

[2025 LiveLaw \(SC\) 671](#)

IN THE SUPREME COURT OF INDIA
ABHAY S. OKA; J., UJJAL BHUYAN; J.
SUO MOTO WRIT PETITION(CRIMINAL) No(s). 4/2021
IN RE POLICY STRATEGY FOR GRANT OF BAIL
08-05-2025

Criminal Appeal - Pendency in High Courts - Noted the significant pendency of criminal appeals across various High Courts in India with a total of 7,24,192 criminal appeals pending as of March 2025 - Noted that only 79 judges are there in Allahabad High Court (with pendency of over 2 lakh criminal appeals) out of sanctioned strength of 160 - In Bombay High Court, 66 judges out of 94 are functioning - Calcutta High Court has sanctioned strength of 72 but has only 44 judges - Delhi High Court has only 41 judges out of sanctioned strength of 60 - Court held that Central Government needs to act and ensure that the recommendations made by the Collegium for judge appointments are cleared without delay - Court expressed concern that 29 recommendations made by this Court Collegium since November, 2022 which are still pending. [Para 2]

Amicus Curiae Suggestions - Policy strategy for bail and speedy disposal of criminal appeals - Model Action Plan for Baseline Report of NCMS (National Case Management System) - which has been approved by Chief Justice of India and forwarded to all High Courts for adoption - Vacancies in High Courts directly impact and correlate with the pendency of criminal appeals - Video Conferencing and roster rationalization by having dedicated benches for criminal appeals to improve disposal of old appeals - Adjournments and legal aid - Relied on *Bani Singh v. State of U.P. (1996) 4 SCC 720* - If counsel for accused is not cooperating, recourse must be taken by appointing legal aid lawyer for accused - Automatic calling of soft copy records of Trial Court by the Registry - This Court directed High Courts to consider above suggestions and place their action plans on record. [Paras 3-15]

By Courts Motion, Ms. Liz Mathew, Sr. Adv.(Amicus Curiae) Mr. Gaurav Agarwal, Sr. Adv., Ms. Mallika Agarwal, Adv., Mr. Omkar Hemanth, Adv., Mr. Navneet R., AOR Ms. Alankrita Sinha, Adv., Mr. Devansh A. Mohta, Adv. (Amicus Curiae) Mr. Utkarsh Singhal, Adv.,

For Petitioner(s): Ms. Liz Mathew, Sr. Adv., Ms. Mallika Agarwal, Adv., Mr. Omkar Hemanth, Adv., Mr. Navneet R., AOR

For Respondent(s): Mr. Prafulla Kumar Bharat, Advocate General Mrs. Purna Dhall, Adv., Mr. Shivam Ganeshia, Adv., Ms. Akanksha Singh, Adv., Mr. Ambuj Swaroop, Adv., Mr. Prashant Singh, AOR, Mr. Prashant Shrikant Kenjale, AOR Mr. B. Dhananjay, Adv., Mr. P.V. Surendranath, Sr. Adv., Mr. Harshad V. Hameed, AOR Mr. Dileep Poolakkot, Adv., Mrs. Ashly Harshad, Adv., Mr. Sawan Kumar Shukla, Adv., Ms. Lekha Sudhakaran, Adv., Mr. Anshul Saharan, Adv., Ms. Sindoor Vnl, AOR Ms. Thithiksha Padmam, Adv., Ms. K. Enatoli Sema, AOR Mr. Amit Kumar Singh, Adv., Ms. Chubalemla Chang, Adv., Mr. Prang Newmai, Adv., Mr. Kanhaiya Singhal, AOR Ms. Nivedita Tiwari, Adv., Mr. Prasanna, Adv., Mr. Debojit Borkakati, AOR, Mr. Pai Amit, AOR Ms. Pankhuri Bhardwaj, Adv., Mr. Kushal Dube, Adv., Mr. Tathagata Dutta, Adv., Ms. Nidhi Mittal, AOR Ms. Jaya Choudhary, Adv., Mr. Sanjay R Hegde, Sr. Adv., Mr. Sabarish Subramanian, AOR, Mr. Mukesh K. Giri, AOR Mr. Mandaar Mukesh Giri, Adv., Mr. Shovan Mishra, AOR Ms. Bipasa Tripathy, Adv., Ms. Swati Ghildiyal, AOR Ms. Deepanwita Priyanka, Adv., Ms. Neha Singh, Adv., Ms. Asmita Singh, AOR Mr. Abheet Mangleek, Adv., Mr. Pushpinder Singh, AOR Ms. Anurag Rana, Adv., Ms. Madhuravalli, Adv., Mr. Harsh Wadhwani, Adv., Mr. Partha Sil, AOR Mr. Utkarsh Dwivedi, Adv., Mr. Srijit Datta, Adv., Mr. Bharat Bagla, Adv., Mr. Siddharth Dharmadhikari, Adv., Mr. Aaditya Aniruddha Pande, AOR, Mr. Ahanthem Henry, Adv., Mr. Ahanthem Rohen Singh, Adv., Mr. Mohan Singh, Adv., Mr. Aniket Rajput, Adv., Ms. Khoisnam Nirmala Devi, Adv., Mr. Yesu Mehta, Adv., Mr. Kumar Mihir, AOR, Mr. Kartikeya Rastogi, D.A.G., Mr. Akshay Girish Ringe, AOR Ms. Inderdeep Kaur Raina, Adv., Ms. Tamanna Kavdia, Adv., Ms. Shirin Khajuria, Sr. Adv., Ms. Bhavana Duhoon, AOR Ms. Swati Tiwari, Adv., Mr. Anshul

Syal, Adv., Mr. Divyakant Lahoti, AOR, Mr. Pukhrambam Ramesh Kumar, AOR Mr. Karun Sharma, Adv., Ms. Anupama Ngangom, Adv., Ms. Rajkumari Divyasana, Adv., Mr. Tapesk Kumar Singh, Sr. Adv., Mr. Ashwarya Sinha, AOR Mr. Aditya Malhotra, Adv., Mr. Shivansh Bharatkumar Pandya, AOR, Mr. Mahfooz Ahsan Nazki, AOR, Mr. P. I. Jose, AOR, Mr. Avijit Mani Tripathi, AOR Mr. T.K. Nayak, Adv., Ms. Rashmi Nandakumar, AOR Ms. Yashmita Pandey, Adv., Mr. Prafulla Kumar Bharat, Advocate General Mrs. Perna Dhall, Adv., Mr. Shivam Ganeshia, Adv., Ms. Akanksha Singh, Adv., Mr. Ambuj Swaroop, Adv., Mr. Prashant Singh, AOR, Ms. Rooh-e-hina Dua, AOR, Mr. Kedar Nath Tripathy, AOR, Mr. Sameer Abhyankar, AOR Mr. Rahul Kumar, Adv., Ms. Yachna Sharma, Adv., Mr. Aakash Thakur, Adv., Mr. Yashvardhan, Adv., Mr. Apoorv Shukla, AOR, Mr. Karan Sharma, AOR, Mr. D. L. Chidananda, AOR Mr. Ravindera Kumar Verma, Adv., Mr. Ishan Roy Choudhary, Adv., Mr. Gurmeet Singh Makker, AOR, Mr. Amit Sharma, AOR Mr. Dipesh Sinha, Adv., Ms. Pallavi Barua, Adv., Ms. Aparna Singh, Adv., Mr. Anirudh Singh, Adv., Mr. Shekhar Raj Sharma, D.A.G., Mr. Akshay Amritanshu, AOR Ms. Nidhi Narwal, Adv., Ms. Drishti Rawal, Adv., Ms. Drishti Saraf, Adv., Ms. Pragya Upadhyay, Adv., Mr. Sachin Patil, AOR, Ms. Vanshaja Shukla, AOR Ms. Anubha Dhulia, Adv., Mr. Piyush Beriwal, Adv., Mr. B.K. Satija, Adv., Mr. Mukesh Kumar Maroria, AOR Mr. Raghav Sharma, Adv., Mr. Anuj Srinivas Udupa, Adv., Mr. Sarthak Karol, Adv., Mr. Mili Baxi, Adv., Mr. Shuvodeep Roy, AOR Mr. Saurabh Tripathi, Adv., Mr. Deepayan Dutta, Adv., Ms. Garima Prasad, Sr. A.A.G., Mr. Pradeep Misra, AOR Mr. Daleep Dhyani, Adv., Mr. Suraj Singh, Adv., Mr. Sanjai Kumar Pathak, AOR Mrs. Shashi Pathak, Adv., Mr. Arvind Kumar Tripathi, Adv., Mr. Shibashish Misra, AOR, Mr. Amit Sharma, A.A.G., Mr. Sarad Kumar Singhanian, AOR Mr. Amit Sharma, Adv., Mr. D. Kumanan, AOR, Mr. V. K. Biju, AOR Ms. Ria Sachthey, Adv., Ms. Enakshi Mukhopadhyay Siddhanta, AOR Mr. Ravi Kumar S, Adv., Ms. Devina Sehgal, AOR Mr. Yatharth Kansal, Adv., Mr. Amit Sharma, A.A.G., Mr. Pashupathi Nath Razdan, AOR Mr. Sarthak Raizada, Adv., Mr. Rajan K. Choursia, Adv., Mr. V Balachandran, Adv., Mr. Siddharth Naidu, Adv., For M/S. Ksn & Co., AOR, Mr. Piyush Beriwal, Adv., Mr. B.K. Satija, Adv., Ms. Mrinal Elkar Mazumdar, Adv., Mr. Mukesh Kr. Verma, Adv., Mr. Neeraj Kr. Sharma, Adv., Ms. Indira Bhakar, Adv., Mr. Kanu Agrawal, Adv., Mr. Varun Chugh, Adv., Mr. Bhuvan Kapoor, Adv., Mr. Vatsal Joshi, Adv., Mr. Shreekanth Neelappa Terdal, AOR Mr. Krishna Kant Dubey, Adv., Mr. Guntur Pramod Kumar, AOR Ms. Perna Singh, Adv., Mr. Dhruv Yadav, Adv., Mr. B.P Naidu, Adv., Mr. Anando Mukherjee, AOR, Mr. Sahil Tagotra, AOR Ms. Shreya Kasera, Adv., Mr. Chanchal Kumar Ganguli, AOR, Mr. Samir Ali Khan, AOR Mr. Pranjal Sharma, Adv., M/S. Arputham Aruna And Co, AOR, Ms. Sansriti Pathak, AAG Mr. Aman Prasad, Adv., Ms. Shagufa Khan, Adv., Mr. Milind Kumar, AOR Mr. Vikas Chaudhary, Adv., Mr. Arunabh Chowdhury, Sr. A.A.G., Mr. Vishnu Sharma, Standing Counsel, Adv., Ms. Madhusmita Bora, AOR Mr. Pawan Kishore Singh, Adv., Mr. Amol Chitravanshi, AOR Mr. Mohd. Mehraj Siddiqi, Adv., Mr. Aditya Agarwal, Adv., Mr. Kranti Singh, Adv., Mr. Aravindh S., AOR Mr. Akshay Gupta, Adv., Mr. Abbas B, Adv., Mr. Gopal Jha, AOR Mr. Shreyash Bhardwaj, Adv., Mr. Nimish Arjaria, Adv., Ms. Vishakha, AOR, Dr. Sumant Bharadwaj, Adv., Mr. Vedant Bharadwaj, Adv., Ms. Mridula Ray Bharadwaj, AOR Mr. D. M. Sharma, Adv., Mr. Rakesh Kailash Sharma, Adv., Mr. Anshu Sinha, Adv., Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv., Mr. Mrigank Prabhakar, AOR Ms. Medha Deo, Adv., Mr. Siddharth Sahu, Adv., Mr. Dharendra Kumar Mishra, Adv., Mr. Md. Sheikh Khalid Saifullah, Adv., Ms. Shanta Pandey, Adv., Mr. Rameshwar Prasad Goyal, AOR, Mr. Arjun Garg, AOR Ms. Kriti Gupta, Adv., Mr. Saaranish Shukla, Adv.

ORDER

IN Suo Motu Writ Petition (Criminal) No.4 of 2021

1. We have perused a detailed note submitted by Ms. Liz Mathew and Mr. Gaurav Agarwal, the learned senior advocates appointed as Amicus Curiae, assisted by Ms. Mallika Agarwal, Mr. Omkar Hemanth and Mr. Navneet R., learned counsel on the issue of “policy strategy for grant of bail”. At the outset, we must compliment the learned senior advocates and their team for submitting such an exhaustive note.

2. This note addresses the issue of pending criminal appeals before various High Courts. The gravity of the issue of pending criminal appeals before the High Court can be gauged from the fact that, as of 22nd March 2025, according to figures provided by the High Courts, the total pendency of criminal appeals (appeals against conviction and acquittal) stands at 7,24,192. The major share of pendency is of the Allahabad High Court, where a total of 2,17,702 criminal appeals are pending. Madhya Pradesh High Court has a pendency of 1,15,382 criminal appeals. The Patna High Court has a pending criminal appeal backlog of 44,664 cases. The Punjab and Haryana High Court has a pendency of

79,326 criminal appeals. The Rajasthan High Court has a pendency of 56,455 criminal appeals. The Bombay High Court has a pendency of 28,257 criminal appeals. Even in some of the smaller states, pendency is on the higher side. Chhattisgarh has a pendency of 18,007 criminal appeals. Therefore, to put it mildly, this is a huge problem faced by the High Courts.

3. The note submitted by the learned Amicus Curiae highlights several issues and contains important constructive suggestions. These suggestions must be considered by all High Courts. Apart from these suggestions, a '*Model Action Plan for Reduction Of Arrears in the High Courts*' has been prepared by the Committee to draft Model Case Flow Management Rules for the High Courts appointed by this Court. The Model Action Plan has been approved by the Hon'ble Chief Justice of India on the administrative side and has been forwarded to all High Courts, enabling them to work on the Plan and adopt it with suitable modifications. In addition to the Model Action Plan, in the meeting of the Committee for Model Case Flow Management Rules for the Trial Courts, District Appellate Courts and High Courts, a resolution has been passed making additions to the suggestions in the action plan, including a suggestion that as an one-time measure, physical verification of the cases pending in the High Courts should be made so that data accuracy is ensured. The resolution provides for making corrections to the entries in the data of the High Courts' websites, as well as the National Judicial Data Grid. We hope and trust that all High Courts adopt the Model Action Plan, which has multiple facets, including the preparation of a list of targeted cases that encompasses various categories of Criminal Appeals.

4. Apart from the Model Action Plan, the National Court Management System (for short, "NCMS") has undertaken an exercise of preparing a '*Baseline report on Case Management in the High Court and District Judiciary, 2024*'. We direct the Registrar, in charge of the NCMS, to forward a copy of the said document to all the High Courts for their guidance and implementation. We are informed that this Baseline Report has been uploaded on the website of the Supreme Court.

5. Now, coming to the suggestions made by the learned Amicus Curiae, we agree with the conclusion that the vacancies in the High Courts have a direct impact and correlation with the pendency of criminal appeals. We also accept the suggestion made by the learned Amicus Curiae that in case of High Courts with multiple benches, the High Courts on the administrative side will have to examine the possibility of permitting hearing of the appeals through the medium of video conference so that, if the Principal seat or a particular bench has more pendency than the other benches, the benches with lesser pendency can take up the appeals before the benches with greater pendency via video conference, so that disposal can be improved.

6. Another suggestion of the learned Amicus Curiae is for the rationalisation of the roster adopted by the High Courts. The suggestion is that there should be dedicated benches dealing with criminal appeals so that other category of work is not assigned to those benches. That will improve the disposal of old appeals. We request the Hon'ble Chief Justices of the High Courts to look into these suggestions. We recommend acceptance of this suggestion. The ultimate objective is to reduce the substantial backlog of criminal appeals, particularly when the rights of the accused under Article 21 of the Constitution of India are at stake in these cases.

7. The learned Amicus Curiae has rightly expressed concern about the large number of adjournments sought and granted at the time of the final hearing of the criminal appeals. We are conscious of the fact that it is ultimately the discretion of the Court to grant

adjournments. However, if the High Courts find that there is non-cooperation by the learned counsel appearing for the accused, recourse must be taken to law laid down by this Court in the case of *Bani Singh v. State of Uttar Pradesh*¹ by appointing a legal aid lawyer to espouse the cause of the accused.

8. Another suggestion is about the appointment of ad-hoc Judges to deal with the pendency of criminal appeals. As this issue has already been taken up by the Hon'ble Chief Justice of India with the Government, at this stage, we are not dealing with it.

9. There are very important suggestions under the heading 'Registry level due diligence'. We recommend the suggestions for acceptance to be implemented by the High Courts, and especially the suggestion to create a post of Registrar, Court and Case Management.

10. Another suggestion is that judges with domain expertise be assigned criminal work. This is one suggestion which the Chief Justices of the High Courts will have to examine in their capacity as masters of the roster. The ultimate object of this suggestion is to ensure the speedy disposal of criminal appeals.

11. Another important issue flagged by the learned Amicus Curiae, which is also referred in the Baseline Report of the NCMS, hearing of criminal appeals before the High Courts is delayed, firstly, due to delay in transmitting the record of the Trial Court and secondly, due to delay in translating the record and, in particular, depositions. Therefore, as a first step, it is necessary for all the High Courts to take up the issue of digitization of the records of the criminal courts, beginning with the Sessions Court and Special Courts under various statutes. As far as the issue of translation is concerned, the Supreme Court of India has devised an Artificial Intelligence (AI) tool- Supreme Court Vidhik Anuvaad Software (SUVAS), which has been made available to all the High Courts for translating their judgments. The same tool can be used for translating the record. To ensure the accuracy of translation made by use of this tool, vetting of the translation must be done by the translators.

12. It will be ideal if all the High Courts amend the procedural rules and provide that as soon as a notice is issued in criminal appeal arising out of order of conviction or acquittal, soft copy of the record of the Trial Court is automatically called for by the Registry so that the hearing is not delayed. Therefore, we recommend to the High Courts to accept the suggestions in this behalf in the Baseline Report of the NCMS as well as in paragraphs 14 and 16 of the note submitted by the learned Amicus Curiae. We are informed that copies of the report have been made available to all the High Courts.

13. There is one more issue which is flagged by the Amicus Curiae. There are criminal appeals against conviction where a sentence of limited duration has been imposed. The learned Amicus Curiae has invited our attention to the decisions of this Court in the case of *Bhagwan Rama Shinde Gosai v. State of Gujarat*², *Narcotic Control Bureau v. Lakhwinder Singh*³ and *Atul@ Ashutosh v. State of M.P.*⁴. This Court has consistently held that when there is a fixed period of sentence, normally the power of suspension of sentence under Section 389 of the Code of Criminal Procedure, 1973 should be exercised liberally, unless there are exceptional circumstances brought on record. The High Courts are bound by the law laid down by this Court in this regard. This is significant in the context

¹ (1996) 4 SCC 720

² (1999) 4 SCC 421

³ 2025 SCC OnLine SC 366

⁴ (2024) 3 SCC 663

of the fact that the figures shows that in some of the High Courts in case of large number of appeals against conviction, the accused have been denied bail.

14. We request the High Courts to take into consideration this order, Baseline Report on Case Management of NCMS, Model Action Plan for Reduction of Arrears in the High Courts published by this Court and the suggestions of the learned Amicus Curiae and make appropriate procedural changes in the rules or practice guidelines. We are conscious of the fact that the High Courts are constitutional courts. Therefore, we are leaving it to the High Courts to work on all these aspects in light of what we have expressed and come out with action plans for expeditious disposal of criminal appeals. We request the High Courts to place on record the action plans within a period of four months from today. If the action plans are placed on record, the same can be provided to every High Court so that the High Courts follow the best practices adopted by the other High Courts. The endeavor of this exercise undertaken by this Court is to ensure that the pendency of criminal appeals is reduced to the minimum. While we do so, we emphasize on giving priority to the hearing of the criminal appeals where the accused are in jail. At the same time, a right balance has to be struck by giving priority to the appeals against conviction of the accused on bail where offence is of heinous nature or where the accused are of advance age. The appeals against conviction where the life sentence has been granted by the Trial Court and the accused are on bail, also deserve to be given some kind of a priority. This ends the discussion on the submissions made across the Bar by the learned Amicus Curiae.

15. Now, we want to add something on our own. The Judge strength of the High Courts is a matter of record. At present, the Allahabad High Court which has the maximum pendency of the Criminal Appeals has the sanctioned strength of 160 but only 88 Judges are working. Similarly, out of the sanctioned strength of 94, the Bombay High Court has only 65 judges. The Calcutta High Court is operating with 46 judges, whereas the sanctioned strength is of 72 judges. The Delhi High Court is operating with 36 Judges whereas the sanctioned strength is of 60 judges. As compared to the other High Courts, smaller High Court like Delhi have huge pendency of criminal appeals. Therefore, this is an issue which will have to be handled at different level. A few days back, this Court has uploaded the data of the recommendations made by the Supreme Court Collegium for appointing Judges of the High Courts. The data is divided into two different periods. The first is from 9th November, 2022 to 10th November, 2024 and the second period is from 11th November, 2024 till the date of uploading, that is, 5th May, 2025. We are not aware of how many recommendations made by the Supreme Court Collegium for the period prior to 9th November, 2022 are pending with the Central Government. But we are sure that there are such recommendations pending. The data recently published on the website shows that 4 recommendations of the year 2023 and 13 recommendations of the year 2024 are pending with the Central Government. The last of the recommendations of 2024 are of 24th September, 2024, which are still pending. As regards the year 2025, 12 recommendations are pending, out of which 4 are up to February, 2025. This is one aspect where the Central Government needs to act and ensure that these recommendations made by the Supreme Court Collegium are cleared in a time bound manner. There is no reason to keep the recommendations pending for such a long time. We are not aware about the number of proposals pending where the Supreme Court Collegium has reiterated the recommendations after names were sent back by the Government. We are looking at this issue, as not only because huge number of criminal appeals are pending but there are other categories of litigations which are pending. The pendency of cases before the High Courts is ever increasing. We hope and trust that the pending proposals

will be cleared by the Central Government at the earliest. We direct the Registrar Judicial to forward a copy of this order to the Secretary of the Department of Justice of Government of India.

In SLP(Criminal)No.529 of 2021

16. We direct the Registry of this Court to circulate the suggestions submitted by Shri Devansh Mohta, learned amicus curiae, under the caption of “Suggestions Regarding Implementation of the Report of the Registrar General (Judicial Administration II)” dated 28th February, 2025. These suggestions shall be forwarded to all the High Courts.

17. We request the High Courts to respond to the suggestions within a period of two months from today.

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