

ITEM NO.14

COURT NO.7

SECTION II-D

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

Petition for Special Leave to Appeal (Crl.) No.773/2026

[Arising out of impugned final judgment and order dated 01-08-2025 in SBCRRP No. 38/2003 passed by the High Court of Judicature for Rajasthan at Jaipur]

VIJAY KUMAR & ORS.

Petitioner(s)

VERSUS

26007208

THE STATE OF RAJASTHAN

Respondent(s)

(IA No. 338436/2025 - CONDONATION OF DELAY IN FILING SLP AND IA No. 338434/2025 - EXEMPTION FROM FILING O.T.)

Date : 15-01-2026 This matter was called on for hearing today.

CORAM :

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

For Petitioner(s) :

Mr. Abhishek Gupta, AOR
Ms. Sheena Taqui, Adv.

For Respondent(s) : Ms. Bina Madhavan, AOR

Mr. Shiv Mangal Sharma, AAG
Mr. Saurabh Rajpal, Adv.
Mr. Kshitij Mittal, Adv.
Ms. Sonali Gaur, Adv.
Ms. Nidhi Jaswal, AOR

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

1. In pursuance of our last Order dated 8-1-2026, Mr. Pritam Singh, Officer on Special Duty (Judicial) serving with the High Court of Rajasthan, Jaipur Bench is personally present before us
the necessary records.

We looked into the original record and proceedings of Criminal Revision Petition No.38/2003.

3. We also looked into the various orders passed by the High Court over a period of time adjourning the matter for some reason or the other.

4. The record reveals that between 2003 and 2025, the Revision Petition was adjourned for 40 times. In other words, the Revision Petition was notified before various Courts for at least 40 times.

5. The learned counsel appearing for the High Court has many reasons to assign why the Revision Petition was not taken up for hearing. However, the facts remain that in a very serious offence like dowry death, the Revision Petition remained pending for almost a period of 23 years and that too with an interim order.

6. We also noticed something very unusual. Although the petitioners before us had not impleaded the original first informant as a party respondent in the Memorandum of the Revision Petition, yet we come across an order stating that the complainant has not remained present. We wonder at what point of time, the original complainant was impleaded as one of the Respondents and whether any notice was issued to the complainant or not.

7. We would like to incorporate the chart provided by the High Court dealing with our question as regards the disposal of Criminal Revision Petitions between 2021 and 2025. The chart reads thus:-

RAJASTHAN HIGH COURT BENCH, JAIPUR			
YEAR- WISE INSTITUTION, DISPOSAL AND PENDENCY OF			
CRIMINAL REVISION FROM 2001 TO 2026			
YEAR.	INSTITUTION	DISPOSAL	PENDENCY
2001	1092	774	66
2002	1275	621	64
2003	1390	286	113
2004	1153	934	71
2005	1306	543	83
2006	1477	541	208
2007	1360	1612	226

2008	1630	1649	340
2009	1766	1594	555
2010	1373	601	369
2011	2011	1503	444
2012	1344	1242	298
2013	1217	1329	241
2014	1562	1292	301
2015	1601	1660	389
2016	2223	1069	576
2017	2021	2220	567
2018	2352	1586	672
2019	2817	1082	1080
2020	1404	769	396
2021	1476	758	523
2022	2129	1028	899
2023	2015	2223	970
2024	2253	2837	1143
2025	2374	2424	1711
2026	45	9	44
	42,666	32,186	TOTAL- 12349

8. Although, today we have the entire record of the case and also the assistance from the learned counsel appearing for the High Court of Rajasthan and the learned counsel appearing for the State of Rajasthan, yet the picture is not clear. We are not satisfied or rather convinced with what has been explained to us. There are so many thoughts haunting our mind as to why, in such a case of serious crime, trial did not commence at the earliest.

9. Framing of charge is something very important in a criminal trial. Framing of charge is a much advanced stage in the

proceedings under the Code of Criminal Procedure, 1973. At the stage of framing of charge, the Court is concerned not with the proof of the allegations, rather it has to focus on the material and form an opinion whether there is strong suspicion that the accused has committed an offence which if put to trial could prove his guilt. Framing of charge is not a stage at which the final test of guilt is to be applied. At the stage of framing of charge, the Court has to consider the material only with a view to find out if there is a ground for "presuming" that the accused had committed the offence and not for the purpose of arriving at a conclusion that it is not likely to lead to a conviction.

10. In the case at hand, the matter had already reached the stage of framing of charge. The charge, in fact, came to be framed by the Trial Court. It is at this stage that the order passed by the Trial Court framing charge came to be challenged by the petitioners original accused persons before the High Court and the High Court in exercise of its revisional jurisdiction under Section 401 read with Section 397 of the Code thought fit to admit the revision petition and stayed the further proceedings of the trial. In course, ultimately when the matter was taken up for final hearing the High Court thought fit to reject the revision petition. With the rejection of the revision petition, the trial has to now proceed further in accordance with law.

11. This litigation is an eye-opener for all the High Courts across the country. The High Courts should ensure that by way of interim orders passed in petitions like Criminal Revision Petitions, petitions under Section 482 of the Code, trials relating to serious crimes like murder, rape, dacoity, dowry death etc. are not held up for long period of time. Justice has to be done at the earliest. In our Order dated 8-1-2026, we have observed and we reiterate the same that justice has not only to be done with the accused but justice has to be done even with the victims and their family members of the victims. Injustice anywhere is a threat to justice everywhere.

12. In such circumstances, referred to above, we dispose of the Special Leave Petition with the direction to the Trial Court to proceed with the trial expeditiously and see to it that the same is disposed of with final Judgment within a period of six months from today.
13. The State, as the prosecution agency, is duty bound to ensure that all important witnesses are examined and there is no unnecessary further delay in the conclusion of the trial.
14. We also request the Chief Justices of all the High Courts to take up this issue on its administrative side and see to it that by virtue of interim orders passed in Revision Petition(s) or any other petition(s), the trials are not held up or stayed for a long time, more particularly, in matters relating to heinous crimes.
15. There could be two set of petitions. There could be a case where the accused does not want the Court to frame charge and is praying for discharge and his plea for discharge is rejected by the Trial Court. He comes to the High Court and the High Court grants him relief. Thus, in such cases, the Trial Court is unable to proceed with the framing of charge and there could be cases like the one in hand, where charge is framed and the same is challenged and the proceedings of the trial court are stayed.
16. Let the aforesaid aspect be looked into at the earliest by all the High Courts and needful be done in the larger interest of justice.
17. The original record of the High Court shall be handed over back to the Officer who has been deputed by the High Court to remain present before us.
18. Let one copy each of this order be forwarded to the Registrar General of all the High Courts, who, in turn, shall place the order before the Chief Justice of the High Court for necessary action.
19. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA

ORDER XXII RULE 2(1)A

CRIMINAL APPELLATE JURISDICTION

SPECIAL LEVE PETITION
(UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA)

SPECIAL LEVE PETITION (CRL.) NO. 773 OF 2026

WITH PRAYER FOR INTERIM RELIEF

BETWEEN

POSITION OF PARTIES

IN TRIAL IN HIGH IN THIS
COURT COURT COURT

1. Vijay Kumar S/o
Suresh Chand Singhal
Accused Petitioner Petitioner
No.1 No.1 No.1
2. Rajendra Kumar @ Raju S/o
Suresh Chand Singhal
Accused Petitioner Petitioner
No.2 No.2 No.2
3. Shiv Narayan @ Banti S/o
Suresh Chand Singhal
Accused Petitioner Petitioner
No.3 No.3 No.3
4. Suresh Chand S/o
Prabhu Dayal Singhal
Accused Petitioner Petitioner
No.4 No.4 No.4

5. Smt. Shakuntala W/o
Suresh Chand Singhal
Accused Petitioner Petitioner
No.5 No.5 No.5
6. Smt. Hemlata W/o
Rajendra Kumar Singhal
Accused Petitioner Petitioner
No.6 No.6 No.6

All R/o 223, Sadar Bazar, Nasirabad
District Ajmer, Rajasthan.

7. Ram Chandra S/o
Kanhaiya Lal Singhal
R/o 619, Ram Dayal Mohalla,
Nasirabad
District Ajmer, Rajasthan.
Accused Petitioner Petitioner
No.7 No.7 No.7

Versus

The State of Rajasthan
Through Home Secretary
Govt. of Rajasthan
Sachivalaya Compound
Jaipur, Rajasthan.

Prosecution Respondent Respondent

PETITION UNDER ARTICLE 136 OF THE
CONSTITUTION OF INDIA FOR SPECIAL LEAVE
TO APPEAL AGAINST THE FINAL JUDGMENT
AND ORDER DATED 01.08.2025 OF THE HIGH