

An Idea on the Shift in Criminal Trial from Speedy Trial to Time Bound Trial Under BNSS, 2023

Dr. Sonam Diki Dolma Bhutia¹, Dr. Jigme Dorjee Bhutia²

^{1,2}Sr. Assistant Professor, Sikkim Govt. Law College, India

Abstract- The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) marks a significant reform in India's criminal procedure framework, particularly through its attempt to transform the constitutional promise of a speedy trial into a more structured and enforceable regime of time-bound trials. Although the right to a speedy trial has long been recognized as an integral facet of Article 21 of the Constitution, its practical realization has been undermined by systemic delays, procedural complexities, inadequate infrastructure, and mounting case pendency. The BNSS, 2023 seeks to address these challenges by prescribing specific timelines for various stages of criminal proceedings, including investigation, filing of charge-sheets, and the conduct of trials, coupled with enhanced judicial supervision and accountability mechanisms.

This paper examines the conceptual shift from the traditional, judge-driven understanding of "speedy trial" to a statutory model of "time-bound trial" envisaged under the BNSS. It critically analyses whether the imposition of rigid timelines can effectively reduce delays without compromising the rights of the accused, the interests of victims, and the broader requirements of fairness and due process. The study further explores the practical implications of implementing time-bound trials within the existing constraints of judicial workload, infrastructural limitations, and institutional capacity. By situating the BNSS reforms within the broader discourse on criminal justice reform in India, the paper evaluates whether the move towards time-bound trials can meaningfully enhance procedural efficiency, strengthen public confidence in the justice delivery system, and achieve a sustainable balance between expeditious justice and the protection of fundamental rights.

Keywords- Bharatiya Nagarik Suraksha Sanhita, 2023, Speedy Trial, Time-Bound Trial, Criminal Justice Reform, Criminal trial

I. INTRODUCTION

Roles of Courts in the Criminal Justice System: Courts are an integral component of the justice system and occupy a central position in the criminal justice framework. They perform two principal functions: deciding cases through adjudication and supervising the functioning of the system through oversight. The first and most significant role of the courts is to adjudicate criminal matters.

After the police arrest an accused person and the prosecution initiates proceedings by filing charges, the case is presented before the court for judicial determination. In court, the prosecution presents evidence against the accused, while the defense argues on behalf of the defendant. The judge ensures the law is followed, decides on legal issues, and if the accused is found guilty, the judge also determines the appropriate punishment.

The second role performed by the courts is that of oversight. In this capacity, appellate courts examine not only the judgments of lower courts but also assess the broader functioning and fairness of the criminal justice system. They check whether the defendant received fair legal assistance and whether the actions of police, prosecutors, defense lawyers, or correctional authorities complied with the law and constitutional safeguards¹.

As it is said, "In a democracy, courts exist for citizens, not merely for lawyers and judges. People who approach the legal system seek relief from their problems quickly and at an affordable cost. However, their expectations often get lost in the complex procedures of the justice system, and case pendency has reached alarming levels, leading to docket explosion in courts". But their hopes got suspended in the labyrinth of legal proceedings and pendency of case has reached the stage of docket blast in courts.

Based on the National Judicial Data Grid (NJDG) data shown, pending criminal cases in India during 2025 continued to constitute a significant portion of the overall judicial backlog. As of the reference period, criminal cases accounted for around 3.65 crore pending cases, forming the majority of total pending cases in district courts². Notably, about 76% of these criminal cases had been pending for more than one year, indicating prolonged delays in investigation, trial, and disposal. A substantial share of cases also fell in the 3–5 years and above 5 years categories, reflecting systemic challenges such as high case inflow, procedural adjournments, and limited judicial capacity.

¹ Craig Hemmens/David C. Brody/ Cassia C Spohin, 'Criminal Courts, A Contemporary Perspective', Sage Publications, 2010, p 26

² National Judicial Data Grid (NJDG), data shown, pending criminal cases in India during 2025.

Although a large number of criminal cases were disposed of during the year, the rate of new institution continued to offset these gains, keeping pendency levels high. Taken together, the 2025 figures reveal that criminal case pendency continues to pose a significant challenge to the effective delivery of justice in India, underscoring the need for sustained procedural reforms, increased judicial strength, and effective case management.³

The above figures will demonstrate irrefutably the need for change if we seriously want our fellow citizens to repose faith in the judicial system. Hence a paradigm shift in the existing procedural law from CrPC, 1973 to BNSS, 2023 was required with some effective changes, and further our outlook, perceptions and perspective became an inevitable and this shift has been introduced in the form of the new Criminal Laws. The object of Criminal Trial is to render public justice, to punish the criminal and to see that the trial is conducted expeditiously before the memory of the witnesses fades out. And to maintain law, public order⁴, stability as also peace and progress in the society, and the new Criminal laws are a hope to the same.

Criminal Trial: Under Section 2(7) of the Bankers' Books Evidence Act, 1891, a "trial" refers to any hearing conducted before a court where evidence is taken. According to the definition provided in Stroud's Judicial Dictionary, the term "trial"⁵ is defined as "the conclusion, by a competent tribunal, of questions in issue in legal proceedings, whether civil or criminal case.

1. The word "trial" is not defined anywhere, Criminal trials in India were conducted as per the provisions of the Code of Criminal Procedure, 1973/ now under BNSS. It must be construed in the light of the expressions "inquiry" and "investigation" as contained in Sections 2 (k) and 2 (l) thereof BNSS 2023⁶.
2. Criminal trial is designed to resolve accusations levied (usually by the State) against a person accused of a crime.
3. A criminal trial can be understood by the procedural understanding of the functioning of criminal courts wherein, it is a stage that begins after framing the charge and ends with conviction or acquittal

4. A criminal trial is the analysis and examination of Evidence in order to either convict or acquit the alleged accused.
5. Criminal trials in India are conducted as per the provisions of the Code of Criminal Procedure, 1973 for cases registered before 1st of July 2024 / and after 1st of July under the New Criminal Procedure Law, BNSS 2023.

The word trial means act of proving or process of judicial examination or determination of the issues of the case including its own jurisdiction or authority in harmony with law or judicially adjudging the guilt or innocence of the accused including all steps necessary thereto". Criminal Trial defined in the case of *Ambika Prasad v. State (Delhi Administration) - (2000) 2 SCC 646*, it was stated that "Criminal trial was meant for doing justice not simply to the victim but further providing justice to the accused and the society at large". The Hon'ble Supreme Court in *Common Cause vs. Union of India*⁷ while dealing with the issue has held:

- i. In cases with regard to Sessions Court trials, the criminal trials shall be treated to have commenced when charges are framed by the courts under Section 228 of the Code of Criminal Procedure, 1973 in the cases concerned.
- ii. In cases of trials of warrant cases by Magistrates if the cases are instituted upon police reports the trials shall be treated to have commenced when charges are framed under Section 240 of the Code of Criminal Procedure, 1973, while in trials of warrant cases by Magistrates when cases are instituted otherwise than on police report such trials shall be treated to have commenced when charges are framed against the accused concerned under Section 246 of the Code of Criminal Procedure, 1973.
- iii. In cases of trials of summons cases by Magistrates the trials would be considered to have commenced when the accused that appear or are brought before the Magistrate are asked under Section 251 whether they plead guilty or have any defence to make."

In *Hardeep Singh vs. State of Punjab*⁸, the Hon'ble Supreme Court has cleared every doubt and has made it unambiguous that trial began after framing the charge and end with the conviction or acquittal.

³National Judicial Data Grid, District Court of India, https://njdg.ecourts.gov.in/njdg_v3/ visited on 9th Jan'2026

⁴ S.P Tyagi, 'Criminal Trial', Sixth Edition, Vol:1 Vinod Publication (P)ltd New Delhi, 2018, p.6

⁵ Stroud's Judicial Dictionary,⁵ 2nd Edition, p. 2097

⁶ Section 2 definition of Bharitiya Nagarik Suraksha Sanhita, 2023

⁷ Common Cause vs. Union of India, 2016

⁸ Hardeep Singh vs State Of Punjab & Ors on 10 January, 2014

It has been held as under: In view of the above, the law can be summarised to the effect that as "trial" means determination of issues adjudging the guilt or the innocence of a person, the person has to be aware of what is the case against him and it is only at the stage of framing of the charges that the court informs him of the same, the "trial" commences only on charges being framed.

With this understanding we must now proceed to discuss the different categories of trial and the changes introduced by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), 2023. As per the Code of Criminal Procedure, 1973 nature of trial are divided based on seriousness of offences, its gravity and jurisdiction as to the subject matter. The BNSS has not altered this basic structure.⁹

II. THE CHANGES BROUGHT INTO BNSS, 2023 FROM CrPC, 1973 WITH REGARD TO CRIMINAL TRIALS

Chapter XVIII of Criminal Procedure Code 1973, starting with Sec. 225 of the Criminal Procedure Code 1973 and ending with section 237 of the Criminal Procedure Code 1973 deals with provisions governing the trial before a Court of Session, BNSS, 2023, Now it has been dealt with in Chapter XIX starting from Section 248 to 260 of the BNSS. A session trial under the Bharatiya Nagarik Suraksha Sanhita (BNSS) is a criminal trial conducted in a Court of Session. Chapter XIX of Criminal Procedure Code 1973, starting with Sec. 238 of the Criminal Procedure Code 1973 and ending with section 250 of the Criminal Procedure Code 1973 deals with provisions governing the trial of warrant-cases.

Now it has been dealt with in Chapter XX starting from Section 261 to 273 of the BNSS, 2023. "Warrant-case" generally refers to a case involving an offense punishable with death, imprisonment for life, or imprisonment for a term exceeding two years. This means that if the offense carries a potential penalty of more than two years, it's typically considered a warrant-case, and the trial would be conducted by a Magistrate.

Chapter XX of Criminal Procedure Code 1973, starting with Sec. 251 of the Criminal Procedure Code 1973 and ending with section 259 of the Criminal Procedure Code 1973 deals with provisions governing the trial of warrant cases. Now it has been dealt with in Chapter XXI starting from Sections 274 to 282 of the BNSS, 2023

Sections 274- 282 states the trial procedure prescribed for summons cases:--The procedure for summary trials is essentially one prescribed for the trial of a summon case but in abridged form.

Chapter XXI of Criminal Procedure Code 1973, starting with Sec. 260 of the Criminal Procedure Code 1973 and ending with section 265 deals with provisions governing the summary trial. Summary trials, are trial specifying that the offenses punishable with imprisonment for a term not exceeding **two years**. Now it has been dealt with in Chapter XXII starting from Section 283 to 288 of the BNSS. The provisions for summary trials are outlined under **Sections 283 to 288** of BNSS 2023. These sections streamline the process for certain less severe offenses, ensuring a faster resolution with simplified procedures.

Different Trials under the 'Bharatiya Nagarik Suraksha Sanhita 2023' (BNSS): There are four types of Trial under the 'Bharatiya Nagarik Suraksha Sanhita 2023' (BNSS):

1. Session Trial
2. Warrant Trial
- I. Cases instituted on police report*
- II. Cases instituted otherwise than on police report*
3. Summons Trial
4. Summary Trial.

The BNSS also allows for trials in absentia under specific circumstances, such as when the accused is a proclaimed offender or their presence is not necessary in the interests of justice.

The development of criminal trials in India can be largely categorized into three stages namely;

1. *Pre-trial stage:* Investigation, arrest, charge framing, and preparation for trial.
2. *Trial stage:* Examination of evidence, witnesses, arguments, and adjudication.
3. *Post-trial stage:* Judgment enforcement, sentencing, appeal, and execution proceedings.

Criminal trials in India follow a structured process through pre-trial, trial, and post-trial stages to ensure fairness, efficiency, and justice reflected by the chart below.

⁹ <https://www.jyotijudiciary.com/different-stages-of-a-criminal-trial-in-india/>, assessed on 10th May 2025

Table: 1
Showing 27 Stages Of Criminal Trial¹⁰

A. Pre-trial Stage	B: Trial Stage and Post Trial Stage	
<p>1. Information of non-cognizable offence :</p> <p>2. Complaint to the magistrate for non-cognizable cases</p> <p>3. Investigation is conducted by Police</p> <p>4. Anticipatory Bail is applied for the accused</p> <p>5. Arrest of the Accused is conducted by police</p> <p>6. Production of accused to magistrate</p> <p>7. Remand of accused is applied by the Police</p> <p>8. After the investigation is completed</p> <p>9. Cognizance of Offence by Magistrate</p> <p>10. Service of summons/warrant to accused and Process to compel appearance</p> <p>11. Appearance of accused before court & engagement of advocate</p> <p>12. Filing bail application/ furnishing surety.</p> <p>13. A decision is taken by the Court after hearing</p>	<p>17. Commencement of trial</p> <p>The trial of a case commences when the case is posted for examination of witnesses. The trial may be -</p> <ul style="list-style-type: none"> • Sessions trial • Warrant trial • Summons trial • Summary trial <p>18. Prosecution evidence is taken</p> <p>19. Statement of the accused is recorded</p> <p>20. Defence evidence is taken</p> <p>21. Final Arguments is recorded</p> <p>22. Judgment and sentence by the Court is pronounced</p> <p>23. Arguments on sentence by both parties</p> <p>24. Judgment of Court passing sentence</p> <p>C. Post-Trial Stage</p> <p>25. Appeal (within specified period of limitation)/Revision</p> <p>Revision Application is filed by the parties:</p> <p>26. Judgment of the</p>	<p>the public prosecutor and the counsel for the defence</p> <ol style="list-style-type: none"> i. On the question of Charge sheet: ii. The court can reject the charge sheet, in which case the accused is discharged. Or, iii. The court can accept that a <i>prima facie</i> case is made out, frame the charges, and post the case for trial. The case goes to the next stage. iv. The court can accept the final report- the case is closed and the accused is discharged. Or, v. The court can reject the final report, and direct the police to further investigate the case. The case goes back to the Stage of investigation. Or, If the Court directs the case to be posted for trial. The case goes to the next stage. <p>14. Framing Of Charge is done by the Court</p> <p>15. Conviction on plea of guilty by the accused</p> <p>16. If the accused pleads not guilty in the matter</p> <p>Appellate Court or Court having revisional jurisdiction.</p> <p>27. Execution of Sentence.</p> <p>Finally, if the accused is pronounced convicted by all relevant courts and appellate an authority then he is sent to jail.</p>

¹⁰ Ashish Samal, '27-Stages-Of-Criminal-Cases-In-India-Under-Criminal-Procedure-Code-1973', 24th Sep '2019, <https://www.vidhikarya.com/legal-blog/> assessed on 10th August, 2025.

III. KEY FEATURES OF BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

The newly formed Bharatiya Nagarik Suraksha Sanhita, 2023 introduces several noteworthy reforms intended at ensuring an early, just, and victim-centric criminal trial process in Indian legal system. It provides for time-bound trials and time-bound delivery of judgments, thereby reducing prolonged pendency of cases. The law also mandates time-bound challenges to the genuineness of documents, preventing unnecessary delays at later stages of trial. Provisions for discharge in cases instituted on complaint as well as in summons-cases streamline proceedings by filtering out frivolous cases at an early stage. To enhance access to justice and safety, a new provision for Witness Protection Scheme has been incorporated. The BNSS further promotes efficiency through compulsory summary trials in petty cases, trial in absentia in appropriate situations, and the use of technology in trial proceedings. Courts are empowered with the power to close the prosecution case where delays are unjustified, while strict measures ensure curtailment of delays caused by repeated adjournments. Overall, these recent reforms clearly reflect a clear victim-centric move toward to criminal trial, harmonizing the rights of the accused with the need for timely justice to the victim.

For example some are explained for further understanding lets understand Time Bound Plea Bargaining: An accused that is under trial can file an application for a plea bargain under Section 290 of BNSS and bargain for his sentences. This application can be made where a charge sheet has been filed under Section 193 of BNSS by the police alleging that an offence appears to have been committed by an accused. The major requirements of a plea bargain application in Indian legal system are:

- a) The punishment of the offence cannot exceed 7 years
- b) The offence does not affect the socio-economic condition of the country
- c) The offence not been committed against a child or woman.

On receiving such an application, the Court may issue a notice to the Public Prosecutor and/or the complainant to work out a mutually satisfactory disposition. If such a mutually satisfactory disposition is worked out, then the magistrate may dispose of the case under Section 293 of BNSS and pass a judgment under Section 294 of BNSS taking into consideration the plea bargain application.¹¹

¹¹ <https://www.barandbench.com/view-point/overview-criminal-investigations-and-trials-bnss-bns-bsa-part-ii>, assessed on 29th April, 2025

Discharge In Cases Instituted on Complaint: The BNSS provides for expeditious trial and disposal of complainant cases as well. In a breakthrough the BNSS, 2023 lays down a distinct provision for disposal of cases mentioned above. Section 272 of the BNSS, 2023 provides that if the complainant in a complaint case remains absent then the Magistrate may discharge the accused person in such a case after giving the complainant notice of 30 days. We can be expectant that this provision of the BNSS will travel quite a distance in reduction of false and frivolous complaint cases.

Trial In Absentia: under section 272 when proceedings are instituted upon a complaint, and the complainant is absent, the Magistrate, after giving thirty days' time, may discharge the accused if the offence is compoundable or not cognizable.

General Provisions (Section 08, Section 336 and Section 497) Section 08¹²: This provision explains the procedure of Court of Session and it corresponds to Section 9 of the Code of Criminal Procedure, 1973. It is important to note down here that, through the introduction of BNSS, 2023 the Court of Assistant Session Judge has been discontinued also under Section 336 of the BNSS, targeted at accelerating the process of trial, lays down that where any document or report prepared by a public servant, expert or officer is used as evidence court may serve the purpose by securing the presence of successor of such officer, expert, or public servant. As pointed out above evidence of such a witness may well be recorded via audio-video electronic means Section 497, BNSS 2023. This provision of the BNSS mandates disposal of property [by way of disposal/destruction/confiscation/delivery] within 30 days from preparation of statement of property which must also be video graphed and photographed.

IV. SHIFT FROM SPEEDY TRIAL TO TIME BOUND TRIAL

A criminal trial in India is a structured process to determine guilt or innocence, governed by the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 and the Bharatiya Nyaya Sanhita (BNS). The process of a criminal case begins with registration of a First Information Report (FIR) for cognizable offences (Sec. 173 BNSS), while non-cognizable cases require Magistrate's approval (Sec. 174) for getting it further registered. If police refuses, the Magistrate may also order registration of said case under section (Sec. 175(3)) after going through the case details.

¹² Bare Act, Old CrPC, 1973



International Journal of Recent Development in Engineering and Technology

Website: www.ijrdet.com (ISSN 2347-6435(Online)) Volume 15, Issue 02, February 2026

The team of police then investigates the case by following the proper legal procedure, proceed to the place of incident and then record statements of the informants and bystanders in the crime scene, they then call for forensic team,¹³ who collects evidence, and file either a charge sheet under section (Sec. 193) or a closure report.

The Magistrate takes cognizance of the case, and further issues summons/warrants under the (Sections. 63–81), and can also consider bail under (Secs. 478–483 BNSS), if its conditions are fulfilled. If evidence exists for the case, then the Court frames the charges under the (Sections. 230, 239, 240) BNSS 2023 and the investigation stops and the trials begin in the Court. The accused may have an option to plead guilty or bargain for lesser punishment under the (Sections. 265A–265L). The criminal trial proceeds with first the prosecution evidence under (Sec. 137 BSA), further the examination of the accused is taken under (Sections. 313 BNSS), and then the defense evidence is also recorded under (Sections. 266, 286), followed by closing arguments under the (Sections. 352 BNSS).

The trial court then delivers judgment under (Sections. 392–406) and, if guilty, imposes sentence or acquittal for the accused under the BNS, 2023, considering aggravating or mitigating factors rising out of the case evidences and materials placed before it. Acquittal, A person has, no doubt, a profound right not to be convicted of an offence which is not established by the evidential standard of proof beyond reasonable doubt. A reasonable doubt is not an imaginary, trivial doubt, but a fair doubt based upon reason and common sense, grown out of the evidence in the case, a doubt as understood in criminal jurisprudence, has to be a reasonable doubt and not an excuse for finding in favour of acquittal.¹⁴

The accused person has further provisions of Appeals (Sections. 413–435), Revisions (Sections. 436–445), and Constitutional Review (Art. 136 of the Constitution) which provide safeguards to them if they consider for further Appeals in their case. Finally the last stage wherein in final execution of sentences, including confirmation of death penalties (Sec. 407), ensures judicial oversight.¹⁵

¹³ The main areas used in forensic science are biology, chemistry and medicine. The forensic scientists examine objects, substances, chemicals or impressions left at the crime scene.

¹⁴ S.K.Sinha Ray, 'Criminal Trial', 2nd Edition, Premier Publishing Company, 2015, p.59.

¹⁵ Md. Imran Wahab, 'A Criminal Trial in India: Complete Guide to Criminal Trial Process in India under BNSS 2023', BNS & BSA — FIR, Bail, Charges, Evidence, Judgment and Appeals', assessed on 21st Sep'2025.

According to National Crime Records Bureau data, India's under trial population comprises over 75% of India's prison. The ever old landmark case *Hussainara Khatoon v. State of Bihar* (1979) highlighted the dilemma of Indian prisoners languishing without trial, compelling judicial intervention to secure justice for marginalized sections. Structural issues such as case backlogs, frequent adjournments, shortage of judges, and weak case management continue to delay justice. It is a known truth and accepted that initial rulings like *Maneka Gandhi* (1978) and *D.K. Basu* (1997) established the right to fair trial and personal liberty under Article 21 of the Constitution.

We have noticed that in spite of reforms like fast-track courts in most of the States in India and video conferencing facilities in the Courts, the delays in trial persist. In *Subhela/Sushil Sahu v. Chhattisgarh* (Feb 2025), the Supreme Court held that bail under Section 437(6) CrPC, 1973 must be liberally applied in prolonged UAPA¹⁶ cases. Equally, in *Athar Parvez v. Union of India* (Dec 2024), the Court ruled that long incarceration and slight chances of early trial completion validate bail under Article 21 of the Constitution as a matter of right. Recent ongoing judgments strengthen this stance: in *PMLA¹⁷ Bail* (Feb 2025), bail was approved to the Under trial person after 14 months of incarceration and 225 awaiting witnesses; in *Rahmeen Rafiq Charania* (May 2025), THE Bombay High Court prioritized Article 21 of the Constitution (right to life and liberty) over the NDPS¹⁸ restrictions after nearly four years in custody; and in *Vikram Jangra* (Apr 2025), bail was granted to the accused person after 3.5 years of under trial detention. These rulings collectively stress the constitutional guarantee of a speedy trial over prolonged incarceration.¹⁹

¹⁶ The **Unlawful Activities (Prevention) Act (UAPA), 1967** is India's primary anti-terror legislation. It was originally enacted to curb unlawful associations threatening India's sovereignty and integrity, but over the years it has been amended (notably in 2004, 2008, 2012, and 2019) to expand its scope.

¹⁷ The **Prevention of Money Laundering Act (PMLA), 2002** is India's central law to combat money laundering and related crimes. It was enacted to prevent laundering of "proceeds of crime," confiscate such property, and punish offenders. Over time, it has become a key instrument in tackling financial crimes, terrorism funding, and corruption.

¹⁸ The **Narcotic Drugs and Psychotropic Substances Act (NDPS), 1985** is India's principal legislation to regulate, control, and prohibit operations relating to narcotic drugs and psychotropic substances. It was enacted to fulfill India's international obligations under UN conventions and to combat drug trafficking and abuse.

¹⁹ Dr. Vrunda Jani Assistant Professor, Research Supervisor, Department of Gandhinagar Institute of Law, Gandhinagar University, Gujarat, India, '*A critical analysis of the process of criminal investigation and trial in India*', International Journal of Law www.lawjournals.org ISSN: 2455-2194, Published: 31-07-2025 Volume 11, Issue 7, 2025, Page No. 111-113

V. CONCLUSION

A criminal trial is a judicial process undertaken to examine the issues arising in a case, with the primary objective of arriving at a determination on matters of fact or relevant facts. This process seeks to discover the facts in issue and to assess the proof of such facts as presented by the prosecution and the accused through their pleadings and evidence. The central question that guides the entire trial is whether the accused is guilty or innocent of the alleged offence.²⁰

The guarantee of a fair trial remains the bedrock of justice in India whether under the Code of Criminal Procedure, 1973 or the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. What has changed is not the essence of justice but the instrument of its justice delivery. The concept of *Speedy trial* was long recognized as a constitutional guarantee under Article 21,(right to life and liberty) reinforced by landmark judgments like *Hussainara Khatoon* and *Maneka Gandhi*²¹. However, the BNSS, 2023 marks a significant paradigm shift by embedding time-bound trials into statutory design. This signals a transition from a judicially interpreted right to a legislatively mandated obligation.

The right to a fair trial, free from prejudice and undue delay, is among the most valuable entitlements of citizens in a country like India. Its purpose is to protect the weak even in the face of the mighty and to allow the judicial process to come as close as possible to the truth. A trial, whether under CrPC or BNSS, 2023, is always a *quest for truth* for determining what is proved, disproved, or not proved and innocence should be punished without a fair trial.

The BNSS introduces defined timelines, greater reliance on technology, and enhanced accountability in case management with the involvement of Forensic science in the process of investigation and Trail. This move reflects not only procedural reform but also a philosophical one: the realization that “justice delayed is justice denied” must give way to “justice within time is justice ensured.”

As India embraces digitization, e-courts, video conferencing, and structured timelines under BNSS, the criminal justice system is poised to witness a transformative era.

Yet, the challenge will be to balance efficiency with fairness, ensuring that procedural timelines do not compromise the substantive rights of the accused or the victim. The future of trials in India will thus be measured not only by speed but also by their ability to uphold truth, fairness, and constitutional guarantees within a time-bound framework.

Acknowledgment:

We extend our gratitude to Dr Dilip Pandey, Associate Professor, Principal, SGLC for all his valuable insights and continuous support for writing the paper and for letting us use the College library during the winter break. Our special thanks to Mr. Tashi Rapten Barfungpa, Sr. Advocate, High Court of Sikkim for letting us utilize his Office chamber books and materials for the Article writing. The information collected is solely for academic purposes, for which we remain thankful.

REFERENCES: BOOKS/JOURNALS

- [1] Agrawal & Gupta. Dr, 2013, 'Forensic Science in Criminal Investigation & Trial', Premier Publishing Company.
- [2] Hemmens Craig / Brody C. David /Spohin. C. Cassia, 2010, 'Criminal Courts', "A Contemporary Perspective", Sage Publications.
- [3] Jani Vrunda Dr, Assistant Professor, Research Supervisor, Department of Gandhinagar Institute of Law, Gandhinagar University, Gujarat, India, 'A critical analysis of the process of criminal investigation and trial in India', International Journal of Law www.lawjournals.org ISSN: 2455-2194, Published: 31-07-2025 Volume 11, Issue 7, 2025.
- [4] Ray Sinha. K.S, 2015, 'Criminal Trial', 2nd edition, Premier Publishing Company.
- [5] Samal. Ashish "27-Stages-Of-Criminal-Cases-In-India-Under-Criminal-Procedure-Code-1973", published on 24th Sep'2019, <https://www.vidhikarya.com/legal-blog/> assessed on 10th May, 2025.
- [6] Tyagi P. S, 2018, 'Criminal Trial', Sixth Edition, Vol:1 Vinod Publication (P)ltd, New Delhi.
- [7] Wahab. Imran. Md, 'A Criminal Trial in India; Complete Guide to Criminal Trial Process in India under BNSS 2023, BNS & BSA — FIR, Bail, Charges, Evidence, Judgment and Appeals', assessed on 21st Sep'2025.
- [8] <https://www.jyotijudiciary.com/different-stages-of-a-criminal-trial-in-india/> assessed on 10th May 2025.
- [9] National Judicial Data Grid, District Court of India, https://njdg.ecourts.gov.in/njdg_v3/ visited on 9th Jan'2026.
- [10] Bharatiya Nagarik Suraksha Sanhita, 2023, EBC Publication.

²⁰ S.P Tyagi, 'Criminal Trial', Sixth Edition, Vol:1 Vinod Publication (P)ltd New Delhi, 2018, p.6

²¹ Hussainara Khatoon v. State of Bihar – 1979, Maneka Gandhi v. Union of India – 1978