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Article

Judicial Trends in The Adjudication of Criminal Miscellaneous Applicationsunder the Criminal Code of India

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Abstract: Criminal Miscellaneous Applications (Applications) are filed in the Criminal Courts (courts) for various reasons and at various stages i.e before, during and after the adjudication of criminal trial. By filing these applications trial is not decided but only interim right or ancillary issue is resolved by the court. These applications lead to interlocutory proceedings in the course of trial. This paper aims at probing and exploring the recent trends, objectives, necessity, reasons, uses, procedures, criteria and various provisions under which the applications are filed, how the courts deal which such applications etc. Undoubtedly and definitely applications are part of judicial process. The recent judicial trends in the various judgments show radical change and fundamental shift in the outlook of the courts while adjudicating applications.

Keywords: Applications, Criminal Courts, Judicial Process, trial.

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INTRODUCTION

Application is not defined under the Cr.p.c[1] or BNSS[2]. The dictionary meaning of an application is a formal expression of request before the criminal court or in criminal proceedings for different kinds of reliefs such as right, benefit, and privilege or for an action[3].The process of filing of application starts after filing of the FIR but before its registration in court, when accused files his Anticipatory bail application. It is task of a magistrate or judge to deal with applications in criminal courts. The orders passed in these applications are mainly interim or interlocutory in nature. These applications serve as procedural tools for various interim or ancillary reliefs during criminal proceedingsbut it is difficult to determine which the interlocutory order (decision)is without any specific provision for determination of the same. Some of the Applications are either interim or final in nature and filed for specific purpose and specific period. The content of an application include factual position, legal grounds, relief sought and supported by affidavit if at all required. As the pendency of the Applications may have an impact on the Main Case or the judicial process or criminal justice system hence the court has to decide the Applications at the earliest. These applications are not the main trial but pertaining to the ancillary matters of the ongoing criminal case. Applications are filed by accused or police or victim or third party.

[1]Code of Criminal Procedure, 1973
[2]Bhartiya Nagrik Suraksha Sanhita, 2023
[3]Paper presented by Smt. U. Indira PriyaDarshini, IV Addl. Chief Metropolitan Magistrate, Vijayawada

In India the procedure which is followed by the courts from the inception of filing the applications till its disposal is that after filing the registry checks whether it is properly filed and in format, court fees etc then it is allotted specific application number and thereafter listed with a particular number. Court issues notice during first court session of the application, finding the same to be maintainable and also give the opportunity to the defendants to file reply. Thereafter, the opposite parties file a counter affidavit or reply in response to the application, if they wish to file. Court hears the arguments of parties including the judgments or law relied upon and considering application and reply filed it is finally decided by passing a speaking order by dismissing or fully or partially allowing it. The applicant present his arguments first and thereafter respondent submits his arguments. In some applications interim reliefs are sought like in bail applications relief may be "no arrest to be made during the pendency of the application" Applications are filed before judicial magistrate and chief judicial magistrate for bail etc in minor cases punishable for 3 years and 7 years. In sessions courts applications are filed in serious matters for anticipatory and regular bail etc punishable up to life imprisonment or death sentence. In high court applications are filed for complicated matters such as quashing of FIR, habeas corpus and transfer(S-407 Cr.p.c) etc. In Supreme Court transfer application (S-406 Cr.p.c) is filed.

When an application is filed notice is mandatory except where ex parte stay of proceedings is sought and even where ex parte stay is sought court may not grant the ex parte stay, if court takes a view that notice is necessary. On filing an application court see whether the relief sought is provided under the BNSS or Cr.p.c and its maintainability about jurisdiction and competency[4]. If the relief claimed is under the purview of statutory provisions, than after issuing the notice the court hears all the parties and thereafter pass speaking order on the application.[5]In cases where opponent gives no objection application may be allowed as per law. The applications are filed under various provisions of the Cr.p.c such as Sections 70(2),90, 91, 125 (3), 156(3), 167, 227, 239, 256, 309, 311, 317, 319, 321, 437, 438, 439, 451, 457 482, 125, 340, 406, 407, 357A etc[6] Further, applications are filed for plea bargaining under chapter XXIA, bail applications under section 437, 438, 439, for quashing of FIRs, for registration of FIR.

LAWS RELATING TO CRIMINAL MISCELLANEOUS APPLICATIONS IN INDIA

From the review of literature, it emerges that impact of filing of Applications on the criminal trials has rarely been examined and there is dearth of literature review. The settled law on various aspects of applications, legal provisions, trends etc mentioned in various judgments is the research gap attempted and highlighted herein. In this paper primary and secondary sources such as books, research articles, judgments, journals, various case laws on the subject matter, crime reports, internet, libraries etc. are examined and referred. The various laws include substantive and procedural laws i.e COI, IEA, BSA[7], CR.P.C, BNSS[8] BNS[9], IPC[10] etc.

LCI[11]in its report[12] in Para No. 13.11 of chapter 13 has stated as under:

"Miscellaneous applications should not be kept pending for a long time and should be disposed of immediately after giving notice of those applications to the opposite parties. Not very long and elaborate orders should be needed to dispose of these applications. It should be quite enough if the main contentions advanced and the main reasons which prevail with the judicial officers in disposing of those applications are indicated in the order".

Under BNSS to expedite trials and applications some new provisions have mandated the proceedings time bound by prescribing time limit with in which processes can be done to achieve the aim of speedy trial. An accused can file discharge application in a session trial with in sixty days of committal under S-250 of BNSS (S-227 Cr. p.c). It is noteworthy that BNSS has not provided or clarified that what will happen if the charges are framed. It should have been clarified specifically that if the charges are framed than the discharge will not take place. Similarly, discharge application can be filed under S-262 before magistrate within 60 days from the supply of documents. Under the proviso to S-360 of BNSS (S- 321 of Cr.p.c) while hearing an application for withdrawal the court has to give hearing to the victim. Proviso to section 438 (1), section 438 (1A) and 438 (1B) of Cr.p.c have been deleted and no more exist in section 482 of BNSS. Under proviso to section 479 (1) of BNSS (S-436A Cr.p.c) first time offender are entitled for bail after undergoing one third of maximum punishment as compared to one half of punishment provided in Cr.p.c. To ensure successful execution of this right sub section 3 has been added to section 479 wherein jail superintendent has the duty to move an application, after expiry of the aforesaid period for their release.

JUDICIAL PRONOUNCEMENTS

There are judicial precedents on the specific applications for handling the applications. When application is filed under S-156 (3) for registration of FIR, court always insist for approaching the police first and filing of complaint to the police by the complainant, before filing under section 156 (3). In *Priyanka Srivastava v. State of U.P*[13]*it was* held that an affidavit is mandatory with 156(3) application to maintain process of Law and without such affidavit application can be dismissed. It is noteworthy that high courts have also made the aforesaid mandatory. The courts have emphasized on adopting pre-litigation procedure and not directly approaching the courts without approaching the police. For exercising power under S- 482 Cr.p.c for quashing of proceedings or FIRs or complaints courts have laid down the guidelines to be more cautious and also exercising judicial embargo unless there is misuse of legal

[4]Paper presented by Sri P Govardhan, II Additional Civil Judge, Vijayawada
[5]Paper presented by Sri N. Ramesh Babu, VIII Addl. District Judge, Vijayawada
[6]https://chatgpt.com/c/6830222f-875c-8011-a0ba-b682d93cc3c4
[7]Bhartiya Sakshya Adhiniyam, 2023
[8]Bhartiya Nagrik Suraksha Sanhita, 2023
[9]Bhartiya Nyaya Sanhita, 2023
[10]Indian Penal Code., 1860
[11]Law commission of India
[12]seventy seventh report titled as "delay and arrears in trial Courts"
[13] (2015) 6 SCC 287:

process or injustice. In *State of Haryana v. Bhajan Lal*[14] *court had laid down seven categories where power can be exercised under section 482. In* Gian Singh v. State of Punjab[15] it was ruled that gravity of offence must be given due regard and heinous offences such as murder, rape, dacoity etc cannot be quashed despite the settlement between the victim and offender. Similarly offences under prevention of corruption act or committed by public servants cannot be quashed. The offences of civil flavor pertaining to commercial, financial, mercantile, civil, partnership or arising out of matrimony or dowry or family dispute and where the dispute is private or personal in nature stand on different footing, and high court may quash the criminal proceedings resulting from compromise between the accused and victim, as there will be remote possibility of conviction in such cases. There is a distinction and difference between powers under section 320 and 482 nevertheless, that the ultimate consequence may be the same i.e acquittal of the accused.

Under S-125 Cr. p.c the court have expanded and enlarged the scope and interpretation of maintenance laws in favour of women, children and parents and brought live-in-relationship within its ambit. In *Chanmuniya v. Virendra Kumar Singh Kushwaha*[16] held that a womanis eligible to maintenance if she is in cohabitation or conjugal relationship. In B*huwan Mohan Singh v. Meena*[17]court had ruled that objectiveof section 125 is social equity and not only procedural.

In applications under section 340 courts are considerate in initiating perjury proceedings acknowledging that frivolous applications can restrain the judicial proceedings. In *Iqbal Singh Marwah v. Meenakshi Marwah*[18]necessity of preliminary enquiry before initiating prosecution under section 340 was emphasized. Further held,that matter should have immediate consequence on the outcome of the case for commencing proceedings.

In bail applications under section 437, 438 and 439 the jurisprudence has been increasing to protect the personal freedom and prevent pre-trial detention, except against public interest in serious offences. Bail is a rule and jail is an exception or the basic rule is bail, not jail as held in State of Rajasthan, Jaipur vs Balchand @ Baliay[19]

Arnesh Kumar v. State of Bihar[20]police directed to avoid spontaneous arrests in offences punishable for less than seven years. Courts were directed to pass speaking orders for granting or refusing bail.

In applications for compounding of offences filed under section 320 the courts have supported compounding of offences in family or property disputes to curtail the burden on the legal system without compromising the justice.

In Adalat Prasad vs Rooplal Jindal & Ors.[21] in summons case in an application filed under S-203 Cr.p.c trial court cannot recall the summons and discharge an accused issued under S- 204 and cannot review its own order.

In Pragyana Singh Thakur vs. State of Maharashtra[22]it was ruled that in an application filed underS-167 (2) Cr.p.c that chargesheet was not filed within 90 days or 60 days, then before release of the accused, if chargesheet is filed, accused would not get the bail.

In Satender Kumar Antil vs. CBI and Anr.[23]In application under section 439 Cr.p.c apex court had issued following guidelines for the government, courts and investigating agencies to prevent unnecessary arrest and remand.

(i) Government may bring enactment such as bail act to simplify the grant of bail.

(ii) Police officers have to mandatorily comply S-41 and 41A of Cr.p.c and directions issued in Arnesh Kumar vs State of Bihar[24] and any dereliction shall entail suitable action.

(iii) Courts to ensure compliance of aforesaid sections and if there is non-compliance, then accused will be entitled for the bail.

(iv) All the state governments and UTs to issue standing orders in view of order dated 07.02.2018 in W.P (C) No. 7608 of 2018 passed by Delhi High Court and standing order No. 109 of 2020 issued by Delhi Police and comply S-41A.

(v) Under S- 88, 170, 204 and 209 of Cr.p.c bail application is not required.

(vi) There should be Strict compliance of the judgment i.e Siddharth vs State of UP[25]

(vii) Central and state governments to comply direction of constitution of special courts and filling the vacancies of presiding officers.

(viii) High courts to find out under trial prisoners who have not adhered to the bail conditions and thereafter appropriate action be taken for their release under S-440.

(ix) At the district and high court judiciary level compliance of section 436A be made as also directed in Bhim Singh vs UoI[26]

(x) Bail applications to be decided within a period of two weeks except otherwise and if there is intervening application.

(xi) Anticipatory bail application to be adjudicated within a period of six weeks except intervening application.

It is evident that above guidelines are for liberal bail policy and emphasized presumption of innocence.

In Arnesh Kumar vs State of Bihar (supra) it was ruled that arrest should be ultimate option and therefore the trend has begun to grant bail unless there is danger of tampering of evidence or threatening witnesses or absconding of accused etc. Courts are more willing towards personal liberty than incarceration. The court had stressed so that

[14](1992 Supp (1) SCC 335)
[15](2012) 10 SCC 303
[16](2011) 1 SCC 141
[17](2015) 6 SCC 353
[18] (2005) 4 SCC 370
[19](1977) 4 SCC 308
[20](2014) 8 SCC 273
[21]AIR 2004 Supreme Court 4674
[22](2011) 10 SCC 445
[23]AIR 2022 Supreme Court 3386
[24](2014) 8 SCC 273: AIR 2014 SC 2756
[25]AIR Online 2021 SC 574: 2021 SCC online SC 615
[26](2015) 13 SCC 605: AIR Online 2014 SC 132

arrest by the cops and detention by Magistrates is not authorized automatically or mechanically. In this special leave to appeal for anticipatory bail Apex Court had passed following directions:

(i) All State Governments to issue advisory topolice officers not to make automatic arrest under S-498A but to ensure necessity of arrest within the circumference of S-41 Cr.p.c.

(ii) Police officers (PO) to be provided with check list of sub clauses of S- 41 (1) (b) (ii)

(iii) Police officers shall produce the filled check list and materials before magistrate for arresting the accused andfor further detention.

(iv) The magistrate shall examine the checklist, reportbefore authorizing detention.

(v) Magistrateto be informed of not arresting the accused within two weeks from the date of registration of FIR subject to extension by superintendence of police.

(vi) For appearance of accused notice under S-41A be served with in two weeks from the date of registration of FIR subject to extension bysuperintendence of police.

(vii) For the non compliance of the above directions the PO to be liable for departmental action and contempt.

(viii) If magistrate authorize detention without recording reasons he shall be liable for departmental action by the High Court (HC).

Court had clarified that these directions shall apply to cases under S- 498A, S- 4 of the DP Act[27] and offences upto seven years imprisonment.

In P. Ramachandra Rao v. State of Karnataka[28]right to speedy trial (Art. 21) was well established. It was ruled that HC can quash FIR, investigation or criminal proceedings under S 482 due to undue delay.The directions in common cause I[29], Common Cause II[30], Raj Deo Sharma I[31] and Raj Deo Sharma II[32] judgment for enlargement of accused on bail were not interfered.By this judgment court had not fixed any time limit for criminal proceedings or trial but still protected the speedy trial without entitling the accused to be acquitted due to delay except where the court decides delay as oppressive and unwarranted having regard to totality of circumstances of an individual case.This judgment reflectsjudicial balancing of accused and victim rights.

In State of Madhya Pradesh vs Laxmi Narayan and Ors[33] ruled that quashing of proceedingsunder S- 307 and 34 IPC cannot be executed pending investigation inspite of settlement between accused and complainant, as such crimes seriously impacts the society.

In Nippun Saxena & Anr. vs UOI& Ors.[34]apex court emphasized for keepingthe confidentiality qua identity and names of the sufferer of sexual offences and protecting their rights even in miscellaneous or interim proceedings. The aforesaid directions issued were applicable on the courts, police and other authorities.

In M/s Neeharika Infrastructure Pvt. Ltd. vs State of Maharashtra and Ors.[35] held HC has power (S- 482 and Article 226) to pass interim orders such as stay of investigation, no forceful measures will be taken, not to apprehend(accused) etc. before conclusion of the aforesaid proceedings and conditions under which such orders could be passed. The court held as under:

(i) Police has the statutory power under Cr.p.c to investigate in to cognizable offence

(ii) Courts should not stop investigation in to the cognizable offences

(iii) Courts will not allow investigation to go on in FIR where non cognizable offence is disclosed or no offence is disclosed

(iv) Quashing power should be exercised rarely and with caution and in exceptional circumstances

(v) While dealing with the quashing of FIR and complaint courts should not probe the authenticity of the accusations made in the FIR/Complaint.

(vi) Criminal proceedings not to be circumvented at the inception.

(vii) Quashing of FIR/Complaint is not an ordinary rule but an exception.

(viii) Courts and police work in two different spheres and courts generally do not enter in to the jurisdiction of police. Their functions are complementary and not overlapping.

(ix) Courts should not interfere at investigation stage except where non interference will lead to miscarriage of justice.

(x) While exercising inherent powers court cannot act arbitrarily.

(xi) During investigation, Courts should refrain fromfinding the truth of the accusations in the FIR by passing any adverse orders against the investigation process and police be allowed to wrap up the investigation. It will be premature, if court takes any decision and draw any inference that FIR/Complaint is exempt from investigation or passes any orders disrupting the investigation process. If after completing the investigation police concludethat the allegations alleged do not stand on their legs then decision may be taken as per law.

(xii) Courts have very wide powerunder S- 482

[27]Dowry prohibition act
[28](2002) 4 SCC 578
[29](1996) 4 SCC 33
[30](1996) 6 SCC 775
[31] (1998) 7 SCC 507
[32](1999) 7 SCC 604
[33]2019 (4) SCALE 200: (2019) 5 SCC688
[34]W.P (C) 565 of 2012, Judgment dated 11.12.2018, Supreme Court of India
[35]AIR 2021 Supreme Court 1918

coupled with cautiousness and diligent duty.

(xiii) Court have the power to quash within the ambit of parameters of self restraint and as laid down in R.P. Kapur (supra) and supra Note 16

(xiv) In quashing FIR court has only to examine that allegations reveal cognizable offence or not and also permitting the investigation.

(xv) Interim order of suspension of investigation during abeyance of quashing can be passed with caution and not as a routine or casually. During the continuance of investigation when facts are unclear and lacking entire evidence HC should restrict from passing interlocutory orders i.e "not to arrest or no coercive steps to be taken"

(xvi) Where extraordinary case is made out for halting of further investigation court has to give brief reasons for passing such interim order.

(xvii) Whenever interim order "no coercive step to be adopted" is passed the HC,its meaning should be clarified as the said term is ambiguous and broad to be misconstrued or misinterpreted.

(xviii) Therefore, interim direction passed i.e "no coercive step to be adopted" was quashed and set aside.

In Ashish Mishra alias Monu vs State of U.P[36] Bail application of the petitioner's under S-439 Cr.p.c were rejected by the High Court. Apex Court granted the interim bail. The court ruled that accused cannot be kept incarcerated endlessly or unlimited time period or sine die therefore it is crucial to balance the petitioner's liberty (Art. 21)in relation to the state's right to ensure fair trial and safeguard the lawful complaint of the victim(s) of crime. Petitioner was ordered to leave Uttar Pradesh after his release on interim bail to deflect or turn away any direct or indirect influence on the deposition of material witnesses. He was directed not to enter Uttar Pradesh except to attend the trial. If the petitioner or any of his family member threaten the witnesses than the interim bail of the petitioner shall be liable to be cancelled.

In Ajay Kumar Das vs State of Jharkhand and Anr.[37] ruled that under S- 482 (S-528 of BNSS) the accusations of complaint and FIR mustbe looked in to and enquiry in to the factual position to find out guiltought not be probed as accused will get adequateopportunity to place his entire case during framing of charge. The court dismissed the appeal and refused to set-aside the criminal proceedings with the liberty to raise all available defenceduring framing of charges with the order to the trial court to examine the material and arguments in true perspective as per law.

In M. Ravindran vs Intelligence officer, Directorate of Revenue Intelligence[38] held

(i) that accused's compulsive bail under S-167 (2) becomes invincible on filing an application and on the failure of police to file the chargesheet within the specified time and offers to submit the bail bond in compliance to the directions than he becomes entitled for bail. The court ruled that despite filing of additional complaint subsequently he is qualified for bail. The court deprecated the additional complaint to evade or bypass the default bail by saying as an incorrect approach.

(ii) Default bail is valid as and when it is applied, inspite of undecided bail application or later on filing of chargesheet or a report seeking extension of timeor filing of chargesheet during the time of pendency of challenge to rejection of the bail application.

(iii) Ifdefault bail is not filed on accrual of right and afterwards a chargesheet or additional complaint or report seeking extension of time is filed, bail stands demolished. The court may take notice of proceedingsor give opportunity for completing the investigation or allow bail under the other provisions of the Cr.p.c.

(iv) If accused breach with conditions of bail order his confinement is valid.

(v) The invincible default bail is an inherent part of right to life and personal liberty that protects against unlawful detention.

INTERPRETATION

Set procedure is not prescribed in the Cr.p.c and BNSS for the disposal and adjudication of Applications.There is no limitation period fixed except in few for deciding the application. The juncture at which an application is filed is also an important aspect and requires due consideration for determining the delay in the trial.The amendment brought in section 439 vide amendment act 22 of 2018 has made mandatory for the appearance of informant during hearing of bail application and it is clear cut indication of expansion of victim participation by giving them right to be heard even in bail hearings. The recent technological advancement and use of technology has led the courts to allow virtual hearings of applications such as bail, quashing etc. and e filing of applications.

In UK the deadline for service of application to the adverse party is stringent i.e 14 days before hearing unless court has ordered otherwise. The reply has to be filed in the time limit determinedby court or under the criminal procedure rules (CrimPR). Applications are also listed separately in motion hearing depending on the type of application and some applications are treated according to papers or documents without hearing. In applications having complicated issues, court may examine witnesses or conduct a mini trial. Bail applications or variation in the bail are filed under the bail act 1976. Courts give more attention to the case management to avoid delays. Applications are filed before Magistrate's Court, Crown court and Court of appeal.

[36]2023 (1) Crimes 303 (SC)
[37](2011) 12 SCC 319
[38](2021) 2 SCC 485

In USA applications or motions are filed under the federal rules of criminal procedure for federal court cases and state's criminal procedure rules for the state court cases.Federal Courts matters are given separate docket number. After filing of motions the filing party serves it on the opposite party (OP) and then written opposition is filed by the OP. Thereafter, court fixes it for oral argument or evidentiary hearing considering the gravity of the issue and disputed facts. Short hearings are conducted for basic motions and evidentiary hearings are conducted for resolving the factual disputes by examining and cross examining the witnesses. Against the judgments passed in applicationsdenying the bail, appeal can be filed immediately but in cases other than bail,appeal can be filed after the final judgments only.

In Australia applications are filed about side issues relating to procedure, evidence and rights. Affidavits or evidences are filed along with the applications. In deciding applications court applies Criminal procedure act of the respective state/territory, court rules of each court and uniform evidence Law. There is time frame for filing and service of someapplications such as 7 or 14 days before the hearing. Minor applications like bail etc are decided immediately whereas other applications are decided after full hearing. Courts follow active case management system.

In Singapore applications are governed by Criminal Procedure Code, 2010, Supreme Court and State Courts practice directions and principle of audi alteram partem. During the hearing in high court or court of appeal courts hears detailed legal arguments and also refer to the precedents. Appeal against the judgments passed in applications is not maintainable in all the applications but only in certain applications.

In Canada deadline for service of application upon the opposite party varies but has to be served at least 15 to days 30 before hearing in serious cases and in urgent matters like bail it is served faster. Applications for bail, review of bail, exclusion of evidence, stay of proceedings for abuse of process, request for disclosures (relevant evidences), ban of publication in sexual offences etc are filed in provincial court, superior court and court of appeal. Applications are filed under the Canadian charter of Rights and Freedoms, criminal code, common law principles against the violations of right to a fair trial, unreasonable search and seizures, undue delay in the trials etc and for expediting the trials.

CONCLUSION

The main objects of the applications are to give every opportunity to the parties and to adjudicate the matter on merits[39]. The accused is given fair opportunity. Filing of applications has a wider scope and circumference which inter-alia includes the protection of rights and fair trial. Dubious and frivolous Applications are also filed for dragging the case and in such situation the court should decide or dispose of the Applications without any delay or with heavy cost and courts should deprecate such Applications. Delay in the criminal trials can be attributed to number of reasons but one of the reasons is the filing of Applications. The adjudication of the criminal trials also depends on the early disposal of applications filed in the course of trial. The above judgments shows liberal, rights-protective and tilting towards settlement encouraging trend of courts along with balancing the public interest while deciding applications. No time limit is prescribed by law for filing applications except few. Courts are inclined towards plea bargaining in offences not of serious nature to reduce the pendency. In serious offences courts balance the public interest and the individual rights. Applications are not disposed quickly and immediately and there is delay in the disposal of applications which ultimately delay the trial. In india the participation of victim is not vigorous and healthy. The apex court has developed criminal jurisprudence that focuses on bail as a rule and jail as an exception. The courts have protected and respected investigative autonomy except in case of unjustness.

SUGGESTIONS

(i) Statutory amendments should be made for adjudicating the applications in a time bound manner.

(ii) Where frivolous applications are filed the applicant should be held liable for the contempt and exemplary cost.

(iii) In case of exemption applications filed by the accused and other stakeholders on the medical ground on the basis of certificate issued by private doctor there should be some provision for verification of medical certificates/prescriptions or corroboration of its authenticity or by filing an affidavit by the doctor along with its certificate/prescription or by personal appearance of doctor, if necessary with cost met by the party. The doctors should also be accountable and criminally liable or for contempt or cancellation of their license etc by the medical council in case they issue any false medical certificates or prescription.

(iv) There should be legally mandated timeframes for filing of applications from the accrual of cause of actionin the same manner as fixed in default bail (S-167 (2).

(v) There should be statutory limit on the number of exemptions which may be granted to an accused and other parties during trial under section 228 of BNSS (S-205 Cr p.c)

(vi) In response to the applications when reply is filed, arguments should be heard and applications decided the same day.

(vii) Where no objection is given to any application by the prosecution or opposite party, it should be decided promptly on the same day.

Evidentiary hearings should be conducted for resolving the factual disputes by examining and cross examining the witnesses.

[39]Paper presented by Sri B Papi Reddy, XVI Addl. District Judge, Nandigama