



2025 INSC 1509

REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 5685 OF 2025
(@ Special Leave Petition (Criminal) No. 7964 OF 2025)

**SHUBHAM GANPATI @
GANESH RATHOD**

... APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

... RESPONDENT(S)

ORDER

SANJAY KAROL AND NONGMEIKAPAM KOTISWAR SINGH, JJ.

Leave granted.

2. The present appeal arises out of the judgment and final order dated 22.08.2024 passed by the High Court of Judicature at Bombay in Criminal Bail Application No. 2678 of 2024, whereby the High Court rejected the application filed by the appellant under Section 439 of the Cr.P.C. seeking regular bail in Crime No. 262 of 2021 registered at Pimpri Road Police Station, District Pune.

3. The appellant stands accused of offences punishable under Sections 302, 307, 504 and 506 read with Section 34 of the I.P.C., Sections 4 and 25 of the Arms Act, 1959, Sections 3 and 7 of the Criminal Law Amendment Act, 2013, and Section 37(1)(3) read with Section 135 of the Maharashtra Police Act, 1951, arising out of an incident dated 10.04.2021, in which the victim Akash @ Bala Shivaji Sargar sustained grievous injuries and later succumbed during treatment on 25.04.2021.

4. The prosecution case, as emerging from the records before us, is that the appellant, along with other co-accused, allegedly assaulted the deceased with deadly weapons including a sickle and knife, causing multiple injuries on vital parts of the body with the intention to kill him. The complainant is the eyewitness who stated to have seen the appellant assaulting the deceased on his head with the sickle.

5. The High Court, upon perusal of the charge-sheet, the statements of the complainant and other witnesses, the recovery of the weapon used in the offence and the presence of motive due to previous enmity, recorded a finding that there exists ample incriminating material prima facie connecting the appellant with the crime, and that the nature of the offence is serious. The High Court, accordingly, held that this was not a fit case for grant of bail.

6. It is submitted that the investigation in the case is complete and the charge-sheet was filed on 08.07.2021. The case was thereafter committed to the Court

of Sessions and registered as Sessions Case No. 552 of 2021. However, it is not disputed that charges are yet to be framed, and the trial has not commenced till date.

7. The appellant has thus undergone more than four years of long incarceration without trial and the prosecution has submitted a list of 33 witnesses to be examined.

8. Framing of charges is that point in a trial, which transitions it from a preliminary stage to a full-fledged trial. Once charges are framed, it is a determination by a Court that a *prima facie* case exists warranting the case going to trial. When this determination is delayed that too without justification the process of trial itself becomes uncertain for the beginning itself is shaken by delay. From the perspective of the accused, this delay has serious consequences. The anxiety and stigma of being under investigation continues with no clarity as to the charges against such a person directly impacting the preparation of the defence as also the veracity of the witnesses the evidence in a particular case, sometimes even leading to unavailability. In another kind of cases, it also has a direct consequence on continued, long incarceration of an accused. Even when the accused is on bail, prolonged pendency can cause reputational harm and professional setbacks, apart from psychological stress. The Courts, therefore, when confronted with a question of delay in framing of charges, must consider whether the prejudice caused to the accused is real and demonstrable.

9. This delay is closely linked to the fundamental guarantee of speedy trial under Article 21 of the Constitution of India. This right may be impacted when the delay in question is attributable to the prosecution or even to systemic inefficiencies. The standard, here, once more is tangible prejudice having been caused to the accused. At the same time, it is settled that delay in framing of charges does not vitiate the proceedings.

10. We have perused the Report dated 16.09.2025 submitted by the learned District Judge & Addl. Sessions Judge, Pune, filed in compliance of explaining the circumstances under which charges could not be framed in the present case despite the filing of the charge-sheet as far back as on 08.07.2021. The report reflects that from August 2021 till early 2025, the proceedings remained stalled primarily on account of repeated non-production of the accused from jail, pendency of successive bail applications, intermittent absence of co-accused and changes in the presiding officer. A reading of the report shows that there was no continuous stage where all the accused were present, duly represented, and the matter stood ready for framing of charges. While these factual aspects explain the chronology, we are of the considered view that such reasons cannot be treated as justifiable grounds for an inordinate delay of more than four years in framing of charges, particularly when the accused has remained in custody throughout.

11. It is true that under the Cr.P.C., there is no express statutory timeline prescribed for framing of charges, unlike the position under the Bhartiya Nagarik Suraksha Sanhita, 2023, which now mandates timelines in that regard

under Sections 251 and 263, i.e., for the charges to be framed by the concerned Court either Sessions or Magistrate, as the case may be. The absence of a rigid statutory timeline under the Cr.P.C. cannot be construed as a **licence** for indefinite postponement of this crucial stage of the proceedings.

12. On 7th October, 2025, having perused the affidavit of the learned Registrar General of the High Court Judicature at Bombay, it was observed:-

3. The said affidavit reveals that there are at least 649 cases in which charges are yet to be framed, despite filing of the charge sheets, in certain cases way back in the year 2006, 2013, 2014 and onwards till the year 2020. The reasons assigned for delay are multiple, including, and most significantly, in almost every trial, either non-production of accused or non-appearance of the advocate, be it the prosecutor or the defense.

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5. As such, before we issue any further directions, we direct the Registrar General of the High Court of Judicature at Bombay to call for information from each District & Sessions Judge, as to what steps stand taken ensuring framing of charges as prescribed in law; including but not limited to, cancelling the bail of such of those accused who are not co-operating; whether non-cooperation on the part of the accused is a reason considered at the time of grant of bail; and action taken against the prosecuting agency wherever trial is delayed.

6. We notice that the High Court itself had issued a Circular on 19TH April, 2025 directing all concerned Judges to ensure production of prisoners either physically or virtually as per the requirements/stage of trial. Subsequently, vide Circular dated 06th June, 2025 directed all concerned Judges to ensure

production of undertrial prisoners before the Courts on every date either physically or virtually and to accept the genuine requests of the jail authorities for virtual production of the prisoner, should they not be able to do so physically. Whether such directions issued by the High Court stand complied with or not and to what effect and extent, also needs to be ascertained. The affidavit filed pursuant to this order shall indicate the same.

7. The Registrar General shall also apprise the steps taken for complying with the directions issued by this Court in the case of “*Hussain & Anr. vs. Union of India*” (Criminal Appeal No. 509/2017, etc.) reported in (2017) 5 SCC 702 and latest direction issued in the case of *Siddhant @ Sidharth Balu Taktode vs. State of Maharashtra & Anr.*(Criminal Appeal No. 5438 of 2024).

13. Pursuant to the aforesaid order, the Registrar (Legal and Research) filed an affidavit dated 19.11.2025 submitting that with respect to framing of charges the position as it obtains is as follows:-

Sr.No.	Particulars	No.of cases
1	Total cases	588
2	Charge framed	315
3	Cases wherein accused enlarged on bail	70
4	Refusal by accused to participate in the exercise of framing charge	29
5	Non-production of accused from Jail	28

6	Prosecution's argument on framing of charge pending	22
7	Co-accused absent/absconding, warranting/NBW/Notice to surety/Proclamation	19
8	Presiding Officer on deputation	17
9	Discharge and other applications pending	15
10	Cases transferred to other Courts	9
11	Cases transferred to different district	8
12	Non-production of accused from Jail coupled with absence of Advocate engaged by Accused	8
13	MCOA Act case pending hence kept in abeyance	6
14	Pendency of bail application	6
15	Accused pleaded guilty (Magistrate triable cases)	4
16	Committed to Sessions	4
17	Next date for framing charge beyond 19.11.2025	3
18	Accused of unsound mind or issue raised about mental capacity of the accused to stand trial	3
19	Prisoner escaped from custody	3
20	Discharge application decided, order challenged/proposed to be challenged by accused	3
21	Disposed	2

22	Absence of advocate for accused	2
23	Multiple reasons	2
24	Awaiting CA report and other documents from prosecution	2
25	Accused involved in more than one case and report about his current whereabouts awaited	1
26	Awaiting R&P	1
27	Undertrial prisoner dead	1
28	Accused absconding	1

14. At this stage, without expressing any opinion on the merits of the case, we are of the tentative view that the present matter cannot be treated as an open and shut case as the evidence collected during the investigation would require to be weighed before any culpability is fastened on the appellant.

15. Under these circumstances, gross delay in framing of charges in the instant case, despite the charge-sheet having been filed on 08.07.2021, and bearing in mind the nature of the case, we deem it appropriate to issue the following directions:-

in personam

- (i) The concerned Trial Court shall ensure that the stage of framing of charges is completed within a period of six (6) weeks from the date of receipt of a copy of this order.

(ii) Upon framing of charges, the Trial Court shall make all endeavours to ensure that the crucial prosecution witnesses, including the eye-witnesses, are examined within a period of six (6) months thereafter, subject to there being no deliberate delay attributable to either side.

(iii) The Trial Court shall take all necessary steps to secure the regular production of the accused, either physically or through appropriate electronic means, so that the trial proceeds in an effective manner.

in rem

(i) As per the above chart, a total of 588 cases remain pending at the stage of framing of charge. At the same time, the chart reflects that in 315 of these matters, charges have been framed. Be that as it may. In each of these cases the concerned Court shall make efforts to complete said procedure and certainly within three months from the date of this order;

(ii) In each of the aforesaid cases where the delay is attributable to the functionaries of the State or other systemic delays the same shall be recorded in detail in the respective orders. The Court shall also account for the delay that is attributable to the accused themselves, including non-availability of counsel on the particular date etc.;

(iii) Each of these cases, shall be taken up from the date of earliest to latest, in so far as practicable;

(iv) The respective administrative Judges for the districts where these cases are requested to take periodic updates from the concerned court, and take steps to facilitate the process along, whatever may be required to that end- Reasons such as “Non-production of accused from Jail” and “Presiding Officer on deputation” reflect a sorry state of affairs. The timeline with which we asked for details from the High Court, was ‘four years’- seen in that light, such a ground being furnished, is disturbing.

(v) Let an examination be undertaken also in cases that have been pending for three years or more. A similar list as above, be prepared and for those cases, the timeline within which all effort should be made to make the cases move ahead from this stage, shall be six months.

(vi) In those cases where it is not possible to adhere to the above directive, let the reasons therefor, be recorded in detail.

16. Returning to the instant facts, It is further clarified that in the event there is no significant progress in the trial within a period of six months from the date of framing of charges, it shall be open to the appellant to move a fresh application for bail before the appropriate court, which, if filed, shall

be considered on its own merits and in accordance with law, without being influenced by the dismissal of the earlier bail applications.

17. Let a copy of this order be placed before the Learned Chief Justice of the High Court for necessary action and compliance, as also the Director General of Police, State of Maharashtra, for compliance.

18. Accordingly, the appeal is dismissed.

19. Pending applications, if any, stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
December 4, 2025