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Send plan to expedite trial against legislators in a week, SC tells HCs

Max Number Of Criminal Cases Pending Against Andhra & Telangana CMs

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New Delhi: Setting off alarm bells for chief ministers, MPs and MLAs against whom trials in criminal cases have been pending for years, the Supreme Court on Thursday asked high courts to submit within a week action plans to expeditiously complete trial proceedings in 4,442 criminal and corruption cases against sitting and former legislators.

As many as 2,556 cases are pending against sitting MPs and MLAs, which include 174 cases where the maximum punishment prescribed for the offence is life sentence. In 352 cases, trial has been stayed either by the SC or HCs. Among chief ministers, Telangana's K Chandrasekhara Reddy leads the tally with 64 criminal cases, followed by Andhra Pradesh's YS Jaganmohan Reddy with 38 criminal cases.

A bench of Justices NV Ramana, Surya Kant and Hrishikesh Roy asked chief justices



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of each HC to formulate an action plan on requirement of special courts for exclusive trial of criminal cases against sitting and former legislators while keeping in view the following parameters: total number of pending cases in each district, number of special courts required for speedy trial, existing number of special courts, number of judges and subject categories of the pending cases, tenure of the judges to be designated, number of cases to be assigned to each judge, expected time for disposal of cases, distance between the designated courts, and re-

quirement of infrastructure.

The bench also reminded the HC CJs about the 2018 SC judgment which had ruled that if a stay on trial granted by the HC was more than six months old, then the trial court could proceed with the trial as if there was no stay. It requested the CJs to forthwith take up petitions of sitting and former legislators and either vacate stay or decide their pleas within two months by resorting to day-to-day hearing. "Covid-19 condition should not be an impediment to compliance of this direction, as these matters could be con-

veniently heard through video conferencing," it said.

This order came on a PIL filed by advocate-petitioner Ashwini Upadhyay. The Justice Ramaswami bench said, "One of the main objectives behind bringing cases in the present petition, and the various orders that have been passed time to time by this court, was to ensure that criminal prosecutions against elected representatives (MPs and MLAs) are concluded expeditiously.

"The core message of the opinion that such special consideration was warranted not only because of the rising wave of criminal offences that was occurring in the politics in the country, but also due to the power that elected representatives (sitting or former) wield, to influence or hamper effective prosecution.

"Additionally, as legislators are representatives of the faith and trust of their electorate, there is a necessity to be aware of the antecedents of the person that was elec-

ted. Ensuring the purity of democratically-elected institutions is thus the hallmark of the present proceedings. However, despite all the initiatives taken by this court in the present petition, there has been no substantial improvement in the situation when it comes to the disposal of pending criminal cases against sitting/former legislators."

Amicus curiae Vijay Hansaria and advocate Sneha Kilita had compiled data on criminal cases pending against legislators, sitting and former, sent by each HC. Hansaria had suggested that it would be appropriate to set up a special court, exclusively for trial of criminal cases pending against present and former legislators, in each district. Senior advocate Vikar Singh, appearing for the petitioner, had suggested that each HC should determine the number of special courts required to speedily conclude trials in criminal cases against legislators.