



Right To A Fair Trial

Why in News

The Supreme Court (SC), in a recent verdict, has held that the routine practice of investigating agencies of producing documents in sealed covers and the judges reproducing them as judicial findings of their own will affect the right to a fair trial of accused.

Key Points

▪ Routine Practice:

- The apex court reacted sharply to the recent trend of agencies like the CBI and the Enforcement Directorate presenting documents in sealed covers to the courts, as evidence collected against the accused in the course of investigation.
- The situation is made worse when judges convert the findings of the investigative agencies in these documents into their own judicial findings and reproduce them in orders, refusing the accused bail.

▪ Verdict

- The Supreme Court in the specific case held that though it was open for a judge to receive the materials/documents collected during the investigation in order to either “satisfy its conscience that the investigation is proceeding on the right lines” or to grant bail, the judge cannot reproduce the material as his own findings in a judicial order.
- It would be against the concept of a fair trial if in every case the prosecution presents documents in sealed cover and the findings on the same are recorded as if the offence is committed and the same is treated as having a bearing for denial or grant of bail.
- The merits of a case should be left for the trial where the accused can defend himself.

Rights of an Accused under Indian Constitution

- **Article 22** of the Indian Constitution confers the following rights on a person who is arrested or detained under an ordinary law:
 - Right to be informed of the grounds of arrest.
 - Right to consult and be defended by a legal practitioner.
 - Right to be produced before a magistrate within 24 hours, excluding the journey time.
 - Right to be released after 24 hours unless the magistrate authorises further detention.
- It needs to be noted that the above safeguards are **not available to an enemy alien** or a **person arrested or detained** under a [preventive detention law](#).

[Source: TH](#)

