

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:1455  
ANSWERED ON:14.08.2013  
FINES FOR FREQUENT ADJOURNMENT  
Shekhar Shri Neeraj;Singh Shri Yashvir

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) whether the Government has suggested that the higher judiciary should impose fines for frequent adjournments by lower judiciary to speed up trials;
- (b) if so, the details thereof;
- (c) whether the Supreme Court has taken steps to ensure strict enforcement of section 309 of Cr.PC limiting the adjournments before the lower judiciary;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the time by which three adjournments as per Section 309 would be strictly implemented and fine would be imposed for frequent adjournments by lower judiciary?

**Answer**

MINISTER OF THE STATE IN THE MINISTRY OF LAW & JUSTICE AND COMMUNICATION & INFORMATION TECHNOLOGY  
(SHRI KAPIL SIBAL)

(a) No, Madam.

(b) Does not arise.

(c) To (e) Trial of cases in courts and their ultimate disposal is within the domain of judiciary. In order to expedite the trial of criminal cases, Section 309 of the Code of Criminal Procedure, 1973, inter alia, provides that in every enquiry or trial, proceedings shall be held as expeditiously as possible, and in particular, when examination of witnesses has once begun, the same shall be continued from day-to-day until all the witnesses in attendance have been examined, and unless the court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded. This Section also provides that when the inquiry or trial relates to an offence under sections 376 to 376 D of the Indian Penal Code, the inquiry or trial shall, as far as possible, be completed within a period of two (2) months from the date of commencement of the examination of witnesses.

The Hon'ble Supreme Court in a recent judgement in case titled Gurnaib Singh Versus State of Punjab has expressed concern on the repetitive failure of subordinate judiciary to follow the mandate of law and the views expressed by the Court from time to time. Hon'ble Court referred to the conditions laid down by the legislature under section 309 of the Code of Criminal Procedure which deals with the power to postpone or adjourn proceedings. Hon'ble Court has directed that the trial courts shall keep in mind the statutory provisions.