

News

Supreme Court orders mandatory disclosure of cross-cases in chargesheets to prevent trial delays



The directive came after the Court noted that one case in a pair of cross-versions had reached final arguments while the other had not even started.

The Supreme Court has ordered that every chargesheet, challan and final report filed in criminal cases must clearly mention whether there are any cross-case or other related case arising from the same incident. [Lalji Mishra & Ors. v. State of Uttar Pradesh & Anr.]

A Bench Justice Rajesh Bindal and Justice Manmohan stated that a clear disclosure of

whether any cross-case or any other case linked to the same incident exists, must be included in the chargesheet, challan or final report at the time these papers are filed before the trial court.

The top court stated that such timely disclosure would help avoid procedural complications and delays.

"This will allow the Court concerned to take appropriate steps, and get the trials in those cases clubbed, if required. The process will save criminal justice system from creating an abnormal situation and also check delays," said the Court.

The direction came while hearing an appeal challenging a ruling of the Allahabad High Court.

The appellants sought to club two criminal cases that came from the same incident in 2009. Both cases were cross-versions made by opposing parties, each lodging a FIR against the other.

Such cross-cases usually stem from the same sequence of events and often involve common witnesses.

Therefore, courts usually hear them together to prevent contradictory findings.

While granting relief, the Supreme Court noted that neither the prosecution nor the parties had informed the trial courts that a cross-case arising from the same incident was pending before another court.

Because of this oversight, one case had reached its final stage while the other had not even started, creating what the Court described as a ***"avoidable situation"***.

In this case, the main matter was being tried as a sessions case and had reached the stage of closing arguments.

The parallel case arising from the cross-FIR was pending before a magistrate and had not yet moved to the stage of recording evidence.

The appellants claimed that since both cases originated from the same incident, they

should be tried together before the sessions court.

The High Court had rejected their request, prompting the appellants to approach the Supreme Court.

They told the Court that they would not seek to recall or cross-examine any witnesses who had already been examined in the sessions trial, and were seeking only the transfer of the cross-case so that it could be tried together with the main case.

The respondents, including the State of Uttar Pradesh, claimed that they had no objection to the trials being clubbed.

The Court allowed the appeal, set aside the High Court's order and ordered that the case pending before the magistrate be transferred to the Court of the 3rd Additional District and Sessions Judge in Bahraich, where the sessions trial was underway.

The Court directed that both cases be tried together and that the judgments be delivered at the same time.

The respondents were represented by Advocates Kushagra Pandey, Ved P Singh, Ankita Gupta and RC Shukla.

Advocates Namit Saxena, Vishal Arun Mishra, Divyangi Gupta, Kirtivardhan Singh, Rupali Panwar, Ashok Sharma, Sandeep Mehta, Avinash Kumar Singh and Dinesh Kumar appeared for the replies