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CJI points to judges' ignorance

OUR SPECIAL CORRESPONDENT

Ranchi, Aug. 30: Chief Justice of India K.G. Balakrishnan today took a dig at high court as well as district court judges for delivering wrong verdicts because of their ignorance of criminal justice laws.

Balakrishnan warned that several people wanted to delay the conclusion of criminal cases. "(But) Judges are supposed to prevent the abuse of law by those who want to delay the delivery of judgment," he added, alluding to the judiciary's concern at the high number of pending cases.

The Chief Justice was delivering a valedictory address at the conclusion of the first east zone regional judicial conference aimed at equipping senior judicial officers, drawn from seven states — Jharkhand, Bengal, Orissa, Chhattisgarh, Assam, Sikkim and Bihar — to deliver speedy and quality justice.

The three-day programme was organised by National Judicial Academy (NJA), Bhopal, in association with Jharkhand High Court and State Judicial Academy.

Jharkhand High Court Chief Justice Gyan Sudha Misra, Patna High Court Chief Justice P.K. Mishra, State Judicial Academy in-charge Justice M.Y. Eqbal, NJA director G. Mohan Gopal were present among others.

Balakrishnan pointed out that Section 498 (A) (anti-dowry law) under CrPC was one of the most abused laws.

"Judges are simply issuing summons and even warrants without properly verifying who are the accused. I have come across such cases in which the accused, sitting in Australia and other countries, are made accused when the case is lodged for the alleged offence of dowry," he added.

Balakrishnan added that the criminal procedure code was amended for the police to follow certain procedures before arrests. "We have come across cases in which even high court judges are ignorant of the legal value of statements recorded before the police under Section 161 of the Evidence Act for delivering judgments," he said.

Calling upon lower court judges to be socially sensitive, he asked them to have control over trial proceedings in order to deliver judgments easily. He also asked them to examine eyewitnesses first before examining other witnesses produced by the defence.

"Trial and defence lawyers should not terrorise witnesses. A judge should be alert and caring" he maintained.

Misra said the deteriorating law and order situation was a heavy burden on the criminal justice system.

"It was worrying that the state functionaries were not invoking the provisions of the National Security Act to keep hardened criminals in jail," she added.

Stressing on the need for quality justice, Misra said she was receiving complaints that the fast-track court has turned into a "farce track court". Judicial officers, she said, had to wipe out fear that fast-track courts would only convict a person.

"They have to strike a balance between expectation of the victims' of crime and the accused," she maintained.

Former Supreme Court judge S.B. Sinha pointed out that 70 per cent of all the pending criminal cases were petty offences. "Sociological studies suggest that it is the poor who suffer the most because of delay in the delivery of judgments," he added.