

P-1315

Day One:

## SESSION 1

The DIRECTOR welcomed all the participant officers. He was delighted at the fact that all the officers were already seated for the first session of the conference, much before the actual time of commencement of the conference. He requested the officers to show the same promptness in their respective courts also by attending the courts timely. He asked the officers to not treat the judgeship as 9 to 4 job. He opined that adherence to time by the trial courts will only increase the faith in the justice system. Thereafter he introduced three eminent resource persons for the day, highlighted their specific backgrounds, how they have also arisen from the district judiciary and therefore they are the best persons to know why the constitution matters. He highlighted achievements of all, from their education to practice area, to life as a judge and to a life post retirement. To begin with the conference, He posed an important Q for speakers to deliberate upon: *Why the constitution should be understood by the district judiciary?*

JUSTICE N SESHASAYEE: Questioned judicial officers how they are? When they said they are fine, he said that this is what we need to do with our constitution as well. Check its health. He informed that he was clerk of justice Krishna Iyer. He further informed that

- (i) the constitution is much more than part III of the constitution. Every aspect of our life is somehow or other is linked to the constitution. The first important words of the constitution are “we the people of India give to ourselves this constitution”. This means that we all own the constitution. We are all responsible for it. It means we have specific role to preserve this constitution.
- (ii) Regarding the district judiciary, the word “subordinate” used in the constitution is to be avoided. But there are number of provisions that concern the district judiciary and about which the district judiciary must have complete knowledge. These pertain to three lists in the constitution, demarcating the role of the state and the centre. Then article 227 – which does not use the words subordinate. Therefore every judge in this country is subordinate to his conscience and to the constitution and not to anyone office.

Participants were asked Q - *what is your identity in the scheme of constitution? What is your status within constitutional framework?*

JUSTICE N SESHASAYEE on observing silence from audience informed them that

- (iii) As all judges are independent, it means that district judges are not subordinate. They are subordinate only in administrative matters, but judicially they are independent. There are number of provisions in the constitution, that give concurrent powers to district judiciary along with high court judges. The power to pass decree is same as that of

high court judge. Even on issue raised raising constitutionality of any legislation, district judge can make a reference or return the plaint, but it will not be correct to reject the plaint.

- (iv) By and large, the same laws are applied by district judiciary as they are applied by high court or the supreme court. Also, an important role of district judiciary gets highlighted by the fact that from the day one, you get the papers related the case to read. You are approached first by the litigants.
- (v) Article 144 of constitution clarifies that all courts have to aid the supreme court. This makes district judiciary part of core scheme of things.
- (vi) The constitution belongs to everyone. Even to migrant labour, even to street food seller, the constitution belongs. Therefore the constitution cannot be appropriated by select group of people. It is not meant for legal practice, but for everybody's sustenance. The moment you come out of your house, the constitution operates governing your thoughts and actions. There is no aspect of life, left untouched by the constitution. The constitution has given us judicial independence. The contempt of court provisions insulate judges to a great extent from the criticism.

JUSTICE N SESHASAYEE Raised the Question - *what is big deal in being a judge?* The prime minister takes responsibilities for entire population and their welfare, but the judge is responsible only for some 1000 to 2000 cases. *Is this so difficult?*

On control of high courts over the district judiciary, JUSTICE N SESHASAYEE clarified the scope of Article 235 of the constitution as:

- (i) It essentially deals with administrative control related to transfer, posting etc. but there are many other provisions which make district judiciary an independent organization.
- (ii) District judges forget all provisions which make them an independent organization and fear the high court judges on the pretext of this article.
- (iii) Show courtesy to the high court judges but show allegiance to only and only the constitution. The career as a district judge will be fine if the judge follows the path shown by the constitution.
- (iv) Gave example from Tamil Nadu as to how wrongly ambit of article 235 is interpreted. He cited the practice of district judges lining up at home of the high court judge on 1<sup>st</sup> January to meet and greet the high court judges. The high court judges are not at all bothered about district judges showing up or not showing up and parading before them, but the district judges due to unknown fear have made it compulsory to attend the function of garlanding judges.
- (v) Apart from article 235 fear, there is too much attention paid to the upward movement in the career. So much so that in Tamil Nadu He found that when some district judge dies, there is an obituary function in the morning and by the afternoon, colleague judges who attended

obituary in the morning, are calculating their prospects to move up in the hierarchy ladder by death of their colleague judge!

JUSTICE N SESHASAYEE gave 10 commandments to judges - to keep in mind that

- (i) Function of A judge is not divine, as judge is accountable
- (ii) Every single case requires their full attention as no one forced you to take the job of judging. In fact, you chose this profession for yourself.
- (iii) There is never a need to change the rules of the game. Cricket and tennis are different games. Rule of one game cannot be imposed into another game. If you are not comfortable with the rules of the game, quit and go to a game with which you are comfortable. Rules cannot be changed as we are in democracy. As a judge, we are going to travel for limited time in system which existed before we entered and will continue to exist as it is even after our role in that journey is completed.
- (iv) let your work speak for itself and not advertise about it.
- (v) remind yourself time and again that you are to judge causes and not the persons related to those causes.
- (vi) The present government during its first tenure known as NDA I - took away the red lights from our cars. Even after disappearance of red light on our cars, it has been found that the judges carry red lights on their head now.
- (vii) Do not carry prejudices to the bench. Just apply laws as mathematician applies their formulae for solving complex problems.
- (viii) Conduct yourself to serve the constitution
- (ix) Focus on job, you will get what you are destined for.
- (x) Preserve body and mind in such a way that it operates within your financial limits.

Justice DHYANI - replied JUSTICE N SESHASAYEE on the practice of not calling colleague judges as brother but addressing them as the lordship by stating in lighter vein that he belongs to the slave dynasty.

Justice DHYANI recalled that earlier day India was defeated by England because as observed by the senior cricketers, the players did not adhere to the rules of the cricket. Therefore he agreed with the observations of JUSTICE SESHASAYEE that we must stick to the rules or quit.

Justice DHYANI opined that there are only 5 articles in the constitution of India pertaining to the trial judiciary. These articles clarify that at the end of the day we all are judicial officers, whatever may be our inter se position be.

Regarding fear of article 227 and article 235, Justice DHYANI was of the view that trial judiciary is both good and bad because of these two articles. These article instill fear and therefore district judges work hard because of these provisions only, they are careful because of these provisions. At the same time, the fear causes errors.

Regarding judicial independence of trial judges, Justice DHYANI took the view that the concept of sovereignty and independence are subjective and complex. We have the constitution on one hand that gives us independence, but on the other hand, we have the service rules governing us, reducing trial court judge simply to a position of the government servant. Therefore one has to strike a balance between – the service wise status of the government servant with that of the constitutional status giving trial court judges independence in decision making process.

Justice DHYANI asked the district judges to ponder over the question “*who am I*”? now and again. This reflection will take them to the genesis of a district judge which emanates from civil courts acts and the CrPC. Even though we are public servant, the conduct is governed by the conduct rules formulated for all the government servants. Therefore, he asked the trial judges attending the course to remove misconceptions about their cosmetic role and therapeutic role.

Justice DHYANI asked participant judges to carefully scrutinize the words used in articles 233-237 of the constitution that sum up complete status of district judiciary in our constitution. Explained these provisions to audience.

Thereafter he referred to case laws made available by NJA in reading materials. He cited example of Lucknow lawyer who specializes in assuring judgment debtor that judgment creditor will not get fruits of decree executed in his favour in his life time. How he had ability to get stays on execution of decrees making the case drag for decades.

JUSTICE N SESHASAYEE acknowledged that in reality, lot of things happen in the courts and with the district judiciary. He cited the incident of one district judge who came crying to him and refused to sit on bench as one lawyer shouted on him. That lawyer had a husky voice and there was nothing could be done of the voice or pitch. He also gave his example of meeting statistics in judicial performance. He asked the judges to give more attention to the quality rather than the quantity even if you are not able to meet the monthly quota.

MEGHALAYA JUDGE asked to lay down a roadmap for article 235 enforcement so that vulnerability of subordinate judiciary is reduced. It is not fear. But it is our vulnerability.

JUSTICE N SESHASAYEE told in answer with example that the vulnerability can be overcome with our ability to articulate and reason. The more we develop our skills for articulation and reasoning making us perfect, more easy it is for us to get out of the most tricky situations on the ground.

## Session 2

JUSTICE RAVI TRIPATHI took the view that every provision of the constitution has to be observed by trial judges. Out of these there are some negative covenants which have to be observed - as pulled out by the NJA. For instance take the case of article 212 of the constitution. It says that trial courts not to

inquire into proceedings of the legislature. This is definitely meant for the trial judiciary. However, such covenants should not shut down the minds of trial judge or make trial judge believe that he/she has absolutely nothing to do with the constitution. Justice Tripathi thereafter referred to 243 related covenants on judiciary. Thereafter to article 284 of the constitution and explained the judgment. After referring to provisions pointed out by NJA, justice TRIPATHI asked *what is meant by judge for 24x7*. Audience answered as commitment. Justice TRIPATHI pointed out that even though physical beacon light is done away with, the mental beacon light still subsists. That mental baggage has to be shred. He referred to earlier discussion at NJA on babudom. HE explained it as minority of people looking down upon majority of people. He illustrated how people remain aloof now a days specially if they are travelling in flight. As a judge you must come out of this babudom. Another suggestion he gave was that judge must love their jobs.

DIRECTOR NJA JUSTICE A.P. SAHI thanked JUSTICE TRIPATHI for guiding judges on need for communication. HE reminded resource persons as well as audience judges that today's topic is *why we must refer to the constitution time and again in our judicial as well as administrative work*. He cited his own experience at Allahabad High Court where he was surprised when he found that the fee collected by the high court for conducting examination almost 4 crore rupees was not deposited in treasury by the registry of the high court as mandated under Article 284 of the constitution and instead the examination committee started inviting suggestions on how to spend the money. Lot of suggestions came to buy for hardware for betterment of work of examination committee. When he raised query with the accounts, the accounts department informed about article 284 of constitution which prohibits expenditure from the fees collected and which compels the courts to deposit this money to the treasury. Even as chief justice of Patna High Court, he found that article 284 was not followed and the high court was spending the money collected by way of fees in meeting its expenses. He informed the judges that there are number of provisions in the constitution which helps in our administrative and judicial functions.

JUSTICE BASANT informed that he never stopped questioning the system. Even today in Madras and Kerala, the depositions is written in hand by the trial court judges. According to him, this could have been changed to audio or video recording of deposition had there been some questioning of the practice. The change comes with questioning. He opined that if the judges do not question the system, then the system continues without any innovation, change, or reform. He shared his life experience as a judge. He informed that justice K T Thomas who influenced people like him to opt for judiciary and later became the Supreme Court judge.

Justice BASANT informed the audience that the position of a district judge is an important position and very enjoyable due to vast power it gives. He pointed out to the attitude of district judges which indicates their low esteem and inferiority complex. This attitude he opined was not right as no one forces anyone to become a judge but it is a conscious decision made.

Thereafter, Justice BASANT referred to three principles – separation of power, the rule of law and the justice according to the law – and explained that these are three principles which cannot be compromised – not even by the supreme court armed with 141/142 power. Inherent limitations ought to be observed by all the judges.

According to Justice BASANT, doing justice is one of the simplest job on the earth. For an honest and upright judge, doing justice is not difficult. But justice should be seemed to be done. And this latter part is complex. He asked judges to care less for their performance units and ACRs and enjoy their existence as a judge to do the justice.

Regarding the constitution, Justice BASASNT informed that it is not any ordinary document, it is constitutional ethos, values which must guide us in our judicial or administrative work. It is not an alien document to be dealt only by Supreme Court and high courts. Even if you may not cite article 14 in your judgment, you still have to follow in procedure as well as in substance. When you delay trial, you violate right to speedy justice protected under article 21 of the constitution. Therefore it is important to imbibe the constitutional values and practice them, apply them in trials before you. Asked judges neither to feel proud nor to feel dejected by upholding of your judgment or setting aside of your judgment by the superior court. He also advised judges that the practice of citing judgments does not prove their intellectual acumen but indicates lack knowledge of principles. Asked judges not to quote big thinkers, great judgments. HE also asked judges to read judgments of Lord Denning so as to learn to write simple sentences. About 24x7 work culture, he asked judges to be careful as they are being observed and scrutinized by the public much more now than ever before. Thereafter he gave following commandments:

- Glory in life is in attempt and not in accomplishment.
- Great capacity as a judge you must have to hear what is not said, by public, by juniors, by lawyers etc.
- Enjoy sublimity of your existence.
- Story on cutting stones points that how you view your work.

DIRECTOR – The mission is not to forget the constitution, its ideals and its entire scheme. You must not forget these ideals while dispensing justice.

### Session 3

DIRECTOR - Today we had devoted two sessions on how judges must conduct themselves under the constitution. The present third session is more about principles of administrative law. He then introduced senior advocate N.L. Rajah.

N. L. RAJAH informed that he was conducting disciplinary proceedings against the trial judiciary. He expressed concerns about the post lunch session being of the subject which audience may not be very enthusiastic to attend. He informed about articles 311 – 317 of the constitution – which assure the security to the public servant against exploitation and protection of tenure. The constitution lays down broad parameters governing the service matters. The Supreme Court

has in number of judgments given flesh and blood to these skeleton procedures. These articles are very much applicable to judicial officers. He referred to the judgment citation 2011 (10) SCC p.. wherein the compulsory retirement provisions were scrutinized. The role of government is not there due to independence of judiciary. He also informed how Article 21 is key to open the door of the constitution. It has served as a great guarantor of life and liberty for citizens. His paper is with the Academy.

JUDGE FROM WEST BENGAL asked question on inquiry related issue. Was answered by Justice Dhyani.

Mr. N. L . RAJAH informed that in Madras he came across number of disciplinary proceedings filed against judicial officer owing to his granting of bail.

Q from audience– what if adverse comments are passed on judgment and judicial officer concerned has to fight litigation up to Supreme Court to expunge that remarks. Can judicial officer be compensated for litigation cost that they bore to fight their case up to the Supreme Court?

Mr. N. L . RAJAH answered in the negative. As no high court justice till date has been asked to compensate for wrong strictures. Thereafter N. L. RAJAH read his paper.

JUSTICE U C DHYANI presented his slides. He viewed that docket explosion is to be preferred to docket exclusion otherwise people will take optional extra judicial routes to solve their disputes.

DIRECTOR pointed out that it is always the judge is on trial. You have to leave your footprints as Cardozo left. As to what could be tool to leave imprints, the answer is judicial temperament. That temperament will come from attitude to serve other. As far as stress is concerned, the stress starts right from the first cup of tea in the morning. As to attitude of finding a way so that you are saved from the trouble and push the problem to high courts- director took the view that this attitude will finish you. If you want to survive, you have to perform and not push away matters away from your task. He gave example from medical field to point out that you have to strike a balance and persuade others to agree to your opinion. He also give example – suppose you have to ampute your limb to save your body, then it is worth considering it.

## DAY 2

DIRECTOR apologized for being late and informed that he was engrossed in the session of Justice C.K. Thakkar in parallel high court justice conference. Thereafter he introduced the session 4, the objective behind designing this session as well as why two different judges – one from the bar (AS) and one from the career (CVK) were selected to deliver this session, how their different backgrounds will help officers in understanding nuances of the session. The Director raised the question for guiding the discussion by RPs -- *how do we read*

*the provisions of PNJ in constitutional scheme of things?* Asked officers to question RPs and take advantage of their wisdom.

JUSTICE ATUL SREEDHARAN – gave example from his days – how lawyers practicing constitution matters would ridicule criminal lawyers and vice versa. In this session, JUSTICE ATUL SREEDHARAN informed that he is going to integrate best of both the worlds – the practice of criminal law as well as the practice of the constitutional law. Thereafter he read the slides and read articles 14, 20 and 22 of the constitution. Informed officers that

- equal protection of law is available to alien also. Kasab's case proves that even alien is to be afforded equal protection of laws.
- Even civil laws are not to be applied retrospectively unless and until it is clearly mandated by that law itself
- Good conscious and fairness are foundational principles behind article 20 of the constitution
- Even when the trial court acquits, the court says that the guilt is not proved beyond reasonable doubt, the courts do not say/declare that the accused was innocent. Therefore acquittal does not prove innocence
- D K Basu principles and how these are now universal was also referred to in relation to custody, arrest, defence rights etc.
- Unofficially 60% persons are in Madhya Pradesh illiterate which as 82 million population. So we have people who are spread in large location in rural areas, illiterate and poor. The chances of human right violations in such a situation is very high. The chances of police excesses increase due to absence of vibrant and vigilant press and civil society. In such a situation, the works of trial courts definitely increase. This may not be true of other states like Maharashtra etc where press and civil society is vigilant and fights for the rights of others.
- Gave example of one migrant who was picked up on suspicion and he was under trial prisoner for 4 years. The maximum punishment for crime was 7 years maximum! Only after 4 years, he could move his first bail application before the sessions court. The insensitivity of the sessions judge is reflected from the fact that the judge rejected this bail application on reasoning that police has not completed its investigation.
- Gave another example of one terrorist case. He asked officers to read section 169 of CrPC. Informed that 170 and 173 are different and distinction has to be drawn between these two provision. In 170 there is no charge sheet. Investigation is not complete. It is continuing. Also, it is case where person is not in custody. It does not apply to cases covered by section 169 CrPC. Section 173(5) gives greater clarity.
- He informed officers how they can find out whether detention is malicious or rational; and whether police are genuine or playing some fraud on the courts.
- Preventive detention law was also codified. All the clauses of article 22 were read and explained in detail. He informed that the law of preventive detention is available in almost every country, but the western nations rarely use it due to checks and balances available in those jurisdictions
- Referred to PNJ incorporated in CrPC itself like sections 207, 227-228, 239-240, 311.



- He also informed that more 311 applications are filed by prosecution than the defence, as well as those filed by defence are only to cause delay. So one has to check both sides that they do not misuse. This has to be read with section 136 of the evidence act. The SC has said in number of judgments that 311 is not a tool to cover up the omissions. Also, one thing that must be kept by judges is that many a time the lawyers hired are very inexperienced and do not know art of examination. Therefore accused should not be made to suffer for the mistake of his lawyers.
- Doing justice means affording both defence and the prosecution level playing field.
- At Madhya Pradesh, complainant is given liberty to oppose the bail applications of the accused. There are also central laws like the POCSO Act and the SC/ST (Prevention of Atrocities) Act which give liberty to the complainant to oppose the bail application of the accused. In such a situation, even complainants have to be heard.

#### JUSTICE KARTHIKEY

- gave reasons as to why he is opting for ppt. one to save his face, as officers would be looking at slides so he will be saved when some mistake is made
- informed article 14, 21 and 22 is available to non-citizens also and that is why they were applied in respect of Rajiv Gandhi killers and they were acquitted by a recent judgment
- he referred to articles 39A and 311 of the constitution also to indicate how these are also part of PNJ
- cited example of DJ who refused to hear matter of 498A IPC and recused himself on personal reasons. Some other judge heard the matter and acquitted the accused. The revision was filed in the HC and heard by the same judge who had as a trial judge recused from conducting the trial. HE heard revision and dismissed the revision. The case reached the SC questioning the conduct of the judge: Narinder Singh Arora case (2012) 2 SCC 196
- WEDNESBURY principle was explained in detail to all the officials. Cited how *Maneka Gandhi* case is routinely flouted by family courts which allow impounding of passports of spouses on apprehension by other spouse that child will be removed from the custody and taken abroad
- asked to read 313 crpc with article 20(3) of constitution
- doctrine of proportionality was also explained. This is useful to judicial officers in all their administrative actions. Even in sentencing this doctrine is very useful.
- Gave example of three persons doing murder by cutting person into small pieces and disposing of. To prove the case, police made one of them approver. So during trial one of them was pardoned as approver and other two awarded the death sentence. How rational is this? All three do the murder. Two are sent to gallows and one is u/s 306 and 307 CrPC pardoned and scot free. What kind of justice is this?
- Explained rule of prudence – read the slides
- How general people view the anticipatory bail order than the anticipatory bail order itself is something that you all must consider

## Session 5

### JUSTICE SWAMINATHAN

- informed that there is a division of labour between himself and justice AS
- when do we complain that we are unfairly treated? When something due to us is denied to us. Therefore presiding officer must know which rights are due to the accused. Therefore knowledge of substantive and procedural law is the first requirement from JO. Thereafter comes intention. Gave example of accused being awarded death sentence even when he was not legally represented and trial court failed to give him legal aid to him.
- He gave example of matrimonial dispute where very intelligent judge karpaga vinayakam imposed condition of second honeymoon on the couple seeking divorce from the court. Even though judge knew that such condition cannot be imposed legally, still such condition was imposed. This shows that knowledge is not enough. You as a judge also need the right attitude.
- Though section 309 crpc has jural co-relatives, article 21 of constitution affording speedy justice, does not have jural correlative as told to us by Salmond's jurisprudence: every right must have duty as a jural co-relative.
- Para 86 of *Antulay* judgment was read out to judicial officers to understand what propositions were laid down by the SC on right to speedy trial
- Para 29 of *Raju Ramachandran* case was read out to judicial officers to understand what propositions were laid down by the SC on right to speedy trial
- Rajdev Sharma's case was referred.

Justice Atul Sreedharan intervened as he had assisted the senior advocate Mr. Gopal Subramaniam in this case.

- Quash prosecution itself, direct to be concluded within time limit, latching out – are three remedies available when prosecution is not moving its little finger and the case is lying in cold storage because of inaction on part of prosecution
- Gave example of how section 37 of NDPS Act does not allow district judge power to grant the bail to the accused. In one case, accused was in prison from three years and the prosecution was doing nothing, not even examining the first witness. I granted compensation of 1 lakh to wife of accused even though I could not grant bail to the accused. However, the supreme court overturned this judgment
- Asked the officers to not look into right to speedy justice only from the point of the accused but also consider what impact it may have on the victim. Gave example of sc granting bail to accused who had chapped the hand of professor just because he was in prison from past 5 years and the prosecution had not commenced.

- Referred to statutes where timelines have been provided for conclusion of different stages of proceedings. This indicates law makers took the factor of speedy justice into consideration while framing the law.

#### Justice Atul Sreedharan

- informed about the concept of timeline developed to track the movement of a case in the court.
- As to how to grant bail u/s 37 NDPS Act, if trial has not moved and police witnesses have not been produced since past 2 years, then HC of MP has guided trial courts as to how to grant bail in such cases. Judgment: Saket...
- When police is unable to produce the witnesses, judge by recording the same, can close the evidence. There is nothing wrong about that. The court cannot be faulted for not examining the key witnesses
- In Madhya Pradesh, 90% of pocso cases are from village. Children are uneducated, they run away in company of each other, are brought back and cases instituted. How to punish boy when girl is totally depending on boy for her existence
- Referred to Director's observation that as a judge you should have a checklist for granting the bail and not for denying the bail. Do not sit with negative mindset.
- Informed justice u u lalit had advocated for setting up of office of defence attorneys as part of legal aid machinery.
- Informed of digital world due to which movement of prisoners to court is not required and his deposition through video conference can be taken
- Informed about utility of para legal volunteers which officers must take note of

#### Justice G R Swaminathan

- do you monitor the quality of legal aid afforded to the accused? Because poor quality legal aid can frustrate the whole trial

WB judge – a competent lawyer can be appointed under LSAA

Justice CVK – in madras there is association of senior judges who appear pro bono

Participant judge – what to do when material witnesses to the murder are not traceable. The case keeps pending in the court. We cannot close the case also. What should be done in such cases? Justice AS answered – we are in adversarial system and if police is not able to produce witnesses up to 2 years also, then evidence should be closed against those two witnesses.

#### Justice G R Swaminathan

- has any one of you imposed cost on prosecution u/s 309 CrPC for unreasonable delay?

WB – after we impose the cost, plea for condonation of delay is filed.

Telangana – if we impose fine, prosetor requests to impose cost and not fine as it will affect career

Meghalaya – I had used 309 CrPC vis a vis section 37 NDPS Act. I have released persons languishing in jail on reasoning that detention is for trial, but when trial

is not commencing for 7 to 8 years, taking help of Antil case and SC legal aid cases, I have released undertrials.

Justice AS congratulated judge for his courage and skills.

Justice CVK – asked judges to remember Bhopal district judge who granted compensation against UCC for Bhopal gas tragedy

Maharashtra judge – informed Khanwilkar judgment which does not allow bail u/s 37 NDPS Act

Justice G R Swaminathan – gave suggestion to impose cost on prosecution to such an extent that refrain from causing delay

Participants – How to impose cost on prosecutor? Who will pay?

Participant – the regulation of LSAA which asks for appointment of panel of legal aid advocates amongst lawyers who have completed 3 years of service. However, 3 years experience is not sufficient to defend homicide accused. The quality of legal aid is very poor. What to do?

RPs – you can under LSAA appoint any senior counsel to defend the accused when he is given poor legal aid

Participant – what is perfect time to close the evidence against witnesses who are not appearing?

Justice AS – idea is to apply pressure on parties to produce their witnesses?

Justice GRS – speedy trial concept applies at every stage of proceedings. What do you do when delay is caused by magistrate?

Difference between section 170 and 173 CrPC explained by Justice AS.

Custody is genus and arrest is species. Every custody is not arrest. For instance take the case of custody of approver.