Lack of Forensic Evidence

The Supreme Court further held that no bloodstains were found on the clothes worn by the appellant, nor was there any evidence that blood samples matched that of the deceased. Although several items were seized from the scene of the incident, no blood-stained clothing was recovered. Furthermore, there was no evidence to show that the grinding stone allegedly used in the assault was recovered, and even the stick that was seized bore no bloodstains (¶20).

### Conduct of accused

Lastly, the Supreme Court found the conduct of the accused to be unusual and inconsistent with the behaviour of a person who had just committed a serious offence. Rather than reporting the incident to the police, the appellant approached PW-1, his landlord, and then travelled with his son in a rickshaw to inform PW-3 (the deceased's brother) about the incident. The Court found this sequence of actions puzzling, particularly the lack of any immediate or strong reaction from PW-3 upon being told that the appellant had killed his sister. The Court held that this was not normal conduct, and it raised further doubts about the prosecution's case (¶20).

## **TILKU @ TILAK SINGH v. STATE OF UTTARAKHAND [2025 INSC 226 (6 FEBRUARY 2025)]**

**Justices:** Justice Bhushan R. Gavai and Justice K. Vinod Chandran

**Question(s):** Whether Tilku @ Tilak Singh ( “the Appellant”) is guilty for the offences of Sections 366 (*kidnapping, abducting or inducing woman to compel her marriage, etc.*), and 363 (*kidnapping*) of the Indian Penal Code (“IPC”).

### **Factual Background:**

On February 7, 1994, the prosecutrix, purportedly aged 14 years 4 months, was allegedly kidnapped by the Appellant, his father Jot Singh, and Gabbar Singh while she went to purchase salt. Her father filed an FIR on February 13, 1994. The investigation revealed the appellant and prosecutrix were living together in Dehradun. The appellant was arrested, and the prosecutrix was returned to her father. The appellant was charged with offences under Sections 376 (rape), 366 and 363 of the IPC.

The Trial Court convicted the appellant for all three offences, sentencing him to seven years for rape, while acquitting the other two accused. The Uttarakhand High Court acquitted the Appellant of rape but upheld his conviction for kidnapping and abduction (366), reducing the

sentences to two and three years, respectively. The appellant then approached the Supreme Court.

**Decision of the Supreme Court:** The Division Bench (two judges) of the Supreme Court acquitted the appellant of all the charges by finding discrepancies in the age of the prosecutrix and holding that the prosecutrix voluntarily went along with the Appellant and resided with him as his wife. The judgment of the Court was authored by Justice Gavai.

**Reasons for the Decision:**

*Effect of voluntary action*

The Supreme Court found that the prosecutrix's own testimony indicated she had voluntarily left her village with the appellant, travelled with him, and lived with him as his wife in Dehradun. The Court noted that the High Court had acquitted the appellant of rape due to the lack of evidence of force or resistance, and the fact that the prosecutrix had been with him for approximately 20 days. The Court also found the defence of the appellant that the marriage was certified before the competent authority at Dehradun and, thereafter, they were living as husband and wife plausible.

*Existence of conflicting evidence regarding the age:*

The Supreme Court highlighted conflicting medical opinions regarding the prosecutrix's age: one doctor (PW-3) disposed that she was around 14 based on the X-ray reports, while Chief Medical officer Dehradun (DW-2) stated she was around 18. The Supreme Court ruled that the benefit of the doubt should have been given to the appellant in light of these conflicting opinions. The Court reasoned that even if the prosecutrix were between 16 and 18, the offense under 363 and 366 of the IPC would still not be made out. The Court referred to *S. Vardarajan v. State of Madras* to determine that since the prosecutrix went of her own free will, the appellant could not be found guilty of kidnapping. The Court reasoned that the prosecutrix, even if considered to be between 16 and 18 years old, was of an age where she understood right from wrong. The Court therefore ruled that the High Court was wrong to uphold the conviction under 363 and 366 of the IPC, due to the evidence showing the prosecutrix had gone with the appellant voluntarily.

**HANSRAJ v. STATE OF CHHATTISGARH [2025 INSC 178 (10 FEBRUARY 2025)]**

**Justices:** Justice Pankaj Mithal and Justice Ahsanuddin Amanullah

**Question(s):** Whether Hansraj (“appellant”) is guilty of murdering Ramlal (“deceased”) under Section 302 of the Indian Penal Code, 1980 (“IPC”).

### **Factual Background:**

The incident occurred on 28 March, 2002. It is alleged that the appellant had been residing with the deceased and assisting him in his work for over two months. On the date of the incident, the appellant left the house around 7:00 a.m. to return to his native place but returned by 9:00 a.m., claiming that his bicycle had a puncture. He requested money from the wife of the deceased (PW-5) to repair the puncture. Upon her expressing inability to provide cash and suggesting that he sell paddy instead, which he refused, she went to the market herself to sell the paddy. When she returned around 9:30 a.m., she allegedly witnessed the appellant fleeing from the house with a *farsi* (Ex P/6) in hand, and found the deceased lying on the floor with a severed neck and profuse bleeding. Upon raising an alarm, neighbours (PW-3 and PW-4) arrived and observed the deceased in the same condition. An FIR was lodged by another villager (PW-1) at Police Station Bhanupratappur at 11:15 a.m. on the same day.

The Trial Court, by judgment and order dated 19 December, 2002, convicted the appellant under Section 302 of the IPC and sentenced him to life imprisonment along with a fine of ₹1,000. The conviction and sentence were affirmed by the High Court by judgment and order dated 30 July, 2010. Against this judgment of the High Court, the appellant has filed this appeal to the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court acquitted the appellant of offence under section 302 of the IPC, holding that the case was based solely on circumstantial evidence with no direct eyewitness to the incident. The circumstances relied upon were not conclusive enough to establish guilt beyond reasonable doubt, and the possibility of the appellant's innocence could not be ruled out.

### **Reasons for the Decision:**

#### Lack of motive

The Supreme Court observed that the alleged motive was weak and unconvincing. It was claimed that the appellant who was working as a servant for the deceased over two months had a disagreement with the deceased regarding delayed or non-payment of wages. However, the Court found that such a grievance, even if accepted, was too trivial to form a compelling motive for murder. Moreover, the prosecution failed to produce any concrete evidence establishing any serious discord or animosity between the appellant and the deceased (¶11).

#### Unreliable last seen theory

The Supreme Court found the "last seen" theory to be unreliable. It noted that the appellant's alleged return to the house after leaving at 7:00 a.m. was based solely on the statement of PW-5 and was not supported by any independent evidence. Moreover, the prosecution failed to verify whether the appellant's bicycle was indeed punctured, which was the reason cited for

his return. The Court also found it implausible that someone who had allegedly left in anger would return so soon. Hence, the appellant's presence with the deceased at the relevant time remained doubtful (¶12).

#### Doubtful recovery of weapon

Additionally, the Court noted that the recovery of the alleged weapon of offence a *farsi* (Ex. P/6) was highly doubtful. It was recovered 20–25 days after the incident, purportedly on the appellant's disclosure. The credibility of the weapon's recovery was further undermined by conflicting statements. Notably, PW-1 (Jogi Ram), who lodged the FIR, stated during cross-examination that the *farsi* was seen lying in an open place near the crime scene. This contradicted the prosecution's version that it was later recovered from the field of one Chamaru Ram (¶13).

#### Absence of forensic link

The Supreme Court found that although the weapon was found to have blood stains, no forensic report was produced to demonstrate that the blood matched that of the deceased. The Court emphasised that a general observation by the medical officer that the injuries could have been caused by a similar weapon was insufficient. Moreover, it was pointed out that such implements are commonly found in rural households and cannot, in the absence of forensic evidence, be conclusively linked to the crime (¶13).

The Court also noted that the prosecution relied on blood-stained clothes allegedly worn by the appellant at the time of the incident. These were produced by PW-9, who later turned hostile. However, the prosecution failed to submit any forensic report to establish that the blood stains on the clothes matched that of the deceased (¶17).

#### Inconsistencies in eyewitness testimonies

Lastly, the Supreme Court held that there were significant inconsistencies in the accounts of key witnesses. PW-5 initially stated that upon returning from the market, she found that the appellant had already fled. However, in cross-examination, she changed her version and stated that she had seen the appellant running away with a *farsi*. Similarly, PW-1 claimed to have seen someone running while he was working in his field, but he did not identify the person as the appellant. He later stated that he saw a man running from a distance of more than a furlong. Importantly, he also stated that PW-5 informed him that the appellant had already disappeared by the time she returned. These shifting versions significantly diluted the reliability of the prosecution's claim that the appellant was seen fleeing from the scene of the crime (¶14).

## **AKULA RAGHURAM v. THE STATE OF ANDHRA PRADESH [2025 INSC 185 (11 FEBRUARY 2025)]**

**Justices:** Justice Bhushan R. Gavai and Justice K. Vinod Chandran

**Question(s):** Whether the conviction of the appellant under Section 366-A Indian Penal Code as upheld by the Revisional Court (“IPC”) was valid.

### **Factual Background:**

The appellant was convicted under Section 366-A of the IPC by the Trial Court. The said decision was upheld by the Appellate Court and the Revisional Court. The prosecution alleged that on 03.05.2001, the appellant abducted a minor girl (PW-7) by forcibly taking her in a jeep with the intent to marry her. The victim’s parents (PWs 1 and 2) claimed she was a minor, citing a medical report estimating her age between 16–17 years. The defense contested this, arguing the prosecution failed to conclusively prove her minority, as the radiologist’s report was not produced, and the ossification test had a margin of error.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court acquitted the appellant, holding that the prosecution failed to prove the victim was a minor or establish essential ingredients of Section 366-A IPC. The conviction granted by the Trial Court was deemed unsustainable.

### **Reasons for the Decision:**

#### *Age of the victim*

The medical evidence (Exhibit P-7) estimating the victim’s age as 16–17 years was deemed inconclusive. The radiologist’s report was neither produced nor examined, and ossification tests typically allow a two-year margin of error. PW-7’s/minor girl’s school records or birth certificate were absent, and her parents (PWs 1 and 2) were never questioned about her age.

#### *Absence of essential ingredients of Section 366-A IPC*

The prosecution did not prove inducement, seduction, or likelihood of forced illicit intercourse. PW-7’s testimony revealed no sexual advances, threats, or confinement. Her voluntary travel with the appellant (despite opportunities to escape) and her delayed FIR (two months after the incident) suggested consent.

#### *Inconsistent testimonies*

PW-7 contradicted herself by denying prior acquaintance with the appellant despite evidence of familial ties. Key witnesses, including the mechanic (PW-8) and the appellant’s wife (PW-6), turned hostile, and the prosecution could not link the seized jeep to the appellant. The seizure of the jeep was not conclusively linked to the appellant, as PW-3 (the eyewitness) failed to identify the vehicle or its driver.

### Lack of corroborative evidence

The prosecution did not investigate the appellant's marital status, visit alleged confinement locations, or establish the victim's escape route. The narrative of abduction for marriage lacked credibility, given the families' continued cordial relationship post-incident.

## **VINOD KUMAR v. STATE (GOVT. OF NCT OF DELHI) [2025 INSC 209 (13 February 2025)]**

**Justices:** Justice Abhay S. Oka and Justice Ujjal Bhuyan

**Question(s):** Whether the conviction of Vinod Kumar ("the Appellant") for the offence of murder under Section 302 (*punishment for murder*) of the Indian Penal Code ("IPC") was justified, based on the circumstantial evidence presented.

### **Factual Background:**

The deceased, Dharminder, was a neighbour of the appellant. On July 12, 1995, at approximately noon, the appellant visited Dharminder's residence and invited him to accompany him. Dharminder's mother (PW-3) inquired about their destination, to which the appellant responded that they would return shortly. Dharminder's father (PW-1) was present but asleep, having worked a night shift.

When Dharminder failed to return by 1:00 p.m., PW-3 went to the Appellant's house, where he claimed Dharminder had gone to watch a movie. As Dharminder did not return that night, PW-3 revisited the appellant's house on July 13, 1995, at 7:00 a.m. The appellant's mother informed her that the appellant was at work and would return at 9:00 p.m. Throughout the day, Dharminder's parents searched for him. At 8:00 p.m., they again met the appellant, who provided inconsistent explanations about Dharminder's whereabouts, initially stating he had gone to buy *manjha* (kite thread), then that he had left him on the road, and finally that he had left him at his residence. Dissatisfied with these answers, Dharminder's parents threatened to file a police complaint. At 10:00 p.m., PW-1 filed a missing person report.

Subsequently, when the police and Dharminder's parents went to the Appellant's house, they found that the appellant and his father had absconded. On July 14, 1995, at 8:00 a.m., Dharminder's cousin (PW-5) informed PW-1 that Dharminder's body was found in a bathroom on a building's terrace. PW-1 identified the body, noting that Dharminder's neck was tied with a rope and his hands were bound behind his back. A First Information Report ("FIR") was registered for murder under Section 302 of the IPC. The prosecution relied entirely on circumstantial evidence. The Trial Court convicted the appellant for the offence punishable under Section 302 of the IPC and sentenced him to undergo imprisonment for life. The Appellant's conviction was confirmed by the High Court of Delhi. Consequently, the appellant filed an appeal to the Supreme Court.

**Decision of the Court:** The Supreme Court allowed the appellant's appeal, quashed the judgments of the Trial Court and the High Court, and acquitted the Appellant of the murder charge. The judgment of the Court was authored by Justice Oka.

**Reasons for the Decision:**

*Chain of circumstances incomplete*

The Supreme Court meticulously examined the circumstantial evidence presented by the prosecution. The High Court had relied on five circumstances to convict the appellant: the alleged evasive answers given by the appellant to the parents of the deceased, the proximity of the time of death to the time they were seen together, the absconding of the appellant after the threat of filing of complaint to the police, the recovery of blood stained clothes at the instance of the appellant, and the unexplained injuries on the person of the appellant. The Court found several critical flaws in the prosecution's case. Regarding the "last seen together" evidence, the Court noted that PW-1 was asleep when the appellant and Dharminder left and therefore his statement was not reliable.

The Supreme Court reasoned that the PW-3's testimony contained significant inconsistencies, omissions, and improvements, which undermined her credibility. Specifically, PW-3 testified in cross-examination about visiting the appellant's house at 1:00 p.m. and 6:00 p.m. on July 12, 1995, and about the appellant's inconsistent replies at 9:00 a.m. on July 13, 1995, none of which were recorded in her initial police statement. Additionally, her statement that the Appellant pulled Dharminder by the hand was absent from the initial police record. The Court treated these omissions as contradictions under Section 162 of the Code of Criminal Procedure, 1973.

The Supreme Court noted that the motive for the alleged crime was absent as per the deposition of PW-3. The Court ruled that in cases based on circumstantial evidence, the circumstances must form a complete chain that excludes any reasonable hypothesis of the accused's innocence. In this case, the "last seen together" theory and the allegation of evasive replies were not established beyond a reasonable doubt, weakening the chain of circumstances. The Court concluded that the prosecution failed to establish the Appellant's guilt beyond a reasonable doubt, necessitating his acquittal.

*Note of caution to the Trial Courts*

The Supreme Court found fault with the Trial Court's practice of directly including extracts from Section 161 CrPC statements within witness testimonies without those extracts being formally proven by the investigating officer. This practice was deemed legally improper. The Court clarified that the correct procedure involves the Trial Judge marking the specific portions of the prior statements used for contradiction, such as with bracketed labels like AA or BB. These marked portions should not be incorporated into the witness's deposition unless they are subsequently established as evidence through the investigating officer's testimony.

**THE STATE OF UTTARAKHAND LAW AND JUSTICE v. SANJAY RAM TAMTA @ SANJU@PREM PRAKASH [2025 INSC 187 (11 FEBRUARY 2025)]**

**Justices:** Justice Bhushan R. Gavai and Justice K. Vinod Chandran

**Question(s):** Whether the conviction of the Respondent under Section 304B of the Indian Penal Code (“IPC”) granted by the Trial Court was valid.

**Factual Background:** The case concerns the death of a young bride, who was found hanging in her matrimonial home within six months of marriage. Her father and brother discovered the body and reported the incident, leading to the registration of an FIR against the husband and his family members. The prosecution alleged that the deceased was subjected to harassment and dowry demands, amounting to cruelty, which ultimately led to her unnatural death.

The Trial Court convicted only the Respondent-husband under Section 304B IPC, sentencing him to seven years of rigorous imprisonment. The conviction was based on the presence of scratches on the deceased’s body, presumed to be signs of torture. However, the High Court acquitted the husband, finding that the prosecution failed to prove the demand for dowry. The State appealed against this acquittal before the Supreme Court.

**Decision:** The Division Bench (two judges) upheld the High Court’s acquittal, ruling that the prosecution failed to establish the essential ingredients of Section 304B IPC. The Court emphasised that in cases of dowry death, the presumption under Section 113B of the Evidence Act could not apply unless all statutory conditions were met. Since there was no credible evidence proving dowry demand or cruelty soon before death, the conviction was unsustainable.

**Reasons for the decision:**

*Failure to prove dowry demand*

The prosecution claimed that the accused demanded ₹4,00,000 and a house plot. However, this allegation was absent from the father’s statement recorded under Section 161 CrPC. The brother of the deceased also did not mention any such demand in his police statement, making it a material contradiction. A key neighbor (PW-4) and the landlord (PW-5), who could have corroborated claims of dowry-related harassment, but did not.

*Lack of evidence for "Cruelty Soon Before Death"*

The Trial Court relied on scratches on the deceased’s body to presume physical violence. However, the Supreme Court found that the medical expert did not conclusively attribute the injuries to torture. The prosecution failed to present independent witnesses confirming physical violence or harassment in the days leading up to the death.

### *Suicide established, but not dowry death*

The medical evidence confirmed that the deceased died by hanging. While suicide itself does not absolve the accused under Section 304B IPC, the absence of proximate evidence linking dowry demand to her death meant that the presumption under Section 113B of the Evidence Act did not apply.

### *Hostile witnesses and unreliable testimonies*

The deceased's father and brother provided inconsistent statements regarding the alleged dowry demands and physical abuse. The landlord's testimony suggested that the deceased had quarreled with her husband on the evening of the incident, locked him out, and later died by suicide.

### *Principle of presumption of innocence*

The Court reiterated that an appellate court should not overturn an acquittal unless the findings are perverse or there is overwhelming evidence of guilt. Since multiple reasonable views were possible based on the evidence, the benefit of the doubt had to be given to the accused.

## **VINOD @ NASMULLA v. STATE OF CHHATTISGARH [2025 INSC 220 (14 FEBRUARY 2025)]**

**Justices:** Justice Pamidighantam S. Narasimha and Justice Manoj Misra

**Question(s):** Whether the conviction of Vinod @ Nasmulla ("the Appellant") under Section 395 (*Punishment for dacoity*) read with Section 397 (*Robbery or dacoity with an attempt to cause death or grievous hurt*) of the Indian Penal Code ("IPC") and Section 25 (*Punishment for certain offences*) of the Arms Act, 1959, was justified.

### **Factual Background:**

On the night of September 28, 1993, at approximately 11:30 p.m., a bus belonging to Adarsh Transport Bus Service, was en route to Raipur. During the journey, a coordinated dacoity was executed by approximately eight armed individuals. One of the assailants, positioned behind the driver, brandished a country-made pistol and forced the driver to halt the bus. Subsequently, four individuals already present within the bus, along with four others who boarded after the forced stop, commenced a systematic robbery. They subjected the passengers, numbering around 35, to physical violence, including beatings, and forcibly relieved them of their personal belongings. During the chaos, a shot was fired, resulting in injuries to one of the passengers. Following the completion of the robbery, the perpetrators swiftly absconded from the scene. The driver then proceeded to the Ambikapur Police Station, where the First Information Report ("FIR") was lodged at approximately 12:20 a.m. on September 29, 1993. The police initiated an immediate response, setting up barricades to prevent the escape of the culprits.

Subsequently, on the night of September 29, 1993, at around 3:00 a.m., the appellant was allegedly apprehended by police constable Khemraj Singh (PW-5) in possession of a country-made pistol containing live and empty cartridges. Based on the alleged confessional statement made during the investigation by the Appellant, one Mohd. Kalam Ansari was also arrested and put to trial along with the appellant. A Test Identification Parade (“TIP”) was conducted on September 30, 1993, where the Appellant was identified by the bus driver and Khalasi (neither of whom were examined in court). The conductor of the bus failed to identify the appellant during the TIP.

The Trial Court by its judgment dated 26 October, 1999 convicted the appellant under Section 395 read with Section 397 of the IPC, 1860 and Section 25(1)(b) of the Arms Act, 1959 and awarded a sentence of seven years of rigorous imprisonment. Kalam Ansari was acquitted of all the charges. By its judgment dated 3 January 2018 the High Court upheld this conviction and the quantum of the sentence. Consequently, the Appellant filed an appeal before the Supreme Court.

**Decision of the Court:** The Division Bench (two judges) of the Supreme Court allowed the Appellant's appeal, setting aside the judgments of the Trial Court and the High Court, and acquitted the Appellant of all charges. The judgment of the Court was authored by Justice Misra.

**Reasons for the Decision:**

*Dock identification by PW-9 not reliable*

The Supreme Court found the dock identification by PW-9, a police personnel, unreliable due to his inability to provide a satisfactory explanation for his presence on the bus and his non-participation in the TIP. The Court reasoned that TIP itself held little evidentiary value as the key identifying witnesses (driver and Khalasi) were not examined in court. The Court held that a TIP is merely corroborative and loses its purpose if the identifying witnesses are not presented for cross-examination.

*Manner of arrest found doubtful*

The Supreme Court raised serious doubts concerning the arrest and recovery of the pistol, The circumstances of the arrest, where a single constable apprehended an armed individual at 3:00 a.m. without any injuries or resistance, were deemed improbable. The significant delay in preparing the seizure memo (Exb. P/11) and discrepancies in the description of the recovered pistol further eroded the prosecution's credibility. The Court highlighted the absence of crucial corroborative evidence: no looted articles were recovered from the appellant, and the recovered pistol was not linked to any evidence from the crime scene.

The Supreme Court expressed concern about the potential for police pressure to quickly resolve high-profile cases, leading to the targeting of "soft targets." The Court thus concluded that the prosecution failed to establish the appellant's guilt beyond a reasonable doubt, necessitating his acquittal by giving him the benefit of doubt.

## **SURESH v. STATE REP. BY INSPECTOR OF POLICE [2025 INSC 318 (04 MARCH 2025)]**

**Justices:** Justice Sudhanshu Dhulia and Justice Ahsanuddin Amanullah

**Question(s):** Whether the appellant can be held guilty of the offence punishable under Section 302 of the Indian Penal Code (“IPC”) by placing total reliance on a dying declaration.

### **Factual Background:**

On September 15, 2008 a criminal case was registered against the appellant for offence punishable under Section 307 of the Indian Penal Code (“IPC”). The case was registered against the appellant based upon a statement of the wife on September 18, 2008 before the Judicial Magistrate that her husband had set her on fire by pouring kerosene oil. Subsequently, upon the death of the wife (‘deceased’) on October 02, 2008 Section 307 of IPC was modified to Section 302 IPC. It is to be noted that the appellant suffers from 40% physical disability resulting from a polio attack. The Trial Court treated this statement given to the Judicial Magistrate as the dying declaration and convicted the appellant under Section 302 IPC. In appeal before the High Court, the conviction and sentence of life imprisonment, imposed by the Trial Court was affirmed. Aggrieved by the same, the appellant approached the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court acquitted the Appellants of all the charges by setting aside the order of the High Court and directed for his release from jail forthwith on the ground that total reliance on the dying declaration was misplaced and the appellant was entitled to benefit of doubt.

### **Reasons for the Decision:**

#### *Discrepancies in the evidence of witnesses before the Trial Court*

The Supreme Court observed that there were as many as 17 witnesses from the side of the prosecution (¶8). The father and mother of the deceased had suggested that the appellant had set the deceased on fire and neither did he make any attempt to douse the fire and nor did he accompany them when they took the deceased to the hospital (¶8). However, the neighbour of the deceased who was also presented as a witness to the case had deposed that it was the appellant who had informed the deceased’s parents about the incident (¶9). Moreover, even the doctor who had treated the deceased at the hospital, had deposed that when the deceased was brought there, the appellant was present with the deceased (¶9). Therefore, the Court underscored that the version of the deceased’s parents about the appellant not making any attempt to take the deceased to the hospital was in direct contradiction with the deposition of the doctor (¶10).

### Substantial doubts surrounding the dying declaration

The Supreme Court observed that a dying declaration was an important piece of evidence and it was a settled position of law that a conviction could be made by relying solely upon it (¶12). However, the court had a duty to exercise caution while placing reliance solely on a dying declaration, especially if it was surrounded with doubt and discrepancies (¶12).

The Supreme Court observed that in the instant case, the deceased had given two statements which were totally different from each other. The first statement was made to the doctor who had treated her in the hospital where she had deposed that the incident occurred while she was cooking (¶13). Subsequently, in her second statement before the Judicial Magistrate taken on September 18, 2008 she had blamed the appellant for the incident (¶13). The Court held that this version of the deceased did not corroborate with other evidence to point towards the appellant's involvement in her suffering (¶14). Therefore, the Supreme Court held that the dying declaration was doubtful and it was not in the interest of justice to convict the appellant solely on its basis (¶14).

### **WAHID v. STATE GOVT. OF NCT OF DELHI with ANSHU v. STATE GOVT. OF NCT OF DELHI [2025 INSC 145 (04 FEBRUARY 2025)]**

**Justices:** Justice Pamidighantam S. Narasimha and Justice Manoj Misra

**Question(s):** Whether Wahid and Anshu (“appellants”) are guilty for committing offences under Section 392 and 397 of the Indian Penal Code, 1860 (“IPC”), for robbing passengers aboard a Gramin Sewa vehicle while threatening them with weapons such as a knife, country-made pistol, and screwdriver.

#### **Factual Background:**

According to the prosecution, on the night of 3 December, 2011 at around 11:25 p.m., the complainant (PW-1), along with four other passengers, the driver, and conductor, was travelling in a Gramin Sewa mini-bus when four individuals boarded the vehicle near Gagan Cinema. Once inside, the four men allegedly brandished weapons: a knife, screwdriver, and a country-made pistol, and robbed the passengers of their mobile phones and cash before fleeing. The driver then took the victims to a nearby police control room, where the incident was reported. A formal FIR was subsequently registered at Nand Nagri Police Station, Delhi.

The investigation was conducted by PW-13, who, based on information purportedly provided by the complainant, apprehended all four accused near the DTC Bus Depot at Nand Nagri on 05.12.2011. At the time of arrest, the prosecution alleged that Narender alias Bhola (non-appellant) was in possession of a knife, Anshu (appellant) had a country-made pistol, Arif (non-appellant) carried a button-operated knife, and Wahid (appellant) had a screwdriver. Some cash

was also recovered from them. On 06.12.2011, mobile phones allegedly looted during the robbery were recovered at the instance of Narender and Arif (non-appellants).

The Trial Court, by judgment dated 16 August 2017, convicted Wahid under Sections 392 and 397 IPC, sentencing him to seven years of rigorous imprisonment along with a fine of ₹5,000. He was, however, acquitted of the charge under Section 411 IPC. Anshu was similarly convicted under Sections 392 and 397 IPC and sentenced to seven years' rigorous imprisonment and a ₹5,000 fine. Additionally, he was convicted under Section 25(1) of the Arms Act, 1959 and sentenced to three years' rigorous imprisonment with a fine of ₹2,000. The Delhi High Court upheld both convictions by judgment dated 15 November 2018. The appellants then approached the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two-judges) of the Supreme Court acquitted the appellant of the offences, holding that proof of robbery alone was not enough to establish their involvement. The Court found serious doubts surrounding the manner of arrest and recovery, and noted that the dock identification lacked reliability. In the absence of credible evidence connecting the accused to the stolen property, the Court held that the appellants were entitled to the benefit of doubt. The judgment of the Court was authored by Justice Misra.

### **Reasons for the Decision:**

#### *Cases in which FIR lodged against unknown persons*

The Supreme Court reiterated that when an FIR is registered against unknown persons and the accused are not previously known to the witnesses, the investigation assumes a vital role in establishing a credible case. In such cases, courts must closely scrutinise the evidence to determine: (a) how the investigating agency came to suspect the accused, (b) the circumstances surrounding their arrest, and (c) how they were identified thereafter (¶14).

#### *Doubtful circumstances of arrest*

The Supreme Court held that the prosecution's version of how the accused were arrested was highly improbable and lacked credibility. The accused were neither named in the FIR nor known to the complainant or witnesses. According to the prosecution, PW-1 allegedly spotted them near a bus depot two days after the robbery and informed the police, leading to their arrest along with recovery of weapons (¶15).

The Court, however, found this version implausible, particularly because the arrest allegedly occurred after 10 p.m. on a winter night, and PW-1, who was not a local resident and had recently been robbed, claimed he was out merely to hand over a mobile purchase receipt to the police an unlikely explanation (¶16). Additionally, inconsistencies in the testimonies of the police witnesses regarding when and how PW-1 shared this information, and the absence of

any diary entry recording it, raised further doubts. PW-1 also contradicted himself during cross-examination (¶¶17–18).

Taking into account these irregularities, as well as the accused’s statements under Section 313 of the Code of Criminal Procedure, 1973 (“CrPC”) that they were taken from their homes and falsely implicated, the Court held that the prosecution’s version of the arrest was highly doubtful and could not be accepted (¶20).

#### *Doubtful recovery of articles*

The Court further held that once the circumstances surrounding the arrest of the accused were found to be doubtful, the alleged recovery of weapons such as a screwdriver, knives, and a country-made pistol at the time of arrest could not be relied upon. It noted that these items were not of such a distinctive nature that they could not have been easily procured or planted (¶21).

#### *Dock identification by few eyewitnesses unreliable*

Lastly, the Supreme Court held that the dock identification of the accused by a few witnesses could not be relied upon. Since the accused were not named in the FIR and the manner of their arrest was found doubtful, the Court emphasised the need for cautious scrutiny of other evidence. Although seven eyewitnesses were examined, only three identified the accused in court of whom one (PW-1) did so after 16 months, and the other two after nearly four years of the incident. No test identification parade was conducted. Meanwhile, three witnesses, including the bus driver, clearly stated the accused were not involved, and another said it was too dark to see. Given these contradictions and the absence of prior familiarity between witnesses and accused, the Court found the dock identification unreliable (¶¶22–23).

### **PATEL BABUBHAI MANOHARDAS & ORS. v. STATE OF GUJARAT [2025 INSC 322 (5 MARCH 2025)]**

**Justices:** Justice Abhay S. Oka and Justice Ujjal Bhuyan

**Question(s):** Whether the appellants are guilty of abetment of suicide of Dashrathbhai Karsanbhai Parmar (“deceased”).

#### **Factual Background:**

On 14 May 2009, Jaybalaben (“complainant”) reported to the police that her husband, Dashrathbhai Karsanbhai Parmar (“deceased”) had died by consuming poison on 25 April 2009. When she returned home from work, she found him unresponsive and was informed he had ingested poison. She stated that a year ago the deceased had faced allegations of misappropriation at his workplace. When confronted, he confessed to his wife and brother (PW-7) that he was being blackmailed by a coworker, Geetaben and her family (“accused”). They had allegedly entrapped him in a romantic relationship with Geetaben and were

demanding money, for which he had withdrawn his office funds and given away his daughter's jewellery. A two-page note (Ex.33) found in the deceased's pocket revealed that the accused had blackmailed him with compromising photos and videos leading him to take his life.

The police registered the complaint and framed charges against the accused under Section 306/114 of IPC read with Section 3(2)(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. A handwriting expert confirmed that the note was written by the deceased. The Trial Court on 12 May 2011 convicted the appellants under Sections 306 and 114 of IPC and sentenced them to 5 years of rigorous imprisonment. The High Court on 17 December 2013 dismissed the appeal and upheld the conviction and sentence. The appellants have approached the Supreme Court seeking acquittal.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court set aside the conviction of the accused for the offense of abetment of suicide. The Court observed that for invoking the offence of abetment to suicide under Section 306 of IPC, the prosecution must prove instigation, conspiracy, or intentional aid with a clear *mens rea* to abet suicide. It held that mere harassment or differences are not sufficient unless there is a proximate act leading to suicide.

### **Reasons for the Decision:**

#### *Inconsistencies in witness testimony*

The Supreme Court observed an unexplained delay of twenty days in filing the complaint following the incident. The Court questioned the credibility of PW-2 noting a contradiction between her initial statement and her cross-examination regarding her arrival at the scene. Similarly, the Court found conflicting accounts between PW-6 and PW-7 concerning who informed whom of the deceased's condition which impeached the reliability of their testimonies. Therefore, the Court held that these testimonial inconsistencies cast serious doubt on the veracity of the prosecution's evidence.

#### *Lack of corroborative evidence*

The Supreme Court dismissed the prosecution's claim of illegal gain through blackmail as there was no recovery of ornaments from the accused. The Court observed that no signed cheques or passbook of the deceased was recovered. Further, the Court referred to *Kumar @ Shiva Kumar v. State of Karnataka* (2024 INSC 156) and held that the recovery of poison is crucial when the death is caused by the consumption of poison. However, in this case, the police failed to recover any trace of poison from the scene or provide evidence of its source.

#### *Authenticity of the suicide note questioned*

The Supreme Court questioned the credibility of the suicide note due to its delayed production. The police constable PW11 testified that no suicide note was found during the inquest. The complainant's testimony indicated that PW7 held the note for twenty days. The Court observed that the suicide note alleged blackmail and financial extortion by the accused as the motive for

the deceased's suicide. However, the Court noted that the prosecution failed to examine the handwriting expert who had confirmed the note's handwriting. The Court referred to *Shashi Kumar Banerjee v. Subodh Kumar Banerjee* (AIR 1964 SC 529) and observed that handwriting expert evidence is opinion evidence and requires corroboration by clear direct or circumstantial evidence.

#### No proof of instigation

The Supreme Court held that conviction for abetment to commit suicide cannot be sustained unless there is a positive proximate act by the accused to instigate or aid in committing suicide. The accused must have a clear mens rea to commit the offence. In the present case, the Court held that no offense of abetment to suicide was made out against the accused. It observed that even if the suicide note was treated to be genuine, there was no proximate act of incitement by the accused that compelled the deceased to take his own life. The actions attributed to the accused did not compel the deceased to commit suicide.

### **STATE OF RAJASTHAN v. CHATRA [2025 INSC 360 (18 March 2025)]**

**Justices:** Justice Sanjay Karol and Justice Vikram Nath

**Question(s):** Whether the High Court erred in acquitting the respondent-accused of raping a juvenile girl and overturning his conviction under Section 376 of the Penal Code, 1860.

#### **Factual Background:**

On 3rd March 1986, a minor girl was discovered unconscious and bleeding from her private parts by one Gulab Chand after the respondent-accused had allegedly subjected her to sexual assault. The single judge of High court of Rajasthan acquitted the accused on 12th July 2013, setting aside the finding of conviction entered by the Sessions Judge, Tonk, vide judgment dated 19th November 1987. According to the FIR lodged by PW-2 under section 376 of IPC, 1860, on the date of the incident, he arrived at the scene and stated that the accused's dhoti was found in a loose and open condition, and upon seeing him, the accused fled from the spot, and the minor girl was crying.

#### **Decision of the Supreme Court:**

The conviction rendered by the Sessions Judge, Tonk, in Sessions Trial No.26/86 dated November 19, 1987, was reinstated after a two-judge Supreme Court bench overturned the acquittal entered by the single-judge Rajasthan High Court bench in Jaipur in S.B. Criminal Appeal No.503/1987. The respondent-accused was ordered by the Court to appear before the appropriate authority within four weeks in order to serve the sentence, if it had not already been

served. The Bench's decision, which closed all pending applications and ordered the return of the original case records to the relevant court, upheld the Trial Court's jurisdiction.

### **Reasons for the Decision:**

#### *The effect of trauma on a child's ability to testify*

After examining the case's facts and supporting documentation, the Supreme Court held that the High Court's acquittal was unjustified. Given that the prosecutrix was a minor and had been traumatised by the crime, the Court concentrated on the matter of her silence. Since the child's incapacity to testify should be viewed in the context of trauma rather than as proof of the accused's innocence, it was emphasised that the child's tears and silence could not be construed as a defence for the accused.

#### *Dependency on Medical and Corroborative Evidence to Support Conviction*

The Court made clear that the prosecution's case in these situations does not have to be based exclusively on the prosecutrix's evidence. It emphasised that the prosecution's claim was supported by corroborating evidence, such as circumstantial and medical evidence. The Court also cited the rule that, in cases where there is further evidence, a minor witness who is incapable of testifying does not necessarily render the prosecution's case inadmissible. The Court ruled that despite contradictions in PW-2's statement, they did not undermine his credibility, as they could be due to human error. The Court also rejected the defense's argument that the victim's injuries were not caused by the accused, stating that medical evidence and the nature of the injuries indicated the accused's involvement. The Court ruled that the conviction of the accused by the Trial Court was justified and restored the original judgment. The appeal was allowed, and the judgment of the High Court was set aside.

### **DHIRUBHAI BHAILALBAHI CHAUHAN & ANR. v. STATE OF GUJARAT [2025 INSC 381 (21 MARCH 2025)]**

**Justices:** Justice Pamidighantam S. Narsimha and Justice Manoj Misra

**Question(s):** (i) Whether the High Court was justified in reversing the judgment of acquittal passed by the Trial Court against the appellants. (ii) Whether mere presence of the appellants at the scene of crime is sufficient to hold the appellants as members of unlawful assembly and guilty of offence punishable under Section 143, 147, 153(A), 295, 436 and 332 of the Indian Penal Code ("IPC").

#### **Factual Background:**

On February 28, 2002 in the aftermath of the Godhra incident, a large mob had surrounded a graveyard and a mosque at village Vadod, Gujarat. Police arrived on the spot and attempted to

disperse the mob, however the mob pelted stones causing injuries to the police personnels. After restoring the law and order situation, the police arrested seven persons on the spot including the appellants. Investigation resulted in a chargesheet against nineteen persons including the ones who were arrested on the spot. Based on the chargesheet, cognizance was taken and Sessions Trial was conducted. The Sessions Court acquitted all the nineteen accused persons by noting certain discrepancies in the statements of witnesses presented by the police. However, upon the appeal filed by the State of Gujarat against the acquittal of the accused persons, the Gujarat High Court in respect of the accused no. 1 to 5 and 7 (the appellants) passed a judgment of conviction on the ground that since they were arrested on the spot, their presence at the riot spot stood proved beyond reasonable doubt. Therefore the High Court while maintaining the acquittal of the other accused persons, convicted the appellants for offences punishable under Section 143, 147, 153(A), 295, 436 and 332 of IPC. The appellants then appealed before the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court acquitted the appellants of all the charges by finding that, mere presence of the appellants at the spot, or their arrest therefrom, was not sufficient to prove that they were a part of the unlawful assembly. The judgment of the Court was authored by Justice Misra.

### **Reasons for the Decision:**

#### *Plurality Test to determine a consistent account of the incident*

The Supreme Court observed that in cases where a large number of persons are involved, the Court has a duty to ensure that no innocent bystander is convicted and deprived of his liberty (¶13). In cases where the incident takes place at a public place, out of curiosity, persons step out of their home to witness as to what is happening around. Such persons are no more than bystanders, though to a witness, they may appear to be a part of the unlawful assembly (¶13). Therefore, it is necessary that the testimony of the witnesses who make general reference to the accused or the role played by him should be carefully scrutinised by the court by using a plurality test. In this test, the conviction of the accused could be sustained, only if it is supported by a certain number of witnesses who give a consistent account of the incident (¶13).

The Supreme Court observed that in the instant case, the appellants were residents of the same village where riots broke out, and therefore their mere presence at the spot was natural and by itself not incriminating (¶15). The Supreme Court underscored that no evidence was placed by the police to indicate that the appellants had incited the mob, or they themselves acted in a manner indicative of being a part of the unlawful assembly (¶15). Therefore, their presence at the riot place could be that of an innocent bystander who had a right to move freely since curfew was not imposed in the area concerned.

#### *Mere arrest on the spot is not conclusive of being a member of an unlawful assembly*

The Supreme Court observed that in situations where a large crowd is involved, it is important for the courts to determine whether the accused put on trial was part of the unlawful assembly

or just a bystander. Such determination should be based on the proven facts of the case (¶14). Courts should find whether the accused had proceeded to the place of incident carrying arms or instruments which could serve the object of the assembly or whether his conduct aided in furtherance of the common object of the assembly (¶14).

The Supreme Court observed that in the present case, there was no evidence that at the time of arrest the appellants were carrying any arms or instruments which could cause destruction (¶10). Therefore, the Supreme Court held that mere arrest on the spot was not conclusive to draw an inference of appellants involvement in the unlawful assembly (¶16).

### **JOMMON K.K. v. SHAJIMON P. & ORS. ETC. [2025 INSC 425 (02 APRIL 2025)]**

**Justices:** Justice Dipankar Datta and Justice Manmohan

**Question(s):** Whether the appellant holding a Syrang license was eligible to participate in and be appointed as Lascar through the recruitment process held for the post of Lascars.

#### **Factual Background:**

On 17 October 2012, the Kerala Public Service Commission (“KPSC”) invited applications for the post of Boat Lascar through direct recruitment under the Kerala State Water Transport Department. According to the notification, the candidates were required to possess literacy in Malayalam, Tamil, or Kannada and hold a valid Lascar’s license at the time of application.

As per the Special Rules of 1975 for the Kerala State Water Transport Subordinate Service (Operating Wing), there were three categories of Subordinate Service under Class III namely, Syrang, Driver and Lascar. The post of Syrang could either be filled through promotion from Lascar or by direct recruitment whereas the post of Lascar can be filled only through direct recruitment. On 9 October 2012, the Director of the Department of Ports stated in his letter that Syrang and Master certificates could be considered equivalent to or higher than a Lascar certificate making the holders of such certificates eligible for the post of Lascar.

The appellant, who held a Syrang license applied for the post of Lascar as per the advertisement. He secured the first rank and was selected for appointment. After the release of the rank list, few candidates who participated in the recruitment process challenged the inclusion of individuals holding licenses other than a valid Lascar license in the rank list. The Administrative Tribunal on 9 March 2018 directed KPSC to revise the rank list and cancel the appointment of the ineligible candidates. Following this directive, the appellant's appointment was annulled.

The appellant has approached the Supreme Court against the High Court's dismissal of his challenge to the cancellation of his appointment.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court dismissed the appeal holding that the process through which the appellant was appointed was not legal and valid. The Court held that there is no straight-jacket rule that candidates with higher qualifications must be selected over those possessing the basic qualification. Merely because the post of Lascar is a feeder post for promotion to the post of Syrang does not per se make the holder of a Syrang's licence qualified for the job of a Lascar.

### **Reasons for the Decision:**

#### *Rejection of the plea of non-joinder of necessary parties*

The appellant argued that he was not a party to the proceedings before the Tribunal and hence the order should not bind him. The Supreme Court held that the appointees once selected through the examination form an identifiable category and should be impleaded as necessary parties when there is a determination of their rights by any Courts or tribunal. In the instant case, the Court dismissed this ground holding that the appellant did not challenge the Tribunal order until his appointment was terminated.

#### *Ineligible to participate in the recruitment*

The Supreme Court interpreted Rule 6 of the Special Rules and held that only individuals possessing a current Lascar's license valid at the time of the last date of application were eligible for recruitment. According to this criterion, current Lascar license holders form a distinct class and anyone possessing a Syrang's or Driver's license cannot fall under this class and were deemed ineligible. Despite the fact that Syrang's license holders must have previously held a Lascar's license for two years, the appellant's failure to possess a current Lascar's license at the time of application rendered him unqualified.

#### *Equality of opportunity in public employment*

The Supreme Court held that equality of opportunity in matters of public employment is sine qua non for a fair and transparent selection process. It observed that the Director's letter specifying that the licenses of Syrang and Driver were considered to be higher than a Lascar license was not publicised and no corrigendum was issued. Individuals possessing better qualifications than the appellant unaware of the equivalency were disadvantaged without having an opportunity to apply.

#### *No absolute rule that candidates with higher qualification be preferred*

The Supreme Court observed that Lascar license holders cannot be directly recruited for any Class III post other than Lascar. Allowing Syrang's license holders who are more qualified to apply for Lascar positions could lead to them outperforming Lascar license holders potentially filling all the vacancies. This would create an uneven level playing field for those with only a Lascar's license. The Court therefore held that there is no universal rule requiring higher qualified candidates to be preferred over those meeting the essential qualifications.

## **NEHA ENTERPRISES v. COMMISSIONER, COMMERCIAL TAX, LUCKNOW, UTTAR PRADESH [2025 INSC 476 (9 April 2025)]**

**Justices:** Justice Pankaj Mithal and Justice S.V.N. Bhatti

**Question(s):** Whether the Appellant, a registered dealer, was entitled to input tax credit under the Uttar Pradesh Value Added Tax Act, 2008, for sales made to a manufacturer-exporter, where the said sales were exempt from tax under Section 7(c) of the Act.

### **Factual Background:**

The Appellant, a registered dealer under the Uttar Pradesh Value Added Tax Act (“the Act”), 2008, filed returns for the assessment year 2010-11, claiming an Input Tax Credit (“ITC”) of ₹6,42,260 on sales of ₹1,89,35,100 made to a manufacturer-exporter against Form-E. These sales were exempt from tax under Section 7(c) of the Act, read with Notifications dated 24.02.2010 and 25.03.2010.

The assessing officer initially allowed the ITC but later by its order dated 22.02.2013 disallowed it under Section 28 of the Act, by relying on Section 13(7), which prohibits ITC for tax-exempt transactions. The assessing officer reasoned that the Appellant was not entitled to ITC on the purchase tax paid for sales made to the manufacturer-exporter, as these sales fell under Section 7(c) of the Act, and the proviso under Section 13(7) of the Act specifically disallowed ITC for such transactions. The Appellant argued that its claim fell under Section 13(1) of the Act and that the proviso in Section 13(7) was not applicable.

The First Appellate Authority dismissed the Appellant's appeal, holding that the notifications related to Section 7(c) exempted direct sales of raw materials etc., to manufacturer-exporters upon filing Form-E but did not provide input tax credit to the sellers for these tax-exempted sales. This view was upheld by the Tribunal of Commercial Tax, Meerut. The High Court also dismissed the Appellant's revision, by holding that a plain reading of Section 13(7) clearly revealed the Appellant's ineligibility for input tax credit on goods exempted under Section 7(c) of the Act. Consequently, the Appellant filed an appeal in the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court dismissed the Appellant's appeal, upholding the orders of the lower authorities and the High Court, and held that the Appellant was not entitled to the claimed Input Tax Credit. The judgment of the Court was authored by Justice Bhatti.

## **Reasons for the Decision:**

### *Applicability of Section 7(c) and Section 13(7)*

The Supreme Court held that Section 13(1) allows input tax credit for taxable goods purchased within the State, subject to certain conditions. Notably, it permits a full input tax credit if the purchased goods are resold in the course of export out of India. However, the Court reasoned that Section 13(7) carves out exceptions to this rule. It explicitly states that no input tax credit shall be allowed to a dealer for the purchase of any goods where the subsequent sale of those goods by the dealer is exempt from tax under Section 7(c) of the Act.

The Court held that it was an admitted fact that the dealer's turnover fell under Section 7(c) of the Act due to the tax exemption granted on sales to manufacturer-exporters via the relevant notifications. Given that the dealer's sales were exempt under Section 7(c), the statutory prohibition in Section 13(7) took precedence over the provision for input tax credit under Section 13(1). The Court concluded that the denial of input tax credit was a clear statutory mandate based on the specific circumstances of the case.

### *Rejection of arguments based on intent and policy*

The Supreme Court ruled that the plain language of the statute, particularly Section 13(7), must be given effect, and arguments based on the perceived intent or policy could not override the clear statutory provisions.

## **STATE OF KARNATAKA v. NAGESH [2025 INSC 492 (16 APRIL 2025)]**

**Justices:** Justice Bela M. Trivedi and Justice Prasanna B. Varale

**Question(s):** Whether the prosecution proved beyond reasonable doubt the demand and acceptance of a bribe to uphold the Trial Court's conviction of Nagesh ("accused") for offences under the Prevention of Corruption Act, 1988 ("P.C.Act").

### **Factual Background:**

The complainant (PW-1) filed an application with the Tahsildar for changing the mutation entries in the revenue records. The accused, working as a village accountant, demanded a bribe of Rs. 1,000 on 3 April 1995 for processing the application. On 7 April 1995, the complainant lodged a complaint before the Lokayukta following which a trap was set by the officials. The complainant accompanied by PW-2 carried ten notes of Rs. 100 denomination each, smeared with phenolphthalein powder. The accused accepted the bribe with his left hand and placed the money in his pants pocket. When his left hand was washed in a sodium carbonate solution the solution turned pink. A charge sheet was filed against the accused for offences under Section 13(1)(d) read with Section 13(2) of the P.C.Act. On 14 June 2006, the Trial Court convicted

the accused and sentenced him to one year of rigorous imprisonment under Section 7 of the P.C.Act. However, on 9 March 2012, the High Court acquitted the accused holding that there was no proof of demand and acceptance of the bribe. The State of Karnataka filed an appeal before the Supreme Court against the acquittal.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court set aside the acquittal by the High Court and upheld the conviction and sentence recorded by the Trial Court. The Court held that the High Court erred by focusing on the minor discrepancies in the witness testimonies and disregarded other reliable oral and documentary evidence.

### **Reasons for the Decision:**

#### *Essential elements for an offence under Section 7 of the P.C.Act fulfilled*

The Supreme Court by referring to *C.K.Damodaran Nair v. Government of India* ((1997) 9 SCC 477) held that in order to prove an offence under Section 7, the prosecution must establish that the accused was a public servant, accepted or obtained gratification other than legal remuneration, and that the gratification was for an illegal purpose. The Court held that in the present case the prosecution clearly established all these essentials beyond reasonable doubt so as to hold the accused guilty under Sections 7, 13(1)(d) read with Section 13(2) of the P.C. Act.

#### *Reliable witness testimonies*

The Supreme Court held that the testimonies of PW-1 and PW-2 provided reliable and detailed accounts establishing the demand and acceptance of a bribe by the accused. It observed that PW1 in his testimony had clearly narrated the sequence of events thereby establishing the facts of the case. PW-1's testimony was further corroborated by the testimony of PW-2. The Court held that a minor departure in PW-1's statement regarding the date of submission of the application did not warrant disregarding the other reliable evidence. Furthermore, the oral testimonies of PW-3, PW-4, PW-5 and PW-6 also supported the prosecution's case.

#### *Minor discrepancies do not make the witness hostile*

The Supreme Court observed that minor inconsistencies in witness testimonies did not render their evidence unreliable. The discrepancies in the evidence of PW-1 such as the hand used by the accused to accept the bribe and the pocket in which the money was placed were not substantial enough to discredit the core evidence. The Court noted that PW-2 provided a clear account of the accused accepting and counting the bribe before placing it in his pocket. Further, the Court observed that the trial took place several years after the incident which could account for minor memory lapses or inconsistencies in the witness's recollections.

## **SC GARG V. STATE OF UTTAR PRADESH & ANR. [2025 INSC 493 (16 APRIL 2025)]**

**Justices:** Justice Pankaj Mithal and Justice Prashant K. Mishra

**Question(s):** Whether the High Court was justified in refusing to quash the criminal proceedings against the appellant under Section 420 of the Indian Penal Code, 1860 (“IPC”) while exercising jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (“Cr.P.C”).

### **Factual Background:**

The appellant was the managing director of a company engaged in manufacturing of craft papers which had business dealings with the respondent no.2. Between December 22, 1997 to January 01, 1998, the respondent no.2 issued eleven cheques which were dishonoured due to insufficiency of funds in the account. In relation to the liabilities other than the amount involved in the eleven cheques, respondent no.2 issued three demand drafts. Thereafter, the respondent no.2 again issued eleven cheques for encashment out of which only four cheques were cleared while seven others were dishonoured again. Therefore, the appellant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 (“NI Act”) against the respondent no.2 for dishonoured cheques. The Trial Court convicted the respondent no.2 for offence under Section 138 of the NI Act and imposed a fine of Rs. 3,20,385. The Trial Court recorded a specific finding that the demand drafts pertained to other liabilities of the respondent no.2’s company and not towards liquidating the liability arising under the cheques in question. The conviction was affirmed by the Additional Sessions Judge in appellate proceedings filed by the respondent no. 2. Thereafter, the appellant filed a criminal revision petition before the Allahabad High Court wherein the Registry of the High Court was directed to deposit the fine amount paid by the respondent no.2 in the appellant company’s bank account. Aggrieved, respondent no. 2 moved an application under Section 156(3) Cr.P.C seeking registration of an FIR against the appellant alleging that despite payment of amount involved in the seven dishonoured cheques, by way of separate demand drafts, the appellant fraudulently realised the amount from four out of eleven cheques. Magistrate took cognizance of the alleged offence and summoned the appellant who subsequently filed a petition under Section 482 Cr.P.C for quashing of the chargesheet and the summoning order. The said petition was dismissed by the High Court. Aggrieved, the appellant approached the Supreme Court.

### **Decision of the Supreme Court:**

The Division Bench (two judges) of the Supreme Court allowed the appeal filed by the appellant and quashed the criminal proceedings instituted against the appellant for offences under Section 420 of the Indian Penal Code. The judgment of the Court was authored by Justice Mishra.

### **Reasons for the Decision:**

#### *The principle of res judicata has no application in a criminal proceeding*

The Supreme Court observed that in *Pritam Singh v. State of Punjab (AIR 1956 SC 415)* a Three-judge Bench had opined that maxim res judicata is no less applicable to criminal proceedings than to civil proceedings (¶14). This decision in *Pritam Singh* was binding for deciding the applicability of principle of res judicata insofar as the criminal proceeding was concerned (¶19). For this reason, the Supreme Court held that it was clear that the respondent no.2 could not maintain a prosecution on the basis of allegations which were precisely his defence in the earlier proceedings wherein he was an accused (¶20).

#### *No vicarious prosecution under IPC*

The Supreme Court observed that the business relation was between the two companies and no payment was made by the respondent no.2 to appellant individually (¶21). The Supreme Court referred to the judgment in *Delhi Race Club Ltd v. State of Uttar Pradesh [(2024) SCC online 2248]* and observed that a person could not be vicariously prosecuted for offences under IPC, merely on account of the fact that he held a managerial position in a company without there being any specific allegations regarding his involvement in the offence (¶23).

### **Reserved Judgments - CRP Matters to be Pronounced**

1. State of Lokayuktha Police v. CB Nagaraj, Criminal Appeal No. 1157 of 2015 (Reserved on 09.01.2025)
2. Virendar Pal @ Vipin v. State of Haryana, Criminal Appeal No. 342 of 2015 (Reserved on 16.01.2025)
3. Chetan v. State of Karnataka, Criminal Appeal No. 1568 of 2013 (Reserved on 23.01.2025)
4. M Sambasiva Rao v. State of Andhra Pradesh, Criminal Appeal No. 391 of 2017 (Reserved on 23.01.2025)
5. Aman Bhatia v. State (GNCT of Delhi), Criminal Appeal No. 2613 of 2014 (Reserved on 27.02.2025)
6. Zainul v. State of Bihar, Criminal Appeal No. 1187 of 2014 (Reserved on 03.04.2025)
7. Konde Nageshwar Rao v. A Srirama Chandra Murty, Criminal Appeal No. 555 of 2018 (Reserved on 20.02.2025)

8. State of Himachal Pradesh v. Shamsheer Singh, Criminal Appeal No. 476 of 2015 (Reserved on 27.02.2025)
9. District Appropriate Authority v. Kaushik Babulal Shah, Criminal Appeal No. 1969 of 2017 (Reserved on 06.03.2025)
10. State of Himachal Pradesh v. Sanjay Kumar, Criminal Appeal No. 595 of 2016 (Reserved on 20.03.2025)
11. Sardari Lal v. Bishan Dass, Civil Appeal No. 10990 of 2016 (Reserved on 27.03.2025)
12. Daivshala v. Oriental Insurance Co, Limited, Civil Appeal No. 6986 of 2015 (Reserved on 03.04.2025)
13. Krishna Kumar Kedia v. Union of India, Criminal Appeal No. 280 of 2019 (Reserved on 03.04.2025)
14. Ramyash @ Lal Bahadur v. State of Uttar Pradesh, Criminal Appeal No. 1153-1155 of 2021 (Reserved on 03.04.2025)
15. Umashankar Yadav v. The State of Uttar Pradesh Home Department Chief Secretary, Criminal Appeal No. 439 of 2018 (Reserved on 1.05.2025)
16. Vaibhav v The State of Maharashtra, Criminal Appeal No. 1643 of 2012 (Reserved on 1.05.2025)



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