

Adjournment In Litigation and Its Socio-Economic Impact

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'Speedy trial' in criminal cases is a fundamental right of the accused. The Supreme Court suggested that the trial must be completed within time-frame so that the accused does not languish in jail. Still, there is large pendency of court cases. One reason is non-availability of either of three officers of the court room, i.e., presiding officer, public prosecutor and advocate. If either of them is absent, proceedings are adjourned which costs a huge amount both to the accused/victim and state exchequer. Hence, it becomes important to find out the (i) average cost per hearing, including cost per litigation incurred by the state in holding it, and (ii) loss per hearing incurred by it if the hearing is adjourned. They deal with the socio-economic impact of adjournment in a criminal trial. Adjournment necessarily leads to loss of time/livelihood' for a person asked to be present before the court. This paper primarily deals with empirical data on the number of scheduled hearings in cause-list and adjournments given, reason for adjournment, etc. Sample universe for data collection was district and sessions courts in Delhi during 2010-2015. Prima-facie adjournment is sought by an advocate is the prime reason for it. Its economic bearing is explored here. Though access to justice can never be made subjective to financial resources, relation between adjournment in litigation and economic cost borne by the state can't be ignored outright.

I Introduction

Speedy trial in criminal cases is one of the fundamental rights of the accused. It has been suggested by the Supreme Court² that trial must be completed within a time-frame so that the accused may not languish in jail for reason of prolonged proceedings. Still, there is large pendency of cases before courts including trial and appellate courts.

As per data available at website of National Judicial Data Grid³, 2,87,14,796 cases are pending across all the courts in India. Out of them, 84.54 per cent (2,40,05,859) cases are pending before courts of original jurisdiction, and 3.17 per cent (8,99,366) cases before courts of appeal. As per the said data, 2,03,46,252 criminal cases are pending across the country. Out of them, 89.36 per cent (1,79,84,400) cases are pending before courts of original jurisdiction and 2.01 per cent (4,03,793) cases before courts of appeal. Further, out of total criminal pending

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