

2025 LiveLaw (SC) 834

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJAY KAROL; J., PRASHANT KUMAR MISHRA; J.
AUGUST 25, 2025.
CRIMINAL APPEAL NO(S).3700-3701 OF 2025
(ARISING OUT OF S.L.P. (CRL.) NO(S).4509-4510 OF 2025)
RAVINDRA PRATAP SHAHI versus STATE OF U.P. & ORS.

Criminal Appeals - Delay in delivery of judgment - High Courts - Directions issued by Supreme Court – Held, if the high Court doesn't deliver judgment in 3 months after reserving, Registrar must place the matter before Chief Justice - Reiterated the guidelines issued in *Anil Rai v. State of Bihar* wherein Court directed that the parties are free to move an application before CJ of High Court for withdrawal of case and to be assigned to a different bench, if judgment is not pronounced within 6 months after being reserved - Many High Courts have adopted practice of pronouncing the final order without reasoned judgment which is then not delivered for substantially long time - It deprives the aggrieved party of the opportunity to seek further judicial redressal. [Relied on: *Ratilal Jhaverbhai Parmar & Ors. v. State of Gujarat & Ors.* [2024 LiveLaw \(SC\) 820](#); *Anil Rai v. State of Bihar*, (2001) 7 SCC 318, Paras 7-10].

For Appellant(s): Mr. S. Nagamuthu, Sr. Adv. Mr. Devesh Mohan, Adv. Mr. Kush Chaturvedi, AOR Ms. Purna Priyadarshini, Adv. Mr. Syed Faraz Alam, Adv. Mr. Atharva Gaur, Adv. Mr. Aayushman Aggarwal, Adv. Ms. Ayesha Choudhary, Adv.

For Respondent(s): Ms. Preetika Dwivedi, AOR

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1. Leave granted.
2. The present Appeals have been preferred against the impugned interim orders dated 28.08.2024 and 09.01.2023 passed by the High Court of Judicature at Allahabad in Criminal Appeal No.939 of 2008 by which the said criminal appeal preferred by respondent no.2 was not taken up for hearing.
3. By order dated 15.04.2025, this Court requested the High Court to decide the appeal expeditiously preferably within a period of three months. However, considering that the criminal appeal pending before the High Court was earlier reserved for orders on 24.12.2021, but the judgment was not delivered necessitating orders from the Chief Justice of the High Court of Judicature at Allahabad to assign the matter to a different Bench, we heard the learned counsel for the parties for issuance of necessary directions in this regard.
4. According to the appellant/de-facto complainant, the appeal preferred by respondent no.2 is pending since 2008 wherein he moved the High Court on nine different occasions for early listing, hearing and disposal of the appeal. However, no final verdict has been given by the High Court. Eventually, arguments were heard by the Division Bench of the High Court at great length, and the appeal was reserved for orders on 24.12.2021. When we heard this matter on 27.01.2025, we directed the Registrar General of the High Court of Judicature at Allahabad to immediately bring the issue to the notice of the Chief Justice and also submit a report with regard to the correctness of the averments made in these Appeals.
5. The Registrar General of the High Court submitted his report dated 29.01.2025 submitting *inter alia* that the appeal was heard and reserved for orders on 24.12.2021. However, since the judgment was not delivered within six months, in light of administrative

order of the Chief Justice dated 07.03.2019, the case was ordered to be listed before Regular Bench (as per roster). The matter was again placed before the Chief Justice on 19.12.2022, upon which, it was directed that the matter be listed as per roster on 09.01.2023. On this date, no one appeared for the appellant. Therefore, the appeal was adjourned for hearing on 06.02.2023 and, thereafter, on subsequent dates, hearing did not materialise.

6. The above report of the Registrar General of the High Court supports the averments made in these Appeals that the criminal appeal pending before the High Court was heard and reserved for orders on 24.12.2021, but the judgment was not delivered, and it was directed to be relisted before the Regular Bench.

7. It is extremely shocking and surprising that the judgment was not delivered for almost a year from the date when the appeal was heard. This Court is repeatedly confronted with similar matters wherein proceedings are kept pending in the High Court for more than three months, in some cases for more than six months or years wherein judgments are not delivered after hearing the matter. In most of the High Courts, there is no mechanism where the litigant can approach the concerned Bench or the Chief Justice bringing to its notice the delay in delivery of judgment. In such situation, the litigant loses his faith in the judicial process defeating the ends of justice.

8. This Court in **Anil Rai vs. State of Bihar**¹ dealt with such state of affairs prevalent in some High Courts wherein after conclusion of arguments, judgments are not pronounced for a period spread over years. This Court made observations and issued guidelines as contained in paragraphs 9 and 10 of the judgment which are quoted herein below for reference:

“9. It is true, that for the High Courts, no period for pronouncement of judgment is contemplated either under the Civil Procedure Code or the Criminal Procedure Code, but as the pronouncement of the judgment is a part of the justice dispensation system, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that belief of the common man. Delay in disposal of the cases facilitates the people to raise eyebrows, sometimes genuinely which, if not checked, may shake the confidence of the people in the judicial system. A time has come when the judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the rule of law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come up to the expectation of the society of ensuring speedy, untainted and unpolluted justice.

10. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the

¹ (2001) 7 SCC 318

Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances.”

9. Some High Courts have adopted practice of pronouncing the final order without reasoned judgment, which is not delivered for substantial length of time depriving the aggrieved party of the opportunity to seek further judicial redressal. Deprecating such practice, this Court in **State of Punjab and Ors. vs. Jagdev Singh Talwandi**² issued directions which were restated time and again on several occasions including in **Zahira Habibulla H. Sheikh and Anr. vs. State of Gujarat and Ors.**³, **Mangat Ram vs. State of Haryana**⁴ and **Ajay Singh and Anr. vs. State of Chhattisgarh and Anr.**⁵ and two recent judgments in the matter of **Balaji Baliram Mupade and Anr. vs. State of Maharashtra and Ors.**⁶ and **Ratilal Jhaverbhai Parmar and Ors. vs. State of Gujarat and Ors.**⁷ in which one of us (Justice Prashant Kumar Mishra) is a member and **K. Madan Mohan Rao vs. Bheemrao Baswanthrao Patil and Ors.**⁸.

10. It is not that the situation with which we are dealing in these Appeals has arisen for consideration for the first time. The directions have already been issued by this Court in **Anil Rai** (supra). Therefore, what is required today is of adherence to the principles laid down by this Court in **Anil Rai** (supra). We reiterate the directions and direct the Registrar General of each High Court to furnish to the Chief Justice of the High Court a list of cases where the judgment reserved is not pronounced within the remaining period of that month and keep on repeating the same for three months. If the judgment is not delivered within three months, the Registrar General shall place the matters before the Chief Justice for orders and the Chief Justice shall bring it to the notice of the concerned Bench for pronouncing the order within two weeks thereafter, failing which the matter be assigned to another Bench.

11. The above direction is in addition to the guidelines/directions issued by this Court in **Anil Rai** (supra).

12. The present Appeals stand disposed of with the above observations and directions. Let a copy of this judgment be circulated to the Registrar Generals of all the High Courts for compliance.

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² (1984) 1 SCC 596

³ (2004) 4 SCC 158

⁴ (2008) 7 SCC 96

⁵ (2017) 3 SCC 330

⁶ (2021) 12 SCC 603

⁷ 2024 INSC 801

⁸ 2024 INSC 1025