



Bound Investigation and Speedy Trial: Reality or Rhetoric? Nikita Sharma¹, Kanishka²

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ABSTRACT

The promise of time-bound investigation and speedy trial has long been projected as a cornerstone of criminal justice, rooted in the constitutional guarantee of life and personal liberty under Article 21 of the Indian Constitution. Judicial pronouncements have repeatedly affirmed that justice delayed is justice denied, yet the lived reality of accused persons, victims, and courts reveals a persistent gap between constitutional rhetoric and institutional practice ¹. This paper critically examines whether statutory timelines and judicial directions have translated into meaningful procedural efficiency or remain largely aspirational.

By analysing constitutional jurisprudence, particularly landmark Supreme Court decisions, the study traces the evolution of the right to speedy trial from a judicially crafted doctrine to a legislative concern reflected in procedural laws and recent criminal law reforms ². The abstract foregrounds how systemic challenges—such as investigative delays, prosecutorial inefficiencies, overcrowded dockets, and infrastructural constraints—continue to undermine the objective of expeditious justice despite formal timelines ³. It further explores the tension between speed and fairness, arguing that undue haste may compromise due process, while excessive delay erodes public confidence in the rule of law ⁴.

The paper adopts a doctrinal and analytical approach to assess whether statutory mechanisms and judicial monitoring have effectively addressed delay or merely shifted responsibility without structural reform. It concludes that while time-bound investigation and speedy trial have strong normative and constitutional foundations, their practical realisation remains uneven. Without strengthening institutional capacity, accountability mechanisms, and victim-centric safeguards, the promise of timely justice risks remaining rhetorical rather than real. The abstract thus sets the stage for a deeper inquiry into whether India's criminal justice system can reconcile constitutional ideals with ground-level realities ⁵.

KEYWORDS

Time-bound investigation; Speedy trial; Article 21; Criminal justice system; Procedural delay; Due process of law; Judicial accountability; Constitutional jurisprudence; Access to justice; Rule of law.

Introduction

The legitimacy of any criminal justice system rests not merely on its ability to punish the guilty but on its capacity to do so within a reasonable time. Delay in investigation and trial strikes at the very root of justice, affecting not only the accused—whose liberty, dignity, and livelihood remain in prolonged suspension—but also victims and society at large, who are denied closure and confidence in the rule of law. In India, the ideal of *time-bound investigation and speedy trial* has been consistently

¹ *Hussainara Khatoon v State of Bihar*, (1980) 1 SCC 81.

² *Abdul Rehman Antulay v R S Nayak*, (1992) 1 SCC 225.

³ Law Commission of India, *Report No 239: Expedited Investigation and Trial of Criminal Cases* (2012).

⁴ P Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company 2004).

⁵ Constitution of India, art 21.

articulated as a constitutional mandate flowing from Article 21 of the Constitution, which guarantees the right to life and personal liberty.⁶ Yet, despite strong judicial rhetoric and legislative intent, criminal proceedings often extend for years, sometimes decades, raising a fundamental question: is speedy justice a lived reality or merely a constitutional promise?

The concept of speedy trial entered Indian constitutional jurisprudence through judicial creativity rather than explicit constitutional text. In *Hussainara Khatoon v State of Bihar*, the Supreme Court for the first time recognised that the right to a speedy trial is an essential ingredient of Article 21, particularly in the context of undertrial prisoners languishing in jails for periods longer than the maximum punishment prescribed for their alleged offences ⁷. This decision marked a shift from a formalistic interpretation of procedure to a rights-oriented approach, emphasising that fairness in criminal process necessarily includes timeliness. Subsequently, the Court reiterated that delay is not a mere administrative inconvenience but a substantive violation of fundamental rights ⁸.

Over time, the judiciary attempted to operationalise this right by laying down indicative timelines and factors to assess whether delay is unreasonable. In *Abdul Rehman Antulay v R S Nayak*, the Supreme Court clarified that while no rigid time-limits could be universally prescribed, courts must adopt a balancing approach, weighing the length of delay, reasons for delay, conduct of parties, and prejudice caused to the accused ⁹. This nuanced approach acknowledged the complexity of criminal adjudication but also exposed the limitations of judicial directions in the absence of systemic reform. As a result, the right to speedy trial, though firmly entrenched in doctrine, remained uneven in its enforcement.

Parallelly, legislative frameworks have increasingly reflected concern for expeditious criminal proceedings. The Code of Criminal Procedure, 1973, incorporates provisions aimed at preventing unnecessary delay, such as limits on remand, summary trials for minor offences, and special procedures for certain categories of cases ¹⁰. More recently, criminal law reforms have emphasised time-bound investigation as a means to enhance efficiency and accountability within the police and prosecutorial machinery. However, the persistence of pendency, investigative backlogs, and frequent adjournments suggests that statutory timelines alone are insufficient without adequate infrastructure, trained manpower, and effective monitoring mechanisms ¹¹.

The tension between speed and justice further complicates the discourse. While delay undermines fairness, excessive haste risks compromising due process, thorough investigation, and the rights of both the accused and the victim. Speedy trial cannot be equated with hurried trial; it must remain consistent with principles of natural justice, evidentiary rigour, and judicial independence ¹². Therefore, the challenge lies not in choosing between efficiency and fairness, but in harmonising the two within a constitutional framework.

Against this backdrop, the present study examines whether the ideal of time-bound investigation and speedy trial has been meaningfully realised in India or continues to function largely as rhetorical assurance. By analysing constitutional jurisprudence, statutory provisions, and systemic constraints, the paper seeks to evaluate the gap between promise and practice and to assess whether timely justice is attainable without comprehensive institutional reform.

⁶ Constitution of India, art 21.

⁷ *Hussainara Khatoon v State of Bihar*, (1980) 1 SCC 81.

⁸ *Maneka Gandhi v Union of India*, (1978) 1 SCC 248.

⁹ *Abdul Rehman Antulay v R S Nayak*, (1992) 1 SCC 225.

¹⁰ Code of Criminal Procedure 1973.

¹¹ Law Commission of India, *Report No 239: Expedited Investigation and Trial of Criminal Cases* (2012).

¹² P Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company 2004).

2. Conceptual Framework of Time-Bound Investigation

Time-bound investigation refers to the statutory and procedural requirement that the police and investigative agencies complete investigations within a prescribed period. The purpose of this concept is to prevent prolonged detention, ensure timely prosecution, and preserve the integrity of evidence. According to Section 167 of the Code of Criminal Procedure, an accused cannot be detained for an indefinite period during investigation, and any detention beyond the prescribed limit requires judicial approval ¹³.

Time-bound investigations also protect victims, as delayed investigations may result in loss of evidence and weakening of the prosecutorial case. The Law Commission of India, in its 239th report, recommended establishing clear timeframes for different types of offences to reduce delays in investigation ¹⁴. However, despite these guidelines, the practical implementation often falls short due to investigative backlogs, lack of trained personnel, and administrative inefficiencies.

Investigative delays are often compounded by procedural complexities. Filing charges, obtaining forensic reports, and tracing witnesses can take months, especially in cases requiring cross-jurisdictional cooperation. Consequently, statutory timelines, while theoretically adequate, are frequently rendered ineffective in practice, demonstrating the gap between the ideal of time-bound investigation and its implementation ¹⁵.

3. Right to Speedy Trial: Constitutional and Judicial Perspective

The right to speedy trial, though not explicitly mentioned in the Constitution, has evolved as a judicially recognized extension of Article 21. The Supreme Court in *Hussainara Khatoon* underscored that prolonged pre-trial detention for petty offences constitutes a violation of fundamental rights. Similarly, in *Maneka Gandhi v Union of India*, the Court reinforced the principle that procedural safeguards must ensure substantive justice, and delay is antithetical to this objective ¹⁶.

The Court has also articulated a balancing test: while speedy justice is essential, it must not compromise the rights of the accused to a fair trial. In *Abdul Rehman Antulay v R S Nayak*, it was emphasized that delay alone does not automatically invalidate a trial; rather, the prejudice suffered by the accused and the reasons for delay are key considerations. This nuanced approach acknowledges the complexities of criminal adjudication, including the need for thorough investigation and procedural fairness.

Internationally, the right to speedy trial is recognized under Article 14 of the International Covenant on Civil and Political Rights (ICCPR), obligating states to ensure that criminal proceedings are conducted without undue delay ¹⁷. India's alignment with global human rights norms thus underscores the importance of operationalizing this right in domestic law.

4. Causes of Delay in Investigation and Trial

Despite constitutional guarantees and statutory provisions, delays in investigation and trial remain endemic in India. These delays can be broadly categorized as follows:

¹³ Ibid.

¹⁴ Law Commission of India, *Report No 239* (2012).

¹⁵ Ibid

¹⁶ *Maneka Gandhi v Union of India*, (1978) 1 SCC 248.

¹⁷ International Covenant on Civil and Political Rights, art 14.

4.1 Investigative Delays

Investigative agencies often face resource constraints, inadequate training, and procedural bottlenecks. Police investigations are delayed due to understaffing, lack of forensic infrastructure, and inefficiencies in evidence collection 18. High-profile cases involving complex financial or cybercrime often exacerbate these delays.

4.2 Judicial Delays

Judicial backlogs are a critical factor. According to the National Judicial Data Grid, millions of cases are pending across Indian courts, with trial courts bearing the brunt of this congestion 19. Frequent adjournments, insufficient judges, and procedural formalities contribute to prolonged trials.

4.3 Procedural and Administrative Factors

Procedural requirements, such as cross-examination, filing of chargesheets, and appeals, are time-consuming. Additionally, administrative lapses, including unavailability of courtrooms and slow record-keeping, aggravate delays.

These factors collectively impede the realization of the right to speedy trial, raising concerns about whether legal reforms alone are sufficient to bridge the gap between law and practice 20.

5. Legislative and Policy Measures

Several legislative and policy initiatives aim to ensure time-bound investigation and speedy trial:

- **Code of Criminal Procedure, 1973:** Sections 167 and 309 emphasize timely investigation and limitations on pre-trial detention.
- **Criminal Law Reforms:** Special courts for heinous offences, fast-track courts for sexual assault cases, and Lok Adalat mechanisms aim to expedite trials.21
- **Judicial Monitoring:** Courts have introduced case management systems and monitored delays to encourage timely disposal of cases.22

Despite these measures, systemic challenges persist, highlighting that policy interventions alone cannot ensure speedy justice without institutional strengthening.

6. Speed vs. Fairness: A Delicate Balance

While the demand for expedited justice is pressing, undue haste may compromise fairness. Investigations rushed to meet statutory deadlines may overlook critical evidence, while pressure on courts to dispose of cases quickly may undermine procedural safeguards 23. Therefore, the right to speedy trial must be balanced with due process, ensuring that justice is both timely and fair.

¹⁸ P Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company 2004).

¹⁹ National Judicial Data Grid, Ministry of Law & Justice, Government of India (2023).

²⁰ Law Commission of India, *Report No 239* (2012).

²¹ Code of Criminal Procedure, Sections 309, 310; Criminal Law (Amendment) Act 2013.

²² Supreme Court of India, *Case Management Guidelines*, 2018.

²³ P Ishwara Bhat, *Fundamental Rights*, 2004.

This balance is reflected in judicial pronouncements, which caution against a mechanical application of time limits without considering the nature of the offence, complexity of evidence, and rights of all parties involved.

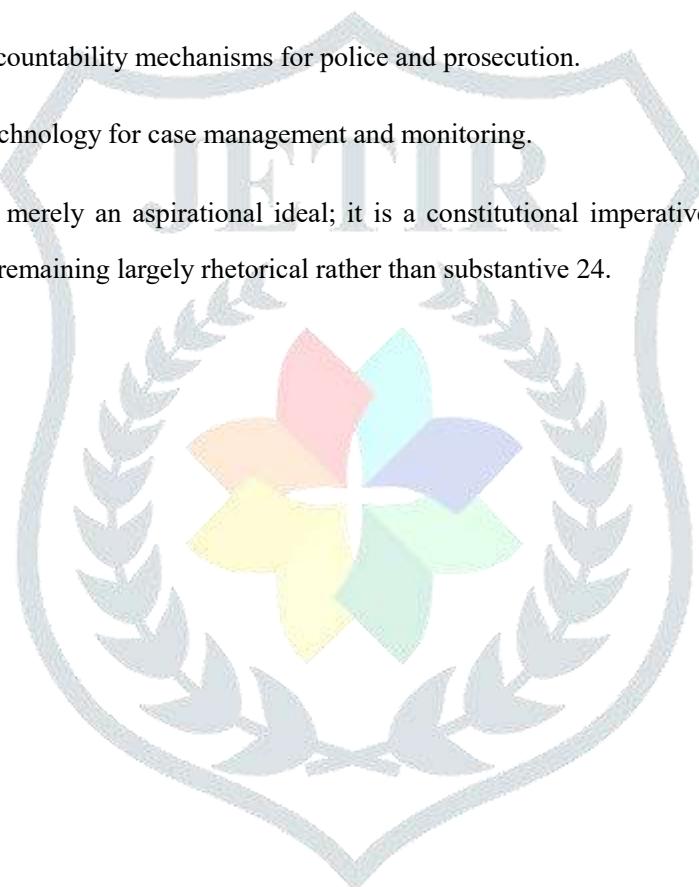
7. Conclusion

Time-bound investigation and speedy trial remain essential pillars of justice, grounded constitutional doctrine and human rights principles. While judicial pronouncements and legislative measures underscore their importance, practical implementation is hindered by systemic inefficiencies, investigative delays, and procedural bottlenecks.

To transform rhetoric into reality, India's criminal justice system requires:

1. Strengthening investigative infrastructure and training.
2. Expanding judicial capacity and reducing court backlogs.
3. Enhancing accountability mechanisms for police and prosecution.
4. Leveraging technology for case management and monitoring.

Ultimately, speedy trial is not merely an aspirational ideal; it is a constitutional imperative. Without holistic reform, the promise of timely justice risks remaining largely rhetorical rather than substantive 24.



²⁴ Law Commission of India, *Report No 239* (2012).