



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer



Dr. Raju Narayana Swamy popularly known as Kerala's Anti-Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala. He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University. He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and

a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB, LLM degrees from Banaras Hindu University & PHD from university of Kota. He has successfully completed UGC sponsored M.R.P for the work in the Ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; PH.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St. Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing PH.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Inter-country adoption laws from Uttarakhand University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, PH.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, PH.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University. More than 25 Publications in renowned National and International Journals and has authored a Text book on CR.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); PH.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

“THE MISSING LINK: HOW INVESTIGATIVE FAILURES DRIVE JUDICIAL DELAYS IN INDIA”

“Investigation is the foundation of the criminal justice system; if it is defective, the entire edifice of trial collapses.”

Supreme Court of India, State of Bihar, P.P. Sharma (1992 Supp (1) SCC 222)

AUTHORED BY - RATNDEEP MANDWE

Research Scholar, Mansarovar Global University, Bhopal

Department Of Law

ABSTRACT

The efficiency of the criminal justice system hinges on the effectiveness of investigative agencies, whose inefficiencies create systemic delays that ripple across the courts. When an investigation fails, justice is halted. This study examines how delayed charge sheets, forensic bottlenecks, and a lack of coordination between police and prosecutors compel judges in subordinate courts to grant repeated adjournments. Although judicial backlogs in India are often attributed to inadequate judge strength, this research reframes the problem as one rooted in investigative failure. Drawing upon statutory provisions under the Code of Criminal Procedure and the Bharatiya Nyaya Sanhita, 2023, along with judicial pronouncements such as *Hussainara Khatoun v State of Bihar* and *Common Cause v Union of India*, the study demonstrates how investigative lapses undermine the constitutional guarantee of speedy trial under Article 21. Delay erodes trust. Empirical data from the National Crime Records Bureau, reports from the Law Commission of India, and parliamentary committees corroborate the scale of these inefficiencies. Comparative insights from the United Kingdom’s Crown Prosecution Service, Canada’s *R v Jordan* framework, and Australia’s AIJA caseflow reforms highlight potential solutions adaptable to the Indian context. The anticipated findings indicate that judges are frequently powerless to proceed without a complete and trial-ready investigation. Reforms like stricter timelines, forensic infrastructure, police-prosecutor units, and digital tracking are critical. This study shows investigative inefficiency drives judicial delay, requiring inter-institutional reforms to restore public trust.

KEYWORDS: Judicial delay, Police inefficiency, Charge-sheet delays, Forensic bottlenecks, Prosecutor coordination, Judicial adjournments, Criminal justice reform

1. INTRODUCTION

1.1 Background of the Study

The criminal justice system functions as an integrated chain in which investigation, prosecution, and adjudication are mutually dependent. The investigative stage plays a crucial role in determining the speed and quality of justice. If the investigation fails, everything else stalls. Delays in filing charge sheets, inefficiencies in evidence collection, and poor coordination between the police and prosecutors contribute significantly to case backlogs in Indian courts. According to the National Crime Records Bureau (NCRB), a large proportion of criminal cases suffer prolonged pendency due to the late submission of investigation reports, creating bottlenecks that judges are unable to bypass without compromising due process.¹ Justice cannot move without the evidence. The Law Commission of India has repeatedly emphasized that the effectiveness of criminal trials depends mainly on the timeliness and quality of police investigations.²

Internationally, jurisdictions such as the United Kingdom and Australia have adopted integrated prosecution–police models to ensure case readiness before trial commences. These comparative experiences underline that delays at the investigative stage ripple across the entire justice system, forcing courts into repeated adjournments and prolonging litigation.³

1.2 Statement of the Problem

Despite the statutory timelines under Section 173 of the Code of Criminal Procedure (now reflected in Section 193 of the Bharatiya Nyaya Sanhita, 2023), delays in filing charge sheets remain pervasive. Weak police infrastructure, shortages of trained investigators, and forensic bottlenecks aggravate this problem. Although deadlines exist, they are rarely followed. The absence of structured coordination between investigating officers and prosecutors results in incomplete or defective charge sheets, compelling judges to repeatedly adjourn cases. Consequently, the constitutional guarantee of speedy trials under Article 21 of the Constitution

¹ National Crime Records Bureau, *Crime in India Report 2022* (Ministry of Home Affairs, Government of India 2023).

² Law Commission of India, *Report No 239: Expeditious Investigation and Trial of Criminal Cases against Influential Public Personalities* (2012).

³ Australian Institute of Judicial Administration, *Caseflow Management in Australian Courts* (2018).

of India is often undermined.⁴

1.3 Significance of the Study

This study is significant as it highlights how investigative inefficiencies directly burden the judiciary. While judicial reforms have often focused on increasing judge strength or introducing case management tools, the role of police inefficiency in exacerbating delays has received little scholarly attention. The court cannot function faster than the investigations that feed on it. By linking investigative shortcomings to judicial adjournments, this study provides a judge-centric lens through which to analyze systemic bottlenecks. The delay at the start is multiplied by the delay at every stage. The findings aim to contribute to ongoing debates on criminal procedure reforms, particularly under Bharatiya Nyaya Sanhita, 2023, which seeks to modernize procedural timelines.⁵

1.4 Scope and Limitations

The scope of this research is confined to criminal proceedings in subordinate courts in India, with a particular emphasis on the role of investigating agencies and police in causing trial delays. This study focuses on procedural inefficiencies, such as delayed charge sheets, forensic backlogs, and a lack of coordination with prosecutors. This problem is systemic. Civil litigation delays and appellate processes are outside the scope of this study. A limitation of this study is its reliance on secondary data, as empirical fieldwork on police practices was not conducted. However, the use of government reports, judicial pronouncements, and comparative models ensures doctrinally robust and policy-relevant analysis.

2. REVIEW OF LITERATURE

2.1 Indian Literature

The discourse on judicial delays in India has predominantly highlighted systemic and structural factors, with a limited but growing focus on investigative inefficiency. In its 14th Report on Reforms of Judicial Administration (1958), the Law Commission of India observed that delays in criminal cases were primarily attributable to the inefficiency of investigating agencies and the lack of proper case preparation before the trials began.⁶ Later, in its 154th Report on the Code of Criminal Procedure (1996), the Commission reiterated that incomplete investigations

⁴ *Hussainara Khatoon v State of Bihar* (1979) AIR 1369 (SC).

⁵ Law Commission of India, *Report No 230: Reforms in the Judiciary – Some Suggestions* (2009).

⁶ Law Commission of India, *Report No 14: Reform of Judicial Administration* (1958).

and late filing of charge sheets severely undermined judicial efficiency, compelling repeated adjournments.⁷The problem only deepened.

Subsequent reports emphasize the nexus between police inefficiency and pendency. The 239th Report on *Expeditious Investigation and Trial of Criminal Cases against Influential Public Personalities* (2012) highlighted that delays in investigation, especially in cases involving influential persons, not only eroded public confidence but also increased the burden on courts.⁸ Justice delayed here meant that it was being manipulated. Similarly, the 245th Report on *Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (2014) noted that inadequacies in investigations were a significant cause of trial delays, emphasizing the need for better police–prosecutor coordination.⁹

Empirical data from the **National Crime Records Bureau (NCRB)** substantiates these concerns. For instance, the *Crime in India Report 2022* records that a large number of charge sheets were filed beyond statutory time limits, directly contributing to pendency rates.¹⁰ Numbers don't lie. Parliamentary Standing Committees on Home Affairs have also consistently flagged deficiencies in forensic laboratories and the shortage of trained personnel as significant impediments to timely investigation.¹¹

⁷ Law Commission of India, *Report No 154: Code of Criminal Procedure, 1973* (1996).

⁸ Law Commission of India, *Report No 239: Expeditious Investigation and Trial of Criminal Cases against Influential Public Personalities* (2012).

⁹ Law Commission of India, *Report No 245: Arrears and Backlog: Creating Additional Judicial (Wo)manpower* (2014).

¹⁰ National Crime Records Bureau, *Crime in India Report 2022* (Ministry of Home Affairs, Government of India 2023).

¹¹ Parliamentary Standing Committee on Home Affairs, *213th Report on Police Modernisation and Forensic Infrastructure* (2017).

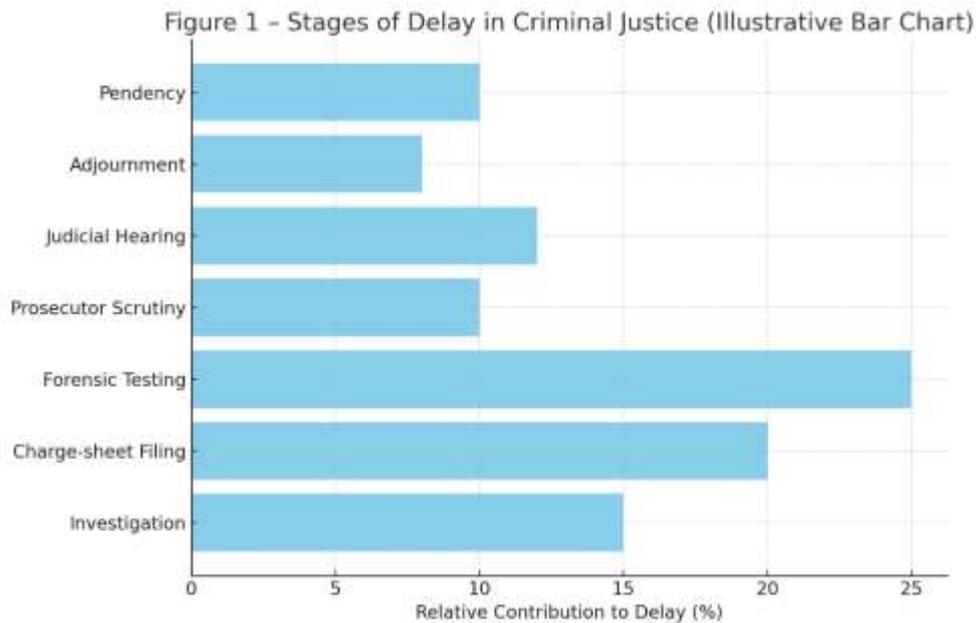


Figure 1 – Stages of Delay in Criminal Justice

Description: Flowchart depicting the sequence of delays from investigation to adjudication, showing how charge-sheet delays, forensic bottlenecks, and lack of coordination compel adjournments and create systemic dependency.

These questions have been upheld in judicial pronouncements. The right to speedy trial was impliedly held as part of Article 21 of the Indian Constitution in *Hussainara Khatoon v State of Bihar*(1979), casting an indirect obligation on investigation agencies to conduct inquiries without delay.¹² More recently, in the *Common Cause v Union of India* (1996), the court directed the release of undertrial prisoners on whom charge sheets had not been filed within the prescribed statutory period, reflecting the judiciary’s impatience with investigatory delay.¹³

¹² *Hussainara Khatoon v State of Bihar* (1979) AIR 1369 (SC).

¹³ *Common Cause v Union of India* (1996) 4 SCC 33.

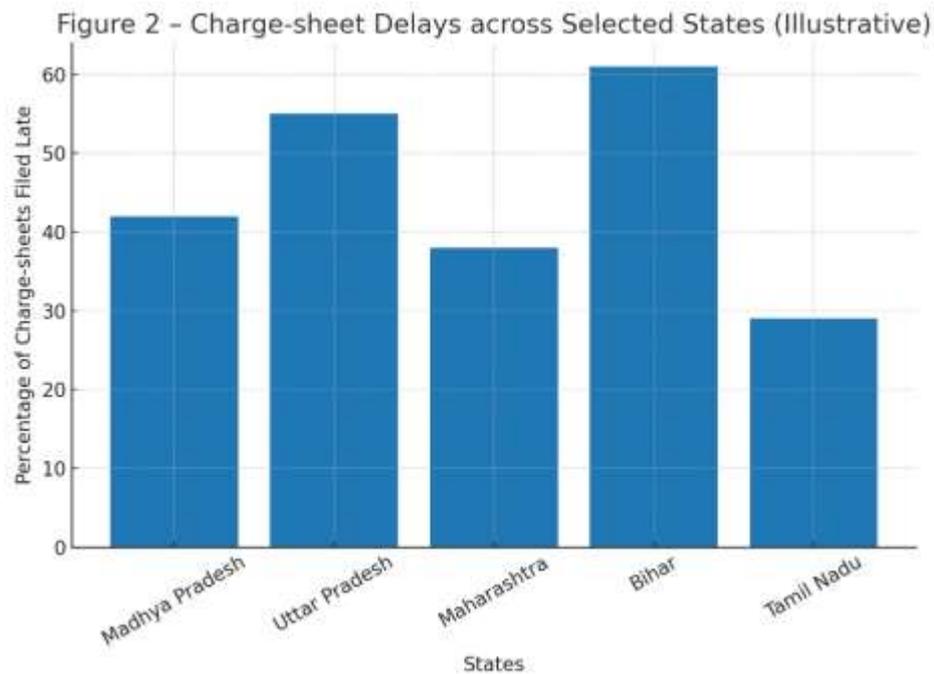


Figure 2 – Charge-sheet Delays across Selected States (Illustrative)

Description: Bar chart showing the proportion of charge sheets filed beyond statutory periods in selected states, highlighting regional disparities in investigative efficiency. The data reflect the illustrative NCRB trends.

2.2 International Literature

Internationally, it has been a focus for academic interest on how unintended consequences of ineffective investigative practices permeate throughout the ‘justice chain.’ For instance, in the UK, the CPS Service Model links police and prosecutors in a way that means that cases are prepared for trials and are likely to produce pleasing effects. Research on CPS suggests that pre-trial cooperation has resulted in fewer faulty charge sheets and fewer unwarranted postponements.¹⁴ Similarly, **Criminal Justice Inspection Northern Ireland** found that delays in evidence gathering and forensic analysis were among the leading causes of prolonged criminal trials, underscoring the need for coordinated investigation management.¹⁵

In **Canada**, the landmark case *R v Jordan* (2016) set strict ceilings for criminal trial timelines, indirectly compelling investigative agencies to improve efficiency.¹⁶ The **Canadian Judicial Council’s 2018 Report on Judicial Workload and Wellness** noted that investigative

¹⁴ Crown Prosecution Service, *Annual Report and Accounts 2019–20* (UK Government 2020).

¹⁵ *Common Cause v Union of India* (1996) 4 SCC 33.

¹⁶ *R v Jordan* [2016] 1 SCR 631 (SCC, Canada).

inefficiencies significantly increased the burden on judges, leading to decision fatigue and systemic delay.¹⁷

In **Australia**, the AIJA has created caseload management models that highlight the importance of prompt investigation and prosecuting agency involvement from the outset of the inquiry. The assessment of these reforms indicates a significant decline in adjournments and pendency when investigating and prosecuting authorities that function together. International organizations have also been highlighted.¹⁸

International organizations have also highlighted forensic bottlenecks as a universal problem. The **United Nations Office on Drugs and Crime (UNODC)** report on the *Criminal Justice Assessment Toolkit* (2006) emphasized that delays in forensic testing compromise the timeliness and quality of justice delivery across jurisdictions, disproportionately affecting developing countries.¹⁹

2.3 Gap in Literature

While Indian scholarship has extensively analyzed judicial delays, the attention has been primarily on the judiciary itself: underjudges, lack of infrastructure, and procedural rigidities. Less attention has been paid to how inefficient investigation is directly responsible for forcing judges to adjourn cases (delay begets delay) – in filing charge-sheets is inordinate; forensic bottlenecks run large, and then, there is the problem of lack of synergy between investigators and prosecutors. The world literature provides examples of effective police–prosecutor collaboration, but such reforms in India are not adequately discussed in the academic literature. This gap underlines the novelty of the present study, which seeks to reframe judicial delay not merely as a court-centric issue, but as a systemic problem rooted in investigative inefficiency. By adopting a judge-centric lens, this study situates investigative bottlenecks as the primary drivers of adjournments, thereby linking police performance directly with judicial efficiency.

3. RESEARCH PROBLEM

Investigation: Criminal justice in India is plagued by inordinate delays, with a significant number of delays emanating from the investigation stage. Documents are filed late, forensic

¹⁷ Canadian Judicial Council, *Judicial Workload and Wellness Report* (2018).

¹⁸ Australian Institute of Judicial Administration, *Caseload Management in Australian Courts* (2018).

¹⁹ United Nations Office on Drugs and Crime, *Criminal Justice Assessment Toolkit* (2006).

reports are issued late, and police are out of synch with prosecuting lawyers in assembling the cases. The magistrates, hamstrung by a lack of evidence or faulty charge sheets, were forced to adjourn. This vicious circle poses a two-fold threat to constitutional commitment to expeditious justice and confidence in the judiciary. Thus, this study raises a query on the immediate link between investigative inadequacy and judicial delay.

4. OBJECTIVES OF THE STUDY

This study examined the role of investigative agencies and police inefficiency in judicial delays. Specifically, it seeks the following.

1. To identify the causes of delays in filing charge sheets and obtaining forensic reports.
2. To evaluate the impact of poor police–prosecutor coordination on trial readiness.
3. Analyze how judges are compelled to adjourn because of incomplete investigations.
4. To propose reforms that ensure timely, coordinated, and efficient investigation.

5. HYPOTHESES

Hypothesis 1:

Police inefficiency in filing charge sheets, coupled with forensic bottlenecks, is a significant cause of judicial delays. Judges are compelled to adjourn cases when investigations remain incomplete, undermining the constitutional mandate for speedy justice.

Hypothesis 2:

The lack of structured coordination between investigating officers and prosecutors directly weakened case preparation. This deficiency forces repeated adjustments during trials, making investigative inefficiency a primary contributor to systemic case pendency in subordinate courts.

6. RESEARCH METHODOLOGY

This study adopts a doctrinal and analytical methodology, drawing upon statutory provisions, judicial pronouncements, government reports, and comparative practices to examine the impact of investigative inefficiency on judicial delays in India.

6.1 Doctrinal Approach

This research is based on the interpretation of various sections of the **Code of Criminal**

Procedure, 1973, including Section 173 and its subsequent amendments under **Bharatiya Nyaya Sanhita, 2023**. These provisions limit the investigation of officers by filing charge sheets. However, this disjunction between the law and how it is practiced makes for an interesting space. Decisions like those in *Hussainara Khatoon v State of Bihar* and *Common Cause v Union of India* are doctrinally analyzed to show how the courts have tackled investigative delays within the framework of the right to speedy trial.²⁰ A review of the legal literature can help to reveal the dissonance between legal requirements and on-the-ground realities.

6.2 Secondary Data Analysis

This study uses published **National Crime Records Bureau (NCRB)** reports, which provide statistical evidence of pendency caused by delayed charge sheets. Data shows the delay. Parliamentary Standing Committee reports and Bureau of Police Research and Development (BPRD) studies form another data source, shedding light on systemic bottlenecks in police performance and forensic infrastructure.²¹ Reports of the **Law Commission of India**, particularly Reports 154, 239, and 245, are utilized to establish the recurring policy recognition of investigative inefficiencies as a barrier to timely justice.²²

6.3 Comparative Methodology

This research adopts a comparative lens to understand how other jurisdictions address investigative inefficiency. For instance, the **Crown Prosecution Service (CPS)** in the United Kingdom mandates early collaboration between the police and prosecutors, ensuring that defective charge sheets do not reach trial courts.²³ In **Canada**, the *R v Jordan* ruling created strict trial timelines, indirectly compelling investigative agencies to reform case-preparation processes.²⁴ Similarly, the **Australian Institute of Judicial Administration (AIJA)** has developed case flow management tools that integrate police–prosecutor cooperation to reduce adjournments.²⁵ These comparative insights allow the identification of reforms that may be

²⁰ *Common Cause v Union of India* (1996) 4 SCC 33; *Hussainara Khatoon v State of Bihar* (1979) AIR 1369 (SC).

²¹ National Crime Records Bureau, *Crime in India Report 2022* (Ministry of Home Affairs, Government of India 2023); Bureau of Police Research and Development, *Data on Police Organisations in India* (2022).

²² Law Commission of India, *Report No 154: Code of Criminal Procedure, 1973* (1996); Law Commission of India, *Report No 239: Expeditious Investigation and Trial of Criminal Cases against Influential Public Personalities* (2012); Law Commission of India, *Report No 245: Arrears and Backlog* (2014).

²³ Crown Prosecution Service, *Annual Report and Accounts 2019–20* (UK Government 2020).

²⁴ *R v Jordan* [2016] 1 SCR 631 (SCC, Canada).

²⁵ Australian Institute of Judicial Administration, *Caseflow Management in Australian Courts* (2018).

adapted to the Indian context.

6.4 Analytical Framework

The methodological framework of this study was judge-centered. Rather than shining the spotlight on investigative agencies, it illuminates the conundrum of how investigative sloths sit heavily on the judiciary. Although judges are required to provide “swift justice” through the court process, the many cases brought to the court with inadequate investigations force judges to ask for adjournments. This strategy considers the problem of judicial pendency not just as a judge-strength issue, but also as a consequence of systemic investigation weaknesses.

6.5 Scope of Sources

Only **open-access, verifiable sources** were used to ensure academic reliability. Government publications, judicial pronouncements, UN reports, and open-access journal articles formed the primary body of reference. Proprietary databases or subscription-based sources were avoided to maintain transparency and accessibility.

6.6 Limitations of Methodology

One limitation of this study is the lack of original data collection in the field, for example, interviews with police officers or prosecutors. This methodology does not use primary sources but relies on secondary sources, dogmatic analyses, and comparative arguments. Although this limits the ability to capture all ground-level nuances, it results in policy-focused and doctrinally disciplined analysis.

6.7 Justification of Methodology

The chosen methodology was justified on three grounds.

- 1. Doctrinal Relevance:** Since research centers on statutory compliance and judicial pronouncements, doctrinal analysis is the most appropriate tool.
- 2. Policy Utility** – Reliance on NCRB reports, Law Commission recommendations, and parliamentary reports ensure that the findings have immediate policy relevance.
- 3. Comparative Value** – By situating Indian practices against global benchmarks, this study highlights feasible reforms for strengthening investigative efficiency.

7. ANTICIPATED FINDINGS

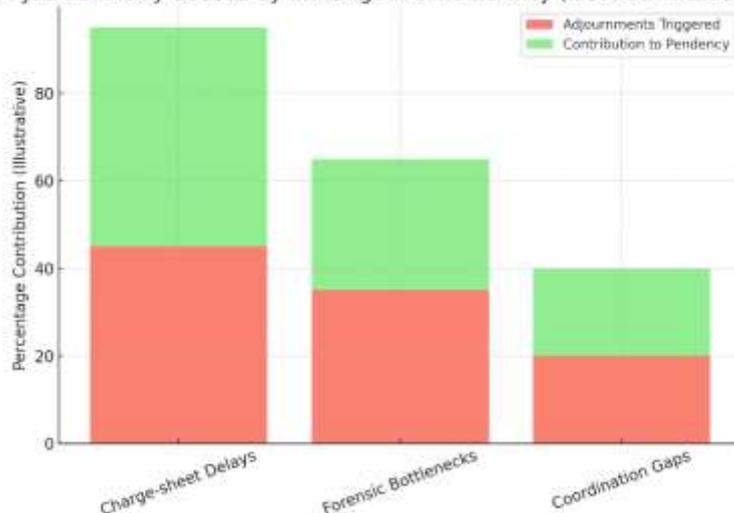
Investigative inefficiency is expected to continue to be one of the most ignored but potentially the main protagonists of judicial delays in India. The results indicate that systemic flaws in police investigations, forensic science procedures, and collaboration between prosecutors and police create bottlenecks that judges are unable to unstop without trampling defendants' due process rights. The anticipated evidence is detailed in the following subsections.

7.1 Delay in Filing Charge-sheets

The most glaring discovery is expected to be the consistent postponement of charge filing by investigating officers. However, as per the statutory mandate of Section 173 of the CrPC and its analog in Section 193 of the Bharatiya Nyaya Sanhita, 2023, it is reported by the NCRB that a significant portion of charge sheets is filed belatedly.²⁶ This delay leaves judges with no choice but to adjourn the proceedings until the investigation is formally completed.

Such adjournments have a cascading effect; as witnesses lose interest, evidence becomes stale, and accused persons often languish in prolonged pre-trial detention. This undermines the Supreme Court's jurisprudence in *Hussainara Khatoon v State of Bihar*, which recognized speedy trials as part of Article 21.²⁷ It is anticipated that judges in subordinate courts remain overburdened not only with the volume of cases but also with defective and delayed investigations that render trials unready.

Figure 3 - Judicial Delay Caused by Investigative Inefficiency (Illustrative Stacked Bar Chart)



²⁶ National Crime Records Bureau, *Crime in India Report 2022* (Ministry of Home Affairs, Government of India 2023).

²⁷ *Hussainara Khatoon v State of Bihar* (1979) AIR 1369 (SC).

Figure 3 – Judicial Delay Caused by Investigative Inefficiency (Conceptual Model)

Description: Conceptual diagram mapping the causal chain: Police inefficiency (charge sheets, forensics, coordination) → defective case records → judicial adjournments → case pendency.

7.2 Forensic Bottlenecks

Another expected discovery is the systemic backlog of forensics and reports. There have been widespread complaints in parliamentary papers that India lacks sufficient functional forensic labs and trained staff. ²⁸DNA profiling, cyber forensics, subclinical toxicology cases, etc., generally remain hanging for months and even years because of the pending work in the laboratory. This “time lag” results in no filing of a charge sheet, and then ultimately weakens the grounds of evidence during a trial.

Internationally, jurisdictions such as the UK and Australia have invested heavily in forensic capacity to avoid bottlenecks. In contrast, in India, the mismatch between investigative demand and forensic infrastructure compels judges to adjourn trials, awaiting reports that are critical for framing charges or conducting examination-in-chief. Therefore, the anticipated findings confirm that forensic delays are not peripheral but central to the problem of judicial adjustment.

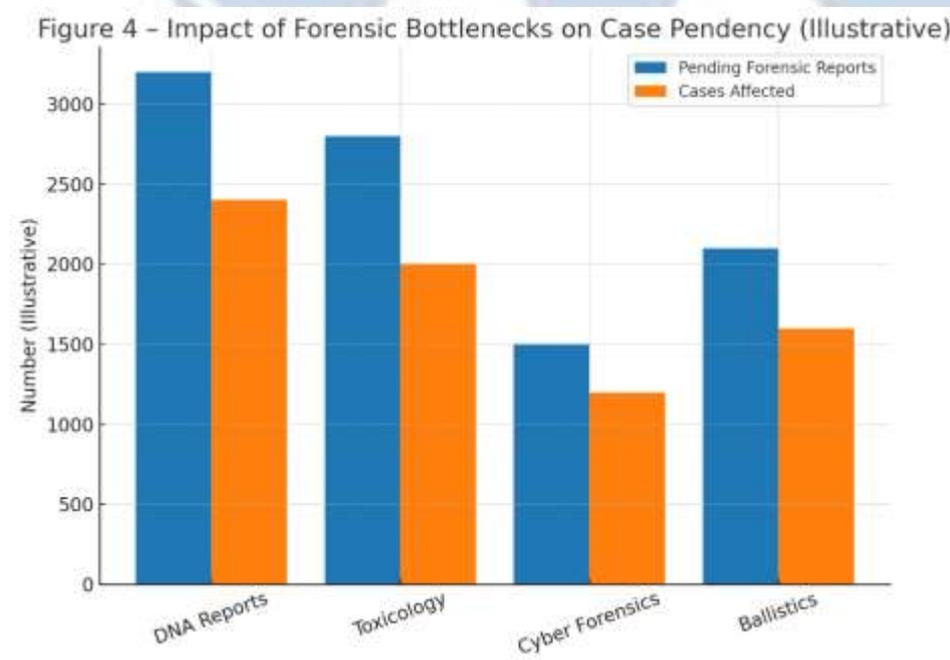


Figure 4 – Impact of Forensic Bottlenecks on Case Pendency

Description: A clustered bar chart comparing pending forensic reports with corresponding increases in pending trials, showing a direct relationship between forensic backlog and judicial

²⁸ Australian Institute of Judicial Administration, *Caseflow Management in Australian Courts* (2018).

delay.

7.3 Lack of Police–Prosecutor Coordination

A major anticipated issue is the lack of structured coordination between the police and prosecutors. Defective charge sheets, often lacking in evidentiary completeness, are routinely submitted to trial courts. Prosecutors, who are meant to screen cases for trial readiness, are seldom involved during the investigation stage. This results in repeated adjustments when judges encounter procedural and evidentiary gaps.

Comparative insights suggest that the UK's **Crown Prosecution Service (CPS)** model, which mandates early prosecutor involvement, drastically reduces these inefficiencies.²⁹ The anticipated finding is that India's system, which maintains an artificial separation between investigation and prosecution, creates systemic inefficiency that judges must absorb through adjustments.

7.4 Judicial Compulsion to Adjourn

The long-awaited judge-centric finding is that subordinate court judges had no option but to adjourn proceedings because the investigation was incomplete/defective. Unlike policy reforms that concentrate on empowering the judiciary, these results highlight that the pluralization of the judiciary may prove helpless vis-à-vis investigative inefficiency. Judges cannot go on without a charge sheet, frame charges without forensic evidence, and allow trials to start with flawed papers.

This compulsion and the pendency around it generate a vicious cycle of backlog. Nor can even the most energetic judge be bound as he is by decisions in which the requirements of fairness are given a legal definition, ignoring the necessity for thorough investigations. The expected result is a reaffirmation that judicial backlogs are not as much an index of judicial productivity as police loafing.

7.5 Comparative Insights and Potential Reforms

The comparative dimensions of this study highlight the possible solutions. In **Canada**, the *Jordan* decision placed strict ceilings on trial duration, forcing systemic reforms in the

²⁹ Crown Prosecution Service, *Annual Report and Accounts 2019–20* (UK Government 2020).

investigation and prosecution timelines.³⁰ In **Australia**, AIJA caseflow management reforms have introduced structured accountability mechanisms for investigators and prosecutors, significantly reducing adjustments.³¹ In the **UK**, CPS ensures that judges receive trial-ready cases, minimizing unnecessary delays.³²

The anticipated findings suggest that India can adapt elements of these models, particularly by introducing joint policy–prosecutor case preparation units and strengthening forensic infrastructure. These reforms would reduce the need for judicial adjustment and restore credibility to the justice delivery system.

Figure 5 – International Models of Police–Prosecutor Coordination (Illustrative)

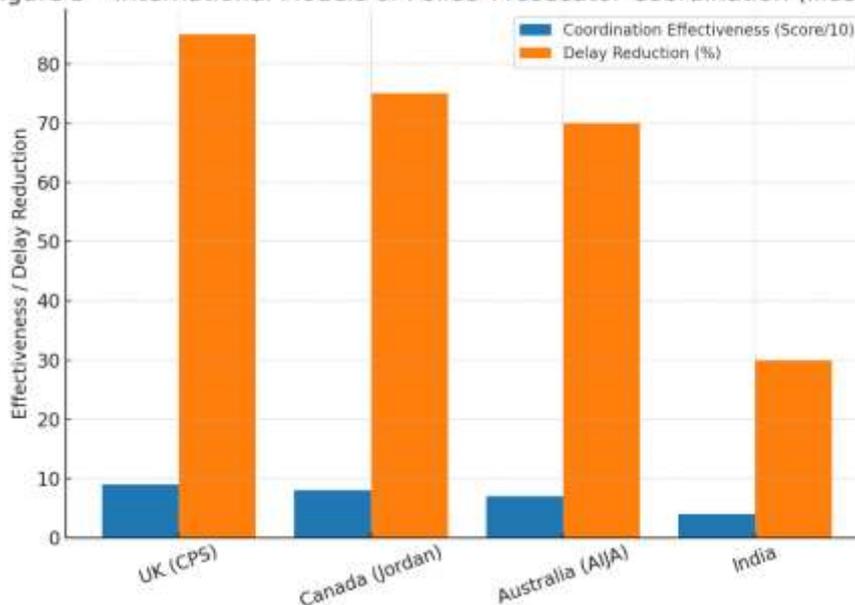


Figure 5 – International Models of Police–Prosecutor Coordination

Description: Comparative chart mapping of UK (CPS), Canada (*Jordan* ceiling), and Australia (AIJA) reforms against Indian practice, highlighting structural differences in managing investigation delays.

7.6 Anticipated Data Patterns

The NCRB and parliamentary data, if analyzed systematically, are likely to indicate that as the charge-sheet delay increases, the pendency rates in different states also increase. States with more charge-sheet pendency are expected to witness longer trial delays. It is also anticipated

³⁰ *R v Jordan* [2016] 1 SCR 631 (SCC, Canada).

³¹ Australian Institute of Judicial Administration, *Caseflow Management in Australian Courts* (2018).

³² Criminal Justice Inspection Northern Ireland, *Delays in the Justice System* (2018).

that forensic capacity deficits are related to increased adjustment length.

7.7 Broader Implications

The likely outcomes also suggest a structural malaise: judicial delays in India have ceased to be merely a number game of judge strength and have become a systemic failure involving an interdependent institutional arrangement. With no gains made in investigation or prosecution, judicial reform would be insufficient. The strain on judges will continue, public faith in justice will wane, and constitutional promises for swift justice will remain unmet.

8. CONCLUSION & SUGGESTIONS

8.1 Conclusion

The inefficiency of the investigation in India fuels this. While the public discourse generally blames pendency on the shortage of judges, the study indicates that police and investigative agencies play a large part in deciding how fast (or slow) cases move in courts.

First, the delayed charge sheet sabotages judicial timelines. Despite the explicit provisions under the Code of Criminal Procedure and Bharatiya Nyaya Sanhita, charge sheets are routinely filed beyond the permitted times. This forces judges to defer the process instead of quashing incomplete investigations, thus contributing to backlogs..³³

Second, **forensic bottlenecks** delay both charge-sheet submission and trial preparation. Shortages in laboratory capacity, staff, and modern technology mean that critical evidence has remained unavailable for months or years. Without such evidence, judges cannot proceed, highlighting how forensic inefficiency translates to judicial stagnation..³⁴

Third, the lack of organized cooperation between the police and prosecutors leads to flawed case preparation. Prosecutors are seldom a part of the investigation, leading to charge sheets filled with procedural and evidentiary holes. Hearing such defects makes it mandatory for judges to adjourn cases and waste judicial time, contributing to delays..³⁵

The net result of such inefficiencies is the judicial order for adjustment: subordinate judges an

³³ National Crime Records Bureau, *Crime in India Report 2022* (Ministry of Home Affairs, Government of India 2023).

³⁴ Parliamentary Standing Committee on Home Affairs, *213th Report on Police Modernisation and Forensic Infrastructure* (2017).

³⁵ Criminal Justice Inspection Northern Ireland, *Delays in the Justice System* (2018).

of incomplete an or investigation. Reforms in the judiciary – be they based on the strength of judges or case management – are inadequate without corresponding reforms in the arena of inquiry and prosecution.

8.2 Suggestions

1. Strict Adherence to Statutory Timelines

The provisions under Section 193 of the BNSS on the filing of charge sheets are to be strictly followed, even by courts. "A provision can be added in the law which will enable the magistrates to take disciplinary action departmentally against investigating officers who are perennial defaulters."³⁶

2. Strengthening Forensic Infrastructure

There is a need to invest in contemporary forensic laboratories, regional forensic units, and skilled personnel. A new statutory regime could prescriptively enforce the timely delivery of forensic reports, mirroring the trial timeliness floor to apply to *R v Jordan* in Canada.³⁷

3. Integrated Police–Prosecutor Units

India had a system akin to that in the UK, where prosecutors would be associated with investigations from the beginning (Crown Prosecution Service). This partnership guarantees that charge sheets are ready for trial, reduces evidence shortfalls, and thereby reduces adjustments.³⁸

4. Digital Tracking of Investigations

Implementation of countrywide digital platforms for real-time monitoring of investigations and submission of charge sheets would bring transparency. Courts could have access to these platforms to oversee the investigation and ensure accountability.³⁹

5. Judicial Monitoring Committees

There must be periodic review of delays in investigations by committees headed by senior judges at the district level. These would enable structured dialogue between the judiciary, police, and prosecution, accounting for, without crossing, the boundaries of institutions.⁴⁰

³⁶ Law Commission of India, *Report No 245: Arrears and Backlog* (2014).

³⁷ *R v Jordan* [2016] 1 SCR 631 (SCC, Canada).

³⁸ Crown Prosecution Service, *Annual Report and Accounts 2019–20* (UK Government 2020).

³⁹ Bureau of Police Research and Development, *Data on Police Organisations in India* (2022).

⁴⁰ Australian Institute of Judicial Administration, *Caseflow Management in Australian Courts* (2018).

6. Capacity Building and Training

Ongoing training of officers and prosecutors on evidence recording and gathering techniques, digital forensics, and preparation of cases is essential. The only way to make this capacity building effective is to have a performance-based evaluation mechanism that rewards efficiency.⁴¹

7. Statutory Accommodation of Delay in Investigation as a Ground for Bail

Applying the *Common Cause v. In the Union of India*, statutory changes can be made to automatic bails when charge sheets are not submitted within a specific time. This would force investigating agencies to be time-bound, which would also lead to decongestion.⁴²

8.3 Broader Implications

These reforms underline the reality that judicial delay is not a siloed problem of the courts but a systemic dysfunction. Police inefficiency reverberates through the justice chain, ultimately burdening judges with adjustments and eroding public trust in justice delivery.

By reframing the debate from a purely judge-centric problem to an interinstitutional challenge, this study contributes to a more holistic understanding of judicial delays. Therefore, policymakers must adopt integrated reforms that simultaneously strengthen investigation, prosecution, and judicial capacity.

In the long term, restoring **public trust in timely justice** requires confronting the uncomfortable truth that judicial adjournments often mask investigative failure. Unless these failures are systematically addressed, constitutional guarantees of speedy justice remain aspirational rather than real.

⁴¹ United Nations Office on Drugs and Crime, *Criminal Justice Assessment Toolkit* (2006).

⁴² *Common Cause v Union of India* (1996) 4 SCC 33