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Analysing The Mechanisms Of Case Disposal Without Full Trial Under The Bharatiya Nagarik Suraksha Sanhita, 2023: A Doctrinal And Empirical Inquiry Into Speedy Justice

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1.ABSTRACT:

The Indian judicial system faces a serious problem of delay in case disposal, resulting in pendency of millions of cases across courts. The right to a speedy trial, recognized as a fundamental right under Article 21 of the Constitution of India, has often been undermined by procedural delays, backlog, and overburdened courts. To address this issue, various mechanisms under the Code of Criminal Procedure (CrPC) and now the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) allow for disposal of cases without a full trial. These include plea bargaining, summary trials and compounding of offences etc. This study explores how such mechanisms align with the constitutional mandate of speedy trial while ensuring justice.

KEY WORDS: Disposal of cases, trial, speedy trial, fair justice

2.INTRODUCTION:

The Indian criminal justice system has long been blamed for pendency. Procedural detainments, detainments and warrant of timely justice. The preface of the bharatiya Nagarik Suraksha Sanhita,2023 (BNSS), replacing crpc, 1973 has significantly reshaped the procedural geography for criminal cases in india. The disposal of cases without full trial represents one of the most important features of ultramodern judicial reform for the purposes of speedy trial. To address theses most significant features is the emphasis on the disposal of cases without witnessing full a trial under bnss. Criminal offences are considered to be the offences against the state and society and, thus, indeed if they have been committed against any existent, it's the duty of the state to take application conduct against the offenders. As a rule, once thecognizance of an offence is taken by a competent criminal court, typically, the proceedings should affect either in conviction or in vindication of the indicted, still, there may be cases in which there may not be a full-fledged trial and trial may come to an end suddenly or before the final stage is reached. Such a situation may arise due to agreement of disagreement between the indicted and the victim; or because of the passing of certain events, similar as death or non-appearance of the plaintiff or of the indicted; or because of operation of law, e.g. limitation; withdrawal from prosecution, issue estoppel, etc. This research paper explores the efficacity,

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challenges, and counter accusations of access to justice of similar mechanisms under the BNSS. In **Hussainara Khatoon v. home secretary, state of bihar**[4], the apex court observe that speedy trial is an essential component of reasonable, fair and just procedure guaranteed by the constitution of Article 21 and it is the constitutional obligation of the state to devise such a procedure as would ensure speedy trial to the accused. So Right to speedy trial is one of the essential for guarding life and liberty of a person, where state initiated a proceeding for depriving a person from life and liberty. The speedy trial of criminal act is one of the basic objectives of the criminal delivery justice system, because long delay can defeat justice. Hence, it is said that speedy justice is one of the essencesof organised society. It is always advocated that a case should be decided as early as possible but it is also said that basic norms which ensure justice cannot be overlooked because it is a common popular proverb that 'justice hurried , justice buried'. So there should be a proper balance between introductory morals and speedy trial because the main object of every legal system is furnishing complete justice to all.

3. OBJECTIVES:

1. To analyse the legal framework governing disposal of cases without full trial under bnss and other relevant statutes.

2.To evaluate the balance between speedy justice and fair trial, ensuring that constitutional safeguards and principle of natural justice are not compromised.

3. To examine the role of alternative mechanisms such as plea bargaining, compounding of offences, summary trial in reducing case pendency.

4. MECHANISMSFOR DISPOSAL WITHOUT FULL TRIAL:

4.1. LIMITATION:

In general, the principle "crime never dies means that therule of litation does not apply to criminal prosecution. However section 514 of the bharatiya Nagarik Suraksha Sanhita, sets out specific time limits for initating criminal prosecution in certain cases. If the prosecution is commenced after the prescribed period had expired, the court is not allowed to take cognizance of the offence.

4.2 WITHDRAWAL FROM PROSECUTION:

The public prosecutor or assistant public prosecutor in charge of a case may, with the court's consent, remove anybody from the prosecution under sec 360 of the bnss. The consequence of such withdrawal is that the proceedings come to a conclusion.

A) Who is eligible to apply?

A case's public prosecutor or assistant public prosecutor has the option to withdraw from prosecuting someone, either overall or in relation to one or more of the charges against them.[5]

The condition mandates that if the crime involves a topic over which the Union has executive authority, the public prosecutor must first get approval from the Central Government.

B) Conditions:

The following criteria must be met before a case may be dropped [6]:

(i) The public prosecutor or assistant public prosecutor must have applied for withdrawal from prosecution;

(ii) The case must be under the jurisdiction of the public prosecutor or assistant public prosecutor; and

(iii) The court must have given its approval for any such withdrawal.

[4]AIR 1979 SC 1369.
[5] State of Bihar v. Ram NareshPandey, AIR 1957 SC 389.
[6] Shenandoah Paswan v. state of Bihar , AIR 1987 SC 877.

C) The conditions under which a prosecution can be withdrawn:

The phrase "before the judgement is pronounced" clearly specifies the maximum or last moment at which a request for withdrawal from prosecution may be made. For this reason, one should submit a request for withdrawal before it renders a verdict. Once the trial court has found the defendant guilty and the appeal against that verdict is still ongoing, a case cannot be dismissed. When considering the provisions of section 321 of the Code (corresponding section 360 BNSS), an appeal cannot be viewed as a continuation of the original proceedings.

d) If the case cannot be dropped

Prosecution should not be permitted to be withdrawn in cases of corruption, attempts to interfere with the course of justice, or actions that are against the public interest[7]. According to the proviso, the prosecution cannot be withdrawn in cases where such offenses occur:

(i) offences was opposed to any legislation pertaining to a topic over which the Union's executive authority had jurisdiction; or

(ii) offences was the subject of an inquiry conducted in accordance with any Central Act; or

(iii) offences involved the misappropriation, destruction, or harm of any property owned by the Central Government, or

(iv) offences carried out by an individual in the service of the Central Government, who was acting or claiming to be acting in the performance of his official responsibilities.

The Central Government has not named the Prosecutor in charge of the case, and the Court may only grant the Prosecutor's request to withdraw from the prosecution if the Central Government has given him permission to do so. Before doing so, the Court must order the Prosecutor to present the consent he has been given by the Central Government to withdraw from the prosecution.

However, no Court may permit such a withdrawal unless the victim in the case has been given the chance to be heard.

e) Principles

In the landmark case of **Rajendra Kumar v State[8],** the Supreme Court established the following rules regarding the withdrawal of a prosecution after citing a number of important precedents:

1) According to the Code's plan, the Executive has primary authority for prosecuting an offender for a heinous crime.

2) The Public Prosecutor has the executive authority to withdraw from the case.

(3) The Public Prosecutor alone has the authority to decide whether to drop the case, and he is unable to give that power to anyone else.

4) The Government has the option of recommending to the Public Prosecutor that he discontinue the prosecution, but it cannot force him to do so.

5) In order to advance the general goals of public justice, public order, and peace, the Public Prosecutor may withdraw from the prosecution not only because of insufficient evidence but also for other pertinent reasons. Certainly, the overall goals of public justice will encompass reasonable social, economic, and, we would add, political objectives free of Tammany Hall operations.

(6) The Public Prosecutor is a court official who answers to the court.

7)In granting its approval to the withdrawal, the Court plays a supervisory role.

[7]Mahmadhusen v. UOI (2009)2 SCC 1.
[8] Rajendra kumar v. state AIR 1980 SC 1510.

(8) It is the Court's responsibility to evaluate whether the Public Prosecutor acted as a free agent, unaffected by extraneous and irrelevant concerns, and not to re-evaluate the reasons behind the Public Prosecutor's withdrawal request. The Court has a unique obligation in this regard since it is the final repository of legislative confidence in whether or not to give its approval to withdraw from the prosecution.

Recently, in the case of State of Kerala v K Ajith[9], the Apex Court laid down the several principles governing withdrawal of prosecution.

4.3. WITHDRAWAL OF COMPLAINT:

In a warrant case or a sessions case, there is no mechanism for withdrawing a complaint. According to Section 224 of the Code (which corresponds to Section 247 of the BNSS), if a defendant is found guilty of one or more of the heads of a charge that includes multiple heads, the complainant or prosecuting officer may, with the court's permission, drop the remaining charge or charges. The withdrawal of such a charge or charges shall have the effect of an acquittal.

In a summons case that was initiated based on a private complaint, the complainant may withdraw his complaint at any point prior to the court issuing a final judgment if the magistrate is satisfied that there are enough reasons for allowing him to do so. The accused will be acquitted if the magistrate grants such permission.

4.4. COMPLAINANT'S ABSENCE OR FAILURE TO APPEAR:

If the offense is compoundable or non-cognizable in a warrant case, which is triable by a magistrate when the proceedings have been initiated upon a private complaint, and the complainant is absent on the day of the hearing, the magistrate may release the defendant at any time before the charge is brought.

If the complainant fails to appear in a summons case, the magistrate may acquit the defendant, postpone the hearing, or continue with the matter while skipping the complainant's physical presence. The complainant may not appear because he is not there or because he has passed away.

4.5.THE DEATH OF ACCUSED:

Since the State is eager to hold an offender accountable for their crimes in a criminal case, the proceedings should cease as soon as the individual against whom they have been initiated passes away, as continuing them would be pointless. The Code does not expressly provide for the termination of investigations and trials upon the death of the defendant. However, it stipulates that on the death of the defendant, an appeal for enhancement of sentence against the accused (section 377 of the Code, which corresponds to section 418 of the BNSS) or an appeal against acquittal (section 378 of the Code, which corresponds to section 419 of the BNSS) would abate. The complainant's appeal against acquittal does not abate upon the death of the complainant[10].

In a warrant case, triable by a magistrate when the proceedings have been instituted upon a private complaint, and on the day of hearing, the complainant is absent, if the offence is compoundable or non-cognizable, the magistrate may at any time before the charge is framed, discharge the accused.

In a summons case, if the complainant does not appear, the magistrate may acquit the accused, or may adjourn the hearing of the case, or may dispense with the personal attendance of the complainant and proceed with the case. Such non-appearance may be either due to absence of the complainant or due to his death."

[9] AIR 2021 SC 3954.
[10]Bondada v. state of AP, AIR 1964 SC 1654.

4.6. RELEASE OF ACCUSED OR DISCHARGE OF ACCUSED:

If the Judge in a trial before a Court of Session determines that there is not enough evidence to continue the case against the defendant after taking into account the case file and hearing the arguments of the parties, he shall acquit the defendant.

If, in a warrant matter that can be tried by a magistrate, the magistrate finds the charge against the accused to be unfounded after reviewing the case's record and listening to the arguments of the parties, he shall dismiss the accused. In a warrant case that was not started on the basis of a police report, the magistrate shall release the defendant after receiving evidence if he believes that the case against him has not been established.

4.7. TENDER OF PARDON:

a) In general

The Code's sections 306 to 308 (which are equivalent to Suraksha Sanhira's sections 343 to 345) cover offering pardon to an accomplice. A person like this is sometimes referred to as an "approver." The Code's Section 306 (corresponding to Section 343 BNSS) stipulates that, with the objective of obtaining the evidence of anybody thought to have been directly or indirectly involved in or privy to any of the crimes described there, certain magistrates may extend pardon to such individuals on the condition that they will give a complete and accurate account of all the circumstances surrounding the offense.

b) The exception to the rule

According to a nation's penal legislation, everyone found guilty of a crime must receive the right punishment. An exception to the overall rule governing criminal justice administration is the granting of a pardon to someone who has committed a crime. It is not necessary for this pardon to be exclusively for offenses covered under the Bharatiya Nyaya Sanhita, 2023. It might also be for violations of other laws, such as the Prevention of Corruption Act. It may be granted at any point[11].

c)Circumstances:

The following requirements must be met before the authority to forgive may be exercised under section 306 or 307 of the Code, which correspond to sections 343 or 344 of the BNSS:

i) The approver must be a party or privy to the commission of an offense;

(ii) He must be prepared to provide a thorough and comprehensive account of all the facts pertaining to the offense and the individual that he is aware of;

(iii) The offense must fall under section 306(2):

(iv) The magistrate must give justification for offering a pardon:

(v) The pardon must be accepted by the approver;

(vi) The approver should be interviewed as a witness.

As a result, the protection afforded to an approver may be withdrawn if he does not provide a complete and accurate account of the entire case, if he withholds any significant and vital information within his knowledge about the commission of the offense, or if he violates the terms of the pardon.[12]

d) When a pardon can be issued

The Code's section 306 (which is equivalent to section 343 of Suraksha Sanhita) clearly stipulates that a pardon can be issued "at any stage of the investigation or inquiry into, or the trial of, the offense."

Thus, it is evident that a pardon can be given at any point during the process.

[11] Santosh kumar v. state of Maharashtra, (2009) 6 SCC 498.
[12] Mrinal das v. state of Tripura, (2011) 9 SCC 479.

e) Situations where a pardon may be granted:

The following offenses are eligible for pardon:

i) offenses that can only be tried in a court of session;

ii) Crimes that are subject to a sentence of imprisonment for seven years or more;

iii) offenses that are subject to trial under the criminal law amendment act of 1952.

4.8. COMPOUNDING OF OFFENCES:

a) Compounding- Meaning

In simple terms, "compounding" means arranging or coming to terms. As such, composition. a reconciliation or settlement of differences between the injured party and the individual against whom the complaint is filed. The assumption underlying the compounding of an offense is that the offense has actually happened, but that the victim is prepared to either forgive it or accept some sort of solatium as fair recompense for his or her suffering[13]. As a result, compounding an offense entails refraining from prosecution in exchange for consideration.

b) Explanation of the Doctrine

Even if just one person has experienced a crime, it is nevertheless seen as a crime against the entire society, not just the individual. Thus, it is the State's responsibility to respond accordingly to the perpetrator.

where no agreement or compromise is acceptable. On the other hand, we have other offenses However, there are different kinds of offenses. Offense compounding is when certain acts are thought to be extremely serious but are not handled as such, and the parties are permitted to resolve the disagreement via compromise. When an offense is compounded, it means that the victim has been given some satisfaction to persuade them from pursuing the case further.

c) The History of the Compounding of Offenses

The Supreme Court followed the history of offense compounding in **Prakash Gupta v. SEBI**[14]. When the Code of Criminal Procedure was revised in 1872, compounding was first used as a procedural instrument in the Indian legal system.

d)Nature and extent

Offenses that may be compounded are listed in Code Section 320, which is equivalent to Suraksha Sanhita Section 359. The parties may compound the crimes listed in the table under subsection (1) without the court's permission. Only with the permission of the court may the offenses listed in the table under subsection (2) be compounded. According to subsection (3), the aiding of or attempt to commit an offense is also compoundable if the offense itself is compoundable. Offenses that are not listed in the tables cannot be compounded.

e)Object:

The underlying idea of the scheme, as stated by the Supreme Court in Biswabahan v. Gopen Chandra[15], appears to be that wrongs of specific categories that primarily affect a person in his individual capacity or character may be adequately rectified by composition with or without the court's permission, depending on the circumstances. However, if there is no particular provision for composition, the law must take its course,

[13]Nanjappa v. assistant commissioner, 1969 Cr LJ 336.
[14]AIR 2021 SC 3601.
[15] AIR 1967 SC 895.

and the charge being investigated must lead to either a conviction or an acquittal. The purpose of the law is to foster good relations between the parties so that peace is restored[16].

It is advisable that the court should compromise by avoiding luxury litigation in conflicts of a personal character where a conviction is unlikely, as seen in another instance. Based on the facts on the ground, this is a sensible strategy.

The goal of compounding an offense against the payment of a compounding amount is to promote settlement and terminate legal action[17].

As a result, in the compounding of offenses, the court is given just supervisory authority by Code Section 320 (which is equivalent to Section 359 of the BNSS), with the protection that the defendant does not use unfair or deceptive methods to obtain a compromise of the offense.

f) Considerations

As observed above, the scheme of the Suraksha Sanhita is that where disputes are of individual nature between family members or near relatives or where parties decide to accord quietus to all their disputes, differences and quarrels once and for all and to restore peace and encourage friendliness, composition of offences can be allowed.

g) Who may compound

Normally, the person who is injured by an offence may abstain from continuing with the prosecution. It is, therefore, not material as to who has filed a complaint. An offence can be compounded by the person specified in the section although a formal complaint might have been filed by some other person. Thus, if A is cheated and the complaint is filed by B, wife of A, it is A who is cheated can compound the offence and not B who has filed the complaint. Likewise, a husband might be the complainant in a defamation case of his wise alleging her to be unchaste woman, but it is only the wife who has right to compound the offence. On the same principle, an offence of hurt can be compounded only by the person to whom hurt is caused and by none else.

But where the person mentioned in the section is a minor, idiot or lunatic, any person competent to contract, may with the permission of the court, compound the offence. Similarly, where the person specified in the section is dead, his legal representative, with the leave of the court may compound the offence.

h) When offence may be compounded

An offence which is compoundable without the permission of the court, may be compounded at any stage even before filing of a complaint. An offence which is compoundable with the permission of the court can be compounded with such permission at any time before the judgment is pronounced. Where the accused has been committed for trial to a Court of Session, no composition can be allowed without the leave of the court to which he is committed. Where the accused is tried and convicted of an offence which is compoundable, and the appeal is pending, no composition can be allowed without the leave.

i) When composition is not permitted

Compounding in situations where the accused is subject to either 10 Sub-section (7) of section 320 of the Code (corresponding section 359 BNSS), which forbids increased punishment or punishment of a different kind for such offense, due to prior conviction. As a result, this clause covers repeated offenders.

j) Non-compoundable offences

According to sub-section (9) of section of the Code (the equivalent of section 359 of the BNSS), no offense may be compounded unless specifically stated by the section, i.e. sub-section (1) or sub-section (2). Consequently, the parties cannot compound any crime under any other law than the IPC (now BNS) or any offense not included by sub-section (1) or sub-section (2), even with the court's permission. In such

[16]Santhosahkumar v. state of mp 1986

[17] Rajesh kumar v. UOI(2007) 9 SCC 158.

circumstances, the court often considers the agreement reached by the parties and either deems the punishment or sentence endured by the defendant to be fair and sufficient or changes the conviction into a compoundable crime.

The Trial Court in Ramesh Kumar v Ram Kumar[18] sentenced two persons to life in prison for the crime of murder, which carries a punishment under section 302 read in conjunction with section 34 of the IPC. Based on arrangement (gift of land), the High Court exonerated them and decreased both defendants' sentences to two years. The ruling was overturned by the Supreme Court.

"We are at a total loss to understand it," the Court said. The whole criminal justice administration system is made fun of. Even with a murder charge, a person who can afford to give land or money to the victim's heirs could get away with it if the High Court's ruling is upheld. Justice should be dispensed by courses rather than being dispensed with justice.

5. HISTORY OF SPEEDY TRIAL:

The jurisprudence of a speedy trial is founded on the straightforward tenet that the legal system should not subject innocent (suspect) individuals to unjustifiable harassment and that the victim should receive justice as soon as the legal system is able to deliver it.

During the Middle Ages, when India was under Muslim rule, Muslim law and the Muslim judicial system were founded. Sultan had the authority to enforce law and justice. The courts were organized into hierarchies at the district and provincial levels. The idea of a speedy trial was first developed under Aurangazeb. During his tenure, the 'Fatwa Namgiri' was written, stating that no one should be taken into custody unless with the permission of the kazi and justice should be administered promptly after the arrest of the accused, and that no one should be held in jail indefinitely unless their guilt is established. The Kazi is also given the authority to grant "bail." Thus, even if the idea of a speedy trial originated in the middle ages, it is fair to say that it is not novel to India. However, the contemporary notion of a speedy trial originated in the United States, where the primary concern was striking a balance between the rights of the accused and the needs of justice for crime victims.

Speedy trial with respect to US:

The Federal Speedy Trial Act of 1974 further ensured the right to a speedy trial for the accused in the United States, which is protected by the sixth amendment of the constitution. The several aspects of a speedy trial were covered **in Baker v. Wingo**[19]by the U.S. Apex Court. Justice Powell's observation can be summed up as follows:

I. The right to a speedy trial is a more nebulous and generically distinct notion than other constitutional rights granted to defendants, and it cannot be quantified into a specific number of days or months. Furthermore, it is impossible to pinpoint the precise point at which the judicial process must be asserted or deemed waived.

II. While a defendant's assertion or non-assertion of his right to a speedy trial is one of the factors to be considered in an inquiry into the deprivation of such right, the primary burden remains on the courts and prosecutors to assure that cases are speedily brought to trial.

III. A claim that a defendant has been denied his right to a speedy trial is subject to a balancing test, in which the conduct of the both the prosecution and the defendant are weighed, and courts should consider such factors as length of the delay, reason for the delay, the defendant's assertion or non-assertion of his right, and prejudice to the defendant resulting from the delay, in determining whether a defendant's right to a speedy trial has been denied.

[18] AIR 1984 SC 1029.
[19] 407 US 514(1972).

IV. Although the petitioner's case, involving as it did such extraordinary delay, was a close one, the facts that prejudice to him was minimal and that the petitioner himself did not want a speedy trial outweighed the deficiencies attributable to the state's failure to try the petitioner sooner.

V. The petitioner was not denied his right to a speedy trial.

6. TRIAL DELAYCAUSES:

The key question is why the need for a speedy trial emerged, which is that cases were delayed in disposition. The Supreme Court in State of Maharashtra v. ChampalalPunjaji[20] noted that delay is a well-known defensive strategy. Over time, witnesses vanish, and memories fade. With vanishing witnesses and fading memories, the burden on the prosecution is significantly increased, turning a welter weight task into a heavy weight one. The court does not mean to imply that the onus for delaying criminal trials should always be placed on the wealthy and unwilling defendants. The court stated that we are not ignorant of the delays caused by the tardiness and tactics of the prosecuting authorities. The court is aware of trials that have been excessively postponed because of the prosecuting agencies' indifference, somnolence, or deliberate inactivity. Sometimes, when the evidence is weak and a conviction is unlikely, the prosecuting authorities use delaying tactics to keep the accused persons in jail as long as possible and to harass them. This is a common tactic in the majority of conspiracy cases. Again, the passage of time may put an accused person in serious dangerin the course of their defense. Like the witnesses for the prosecution, the witnesses for the defense may become unavailable, and their memories may also fade. There are numerous reasons that could cause trial delays; some of the more well-known ones are listed below:

I. There is no counsel accessible.

II. Absence of defendant.

III. Delayed delivery of subpoenas and warrants to the defendants and witnesses.

IV. Failure to bring prisoners who are being tried before the court.

V. Despite the case being scheduled for trial, the presiding judges continue on leave.

VI. The accused's attorney refusing to appear or requesting a continuance.

Raj Deo Sharma v. The State of Bihar[21] states that in cases where the penalty is imprisonment for a maximum of seven years, the court will stop the prosecution evidence two years after the day the accused's plea was recorded on the charges established, regardless of whether the prosecution has questioned all the witnesses. It was also noted that if the offense being tried carries a sentence of more than seven years in jail, regardless of whether the defendant is incarcerated or not, the court must terminate the prosecution evidence three years after the date the defendant's plea was recorded on the charge framed, regardless of whether the prosecution has examined all the witnesses within that time frame, and proceed to the next step of the trial as required by law, unless for extremely compelling reasons to be documented and in the interest of justice the court deems it necessary to allow the prosecution more time to present evidence beyond the aforementioned time limit.

The Supreme Court issued instructions and ruled in **P. Ramachandra Rao v. State of Karnataka**[22] that the criminal courts should use their existing powers, such as those granted by Sections 309, 311, and 258 of the Code of Criminal Procedure, to put the Right to a Speedy Trial into effect. The trial judge's vigilance and diligence may be a greater safeguard of such a right than any set of rules. Where appropriate, one can use the High Court's jurisdiction under Section 482 of the Cr. P.C. and Articles 226 and 227 of the Constitution to seek the proper remedy or directions.

[20] AIR 1981 SC 1675.
[21] AIR 1998 SC 3281.
[22] AIR 2002 SC 1856.

7.CONCLUSION:

The constitutional protection of Article 21, which provides that no one may be deprived of their life or personal liberty unless in accordance with legal process, is where the idea of a prompt trial is firmly rooted. The persistent issue of judicial delays in India is addressed realistically by disposing of cases outside of a complete trial using methods like plea bargaining, compounding offences and summary trials etc. These mechanisms not only shorten pendency but also give parties who would otherwise be lost in the maze of protracted litigation access to justice. Nevertheless, despite the fact that these methods promote the cause of quick justice, they cannot function independently of the equally important concept of fair trial. The fine line that must be maintained is highlighted by the risk of coercion during plea negotiations, the potential for unequal bargaining strength, and issues about voluntariness. Legislatures and courts must make sure that substantive justice is not compromised in the name of efficiency.A comparative analysis with nations like the US, demonstrates that India is not the only country where cases are disposed of without a complete trial; rather, it is a widely accepted strategy for increasing efficiency in the criminal justice system. However, the Indian situation necessitates greater protection, judicial supervision, and awareness to prevent misuse.In conclusion, case disposal without a complete trial is a crucial tool for realizing the right to a fair trial, as long as it is accompanied by strong safeguards to ensure fairness, transparency, and justice. The key to the future of India's criminal justice system is to strike a balance between speed and fairness so that justice is both timely and fair.

8. SUGGESTION:

To ensure the disposal of cases without full trial serves the dual purpose of speedy justice and fair justice, there is a need to strengthen alternative mechanisms such as plea bargaining, compounding of offences, mediation and summary trials under BNSS. However there must be applied with strict judicial oversight to prevent misuse and to safeguard constitutional rights of the accused and victims. Introducing special fast track courts for compoundable offences , enhancing digital case management systems a d promoting ADR in minor disputes can reduce pendency while upholding the principle of natural justice.

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