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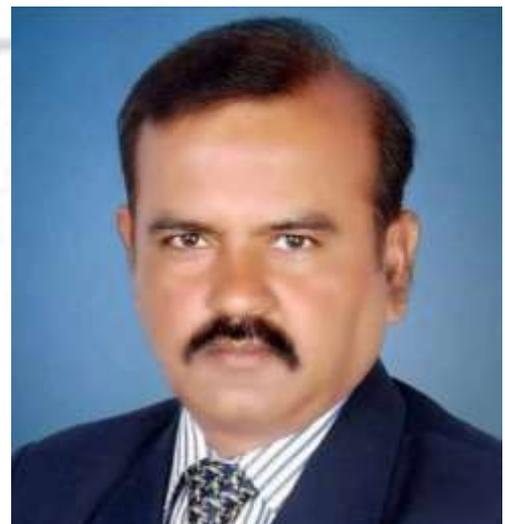
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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

WARRANT TRIALS BEFORE MAGISTRATES AND SESSIONS COURTS UNDER BNSS 2023: ENSURING FAIR AND SPEEDY TRIALS

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Abstract

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), enacted to replace the colonial-era Code of Criminal Procedure, 1973 (CrPC), introduces significant changes to India's criminal procedure framework. Among the most consequential areas of reform are warrant trials before Magistrates and Sessions Courts. This paper examines how BNSS 2023 restructures these trials to promote fairness and efficiency. It critically analyzes procedural innovations, digitization, judicial responsibilities, and time-bound mandates, and evaluates their compatibility with the constitutional right to a fair and speedy trial.

Introduction

India's criminal justice system has long faced criticism for delays, procedural inefficiencies, and a colonial legacy that emphasizes control over justice. The enactment of the BNSS 2023 marks a decisive move towards a more modern and people-centric system. Central to these changes are reforms related to warrant trials—formal proceedings for adjudicating serious criminal offences. This paper analyzes the procedural framework for warrant trials under BNSS 2023 and explores how it seeks to ensure fair and timely justice.

Understanding Warrant Trials

Warrant trials are criminal proceedings designated for offences punishable with imprisonment of more than two years. These trials require a formal charge and allow for the examination of witnesses, thereby offering greater procedural safeguards. The BNSS continues to recognize two primary categories of warrant trials: those instituted on police reports and those instituted otherwise than on police reports. This distinction determines the mode of trial and procedural requirements at various stages.

Procedural Innovations under BNSS 2023

1. Digitization and Technological Integration

BNSS 2023 mandates the use of electronic records, video conferencing, and digital evidence submission. These measures are designed to reduce delays caused by logistical inefficiencies and to improve case management. Courts are now required to maintain digital case files and ensure that documents are made available to parties electronically.

2. Time-Bound Proceedings

To combat chronic delays, BNSS introduces specific timelines:

- Investigations must be completed within 90 days, extendable to 180 days with judicial approval.
- Courts must deliver judgments within 30 days from the conclusion of final arguments, extendable up to 60 days with recorded reasons.
- Documents and evidence must be shared with the accused at the earliest opportunity, preferably in digital format.

3. Case Management and Pre-Trial Scrutiny

Pre-trial hearings and case management conferences are emphasized to ensure early identification of legal and procedural issues. This allows judges to exercise greater control over proceedings and prevent unnecessary adjournments.

Key Stages of Warrant Trials under BNSS

1. Initiation of Proceedings

Warrant trials commence upon the filing of a police report or private complaint. The Magistrate or Sessions Judge takes cognizance and scrutinizes the case for procedural compliance. Where the case is triable exclusively by a Sessions Court, it is committed to the Court of Session under Section 209 of BNSS.

2. Supply of Case Documents

BNSS mandates that the accused be supplied with all relevant documents, including charge sheets, statements, and evidence, at the earliest stage. This is to ensure adequate preparation for defense and adherence to the principle of natural justice.

3. Framing of Charges

Charges are framed after the court finds sufficient grounds to proceed against the accused. The accused is then called upon to plead guilty or claim trial. In the former

case, the court may convict summarily; in the latter, the trial proceeds with full examination of evidence.

4. Evidence Presentation

The prosecution leads its evidence first, calling witnesses and presenting materials. BNSS permits the use of affidavits and digital testimonies, especially in less contentious matters. The defense then has the opportunity to rebut the prosecution's case and present its own evidence.

5. Examination of the Accused

Under Section 313 of BNSS, the court must examine the accused to explain circumstances appearing in evidence against them. This is a crucial step to ensure the accused's perspective is considered and forms part of their right to be heard.

6. Final Arguments and Judgment

After evidence is closed, both parties present final arguments. The judgment must be pronounced within 30 days, with a possible extension of up to 60 days, ensuring timeliness and avoiding unnecessary delay.

Comparison: Magistrates and Sessions Court Trials

Magistrates try offences punishable with imprisonment exceeding two years but which do not fall under the exclusive jurisdiction of the Sessions Court. Sessions Courts handle more grave offences, such as those punishable with life imprisonment or death. BNSS ensures procedural uniformity across both courts while retaining certain structural differences. For example, Sessions Judges are vested with greater discretion in managing serious cases, whereas Magistrates are encouraged to dispose of less serious matters more swiftly.

Ensuring Fair Trial Rights

BNSS aims to protect the accused's fundamental rights by aligning procedures with Article 21 of the Constitution. Key guarantees include:

- **Presumption of Innocence:** The burden of proof lies with the prosecution throughout the trial.
- **Right to Legal Aid:** Indigent accused are entitled to legal representation at the State's expense.
- **Right to Silence:** The accused cannot be compelled to testify against themselves.
- **Prompt Access to Evidence:** Ensures adequate defense preparation.

- **Victim Participation:** Victims have the right to be informed and heard, particularly during sentencing.

Judicial Precedents and Doctrinal Support

Several landmark judgments reinforce the importance of fair and speedy trials. In *A.R. Antulay v. R.S. Nayak (1988)*, the Supreme Court held that the right to a speedy trial is a fundamental right under Article 21. In *Hussainara Khatoon v. State of Bihar (1980)*, the Court condemned delays that kept undertrial prisoners in custody for years.

In *P. Ramachandra Rao v. State of Karnataka (2002)*, the Court emphasized that while timelines are essential, they must not override judicial discretion. Similarly, in *Zahira Sheikh v. State of Gujarat (2004)*, the Court underlined the necessity of fair procedures, particularly for vulnerable witnesses and victims.

BNSS reflects these judicial principles by combining procedural safeguards with time-bound mandates, thus ensuring both fairness and efficiency.

Challenges and Recommendations

1. Implementation Infrastructure

Digital tools require compatible infrastructure in courts and police stations. Without proper equipment, trained staff, and internet access, technological reforms may be rendered ineffective.

2. Human Resource Constraints

India's judiciary suffers from a shortage of judges and administrative staff. Unless recruitment is prioritized, the mandated timelines may not be feasible.

3. Balancing Rigor with Discretion

While procedural discipline is essential, rigid enforcement of timelines may lead to miscarriage of justice. BNSS must be interpreted to allow judicial flexibility where required.

4. Inter-Agency Coordination

Efficient trials depend on smooth coordination between police, prosecutors, defense lawyers, and judges. Regular training and cooperation mechanisms must be institutionalized.

Conclusion

BNSS 2023 marks a transformative moment in Indian criminal justice reform. Its treatment of warrant trials reflects a sincere attempt to harmonize the demands of fair process with the need for timely resolution. By embracing digitization, setting clear procedural timelines, and reaffirming the rights of the accused and victims, BNSS sets a high standard for procedural justice. The real test, however, lies in effective implementation. With adequate resources and institutional will, BNSS has the potential to significantly improve the landscape of criminal adjudication in India.

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