2025 INSC 1081

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 3904/2025
(@SLP(CRL.)NO.13881/2025
(DIARY NO.43582/2018

RAJAN **Appellant(s)**

VERSUS

THE STATE OF HARYANA **Respondent(s)**

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal arises from the Judgment and Order passed by the High Court of Punjab and Haryana at Chandigarh dated 18-2-2016 in Criminal Appeal No.D-443-DB of 2003 by which the appeal filed by appellant – herein against the Judgment and Order of conviction passed by the Trial Court came to be dismissed.

4. It appears from the materials on record that a First Information Report came to be registered with the City Sirsa Police Station dated 22-7-1998 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code (IPC) respectively and Sections 25 and 27 of the Arms Act respectively. The FIR came to be registered by one Balbir Singh, an injured witness to the incident.

5. The FIR reads thus:-

> ***"The statement of Shri Balbir Singh son of Shri Chanan Singh Rajput resident of Dhudhiawali now residing at 14/949. Addl. A.D.C. Colony, that I am working as an***

agriculturist in village Dhudhiawali, Shiv Dutt Singh and Bishan Singh, the sons of my uncle (Tau) Narain Singh reside in A.D.C. Colony, Sirsa. Today in the morning, I had also arrived at Sirsa from village Dhudhiawali. I had gone to meet Shiv Dutt Singh and Bishan Singh in A.D.C. Colony, where Bishan Singh met in the house when I enquired from Bhishan Singh about the whereabout of Shiv Dutt, Bishan Singh had told me that Shiv Dutt has gone to National College, Sirsa to get admitted Amrinder Singh son of Amar Singh resident of band gate, Sirsa in B.A. Part-I and he asked me to accompany him there to meet him. I and Bishan Singh then reached at National college where Singh and Raj Kumar sons of Pokhar Dass, resident of Talwara Khurd came across on enquiry, Shiv Dutt Singh told that Amrinder Singh would get admission and he offered tea to us in the canteen thereupon, I Bishan Singh, Shiv Dutt, Sirsa and Raj Kumar proceeded to the canteen to take tea. At about 2.05. P.M. when we reached on the corner of building of Science block and Shiv Dutt, was going ahead of us and we were following him at some distance. Naresh Godara, resident of Kheowali carrying a DBBL gun of .12 bore in his hands, Vikas Kukna of D.C. Colony, Sirsa armed with a DBBL gun of .12 bore, Rajan son of Shao Ram, resident of Bajekan armed with a pistol and Rajdeep Singh son of Harbhagwan Singh resident of Canal colony, Sirsa armed with a sword arrived there from the opposite directions and on seeing Shiv Dutt Naresh Godara have exhorted him to be cautious that they would teach him a lesson for inflicting injuries to his brother Hanuman and for opposing them in the college elections. Thereupon, Ra-jan has fired a shot from his pistol at Shiv Dutt Singh but Shiv Dutt Singh escaped unhurt. Thereafter, Naresh Kumar and Vikas have fired one shot each from their respective guns simultaneously at Shiv Dutt Singh which hit him on the chest region and the abdominal region on the front side and on receiving the firearm injuries, Shiv Dutt Singh fell down on the ground, I, Bishan Singh and Raj Kumar raised cries for help and then Rajan along with his pistol, Naresh Godara along with his gun and Vikas along with his gun ran away from the spot and Rajdeep threw his sword at the spot and ran away. Naresh Godara in furtherance of common intention of Rajan Vikas and Rajdeep armed with firearms and sword have fired shots at Shiv Dutt Singh to take avenge for causing injuries to his brother Hanuman on account of which Shiv Dutt has been rendered injured. I and Raj Kumar have shifted him to Civil Hospital, Sirsa in the car of Naveen Kedia for treatment where Shiv Dutt Singh has succumbed to the firearm injuries after about half an hour of the treatment by the doctor. Statement has been heard and the same is correct. sd/ Balbir Singh Attested Kulwant Singh P/ASI P. city, Sirsa dated 22-7-1998 police proceeding:- Today, I the ASI along-with H.C. Kulbir Singh No. 127 constable Bhagi Ram No. 373 and constable Raj Kumar No. 356, on

receipt of a medical memo have rushed to civil hospital Sirsa where Shri Balbir Singh aforesaid happened to meet who got recorded his aforesaid and after recording the same, it was read over and explained to him who after admitting the contents thereof, to be correct put his signatures in English which I attest. The aforesaid statement discloses the commission of an offence punishable under Section 102/34 of the IPC and Section 25/27s54/59 of the Arms Act. Therefore, a memo is being sent to the police station through constable Raj Kumar, No. 356 for registration of a case. After registration of the case, the FIR number be intimated and the special report of the case be got sent to the higher authorities. I am busy in the investigation in the Hospital sd/-Kulwant Singh.P/ASI P.S. City, Sirsa dated 22-7-1998 at 4.30 P.M. at G.H. Sirsa. At the police station, on receipt of the aforesaid memo, a case under the aforesaid offences has been registered and the police file along-with the original memo is being sent to Kulwant Singh ASI through the commuter constable. The copies of the FIR in the form of special report are being sent to the higher authorities through constable Balwant Singh No.867."

6. The investigation was undertaken and three persons came to be arrested, namely, Vikas, Naresh and the appellant – herein.

7. On completion of the investigation, charge-sheet came to be filed for the offences enumerated above.

8. The Trial Court proceeded to frame charge against the appellant – herein and other co-accused. They all denied the charge and claimed to be tried.

9. In the course of the trial, the prosecution examined the following witnesses:-

1. **PW 1 Head Constable Subhash Chander**
2. **PW 2 Head Constable Ram Kumar**
3. **PW 3 Inspector Sube Singh**
4. **PW 4 Constable Satbir Singh**
5. **PW 5 SI Harbans Lal**
6. **PW 6 Constable Reghubir Singh**

7. PW 7 ASI Kulwant Singh

8. PW 8 Balbir Singh

9. PW 9 Vijay Kumar, Clerk

10. PW 10 Bishan Singh

11. PW 11 Dr. Yogesh Sangwan

12. PW 12 Charan Singh

13. PW 13 Dr. G.S. Somani

14. PW 14 Inspector Raghbir Singh

10. The prosecution also relied upon few pieces of documentary evidence.

11. Upon closure of recording of the oral evidence, the further statements of the accused persons were recorded under Section 313 of the Code of Criminal Procedure, 1973 (CrPC). The appellant – herein claimed to be innocent and said to have been falsely implicated in the alleged crime.

12. The Trial Court in the course of recording of the oral evidence summoned one more accused invoking Section 319 of the CrPC. It appears that a supplementary charge-sheet was filed against two other co-accused. So, in all six individuals were put to trial including the appellant–herein.

13. The Trial Court upon appreciation of the oral as well as direct evidence on record held Vikas and the present appellant guilty of the alleged offence of murder and, accordingly, sentenced them to undergo life imprisonment. It also appears that during the pendency of the trial, a co-accused, namely, Naresh absconded and accordingly his trial came to be separated.

14. The three co-accused, namely, Jasbir Singh, Kirpa Ram and Rajdeep came to be acquitted of all the charges.

15. The appellant – herein being dissatisfied with the Judgment and Order of conviction passed by the Trial Court went in appeal before the High Court. The High Court ultimately dismissed the appeal, thereby affirming the Judgment and Order of conviction passed by the Trial Court.

16. In such circumstances, referred to above, the appellant is here before us with the present appeal.

17. At this stage, it has been brought to our notice that the co-convict Vikas had come before this Court seeking to challenge the very same impugned Judgment and order passed by the High Court and his Special Leave Petition came to be dismissed *vide* the Order dated 3-12-2018.

18. Naresh who had absconded later came to be apprehended and was put to trial. At the end of his trial, he also stood convicted for the offence of murder punishable under Section 302 read with Section 34 IPC respectively.

19. Naresh went in appeal before the High Court and his appeal has also been dismissed by the High Court. However, Naresh has not come before this Court with any Special Leave Petition.

20. We heard Ms. Tarannum Cheema, the learned counsel appearing for the appellant and Mr. Deepak Thukral, the learned counsel appearing for the State of Haryana.

21. We take notice of the fact that the entire case of the prosecution is based on direct evidence. The State examined two

eyewitnesses, i.e., PW 8 and PW 10, namely, Balbir Singh and Bishan Singh respectively.

22. The principal argument canvassed on behalf of the learned counsel appearing for the appellant is that the impugned Judgment of the High Court deserves to be set aside because although the operative part of the Judgment was pronounced on 18-2-2016, yet the main Judgment came to be uploaded only after a period of 2 years and 5 months. According to the learned counsel, this has caused grave prejudice to her client.

23. The learned counsel placed strong reliance on few orders passed by this Court taking the view that if there is gross delay in uploading the Judgment, then the matter should be remanded for fresh consideration. The orders relied upon are as under:

(1) Indrajeet Yadav vs. Santosh Singh and Another : 2022 SCC OnLine SC 461,

***(2) Balaji Baliram Mupade & Anr. vs. The State of Maharashtra & Ors* decided on 29-10-2020 and**

***(3) State through the Inspector of Police CBI, ACB, Chennai vs. S. Murali Mohan & Anr.* decided on 01-10-2024.**

24. At this stage, we should also look into the order passed by a coordinate Bench dated 11-1-2019 which reads thus:-

> *"When the matter came up today for hearing, learned senior counsel for the petitioner submits that Criminal Appeal D-443-DB of 2003 was heard by the Division Bench of the Punjab and Haryana High Court on 18.02.2016 and the oral order dismissing the appeal was pronounced on the same day. However, the judgment, in fact, was uploaded on 18.07.2018 i.e. after 2 years and 5 months of dismissal Sonae Venthe appeal. Learned senior counsel further submits that the arguments advanced by him were also not reflected in the judgment.*

To verify this aspect, we direct the Registrar (Judl.) of the Punjab and Haryana High Court to submit a report about the alleged allegation to this Court.

List immediately after receipt of report from the Registrar (Judl.), Punjab and Haryana High Court."

25. The second argument of the learned counsel is that although the appellant has been named in the FIR and a particular overt act has also been attributed by the two eye-witnesses in their ocular version, yet the presence of the appellant at the time of incident is not established as there has been no discovery or recovery of any firearm alleged to have been in the hand of the appellant herein.

26. In other words, the argument is that if it is the specific case of the prosecution that the appellant herein had a firearm in his hand and he fired a shot then in such circumstances the prosecution should have produced the said firearm as a *muddamal* so that it could have been sent to the ballistic expert for his report. In the absence of any such firearm it is not permissible in law to hold the appellant guilty of the alleged crime.

27. In such circumstances, referred to above, the learned counsel prayed that there being merit in her appeal, the same may be allowed and the matter be remanded to the High Court for fresh hearing of the criminal appeal.

28. On the other hand, the learned counsel appearing for the State would submit that no error not to speak of any error of law could be said to have been committed by the High Court in passing the impugned Judgment. He would submit that there is no good reason to

doubt or discard the ocular version of the two eyewitnesses. The Trial Court as well as the High Court have found their version to be true, trustworthy and reliable.

29. In the last, the learned counsel submitted that although it is true that there was a delay of 2 years and 5 months in uploading the Judgment yet that by itself would not render the impugned Judgment of the High Court erroneous or illegal in law.

ANALYSIS

30. Having heard the learned counsel appearing for the parties and having gone through the materials on record, we are of the view that we should not disturb the impugned Judgment passed by the High Court. The Trial Court and the High Court have well appreciated the oral version of the two eyewitnesses in its true perspective and correctly. All other relevant aspects of the matter have also been looked into threadbare.

31. There is no good reason for us to disbelieve PW 8 – Balbir Singh and PW 10 – Bishan Singh respectively.

32. The appreciation of ocular evidence is a hard task. There is no fixed or straight-jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under:

> ***"I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence***

more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

II. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When eye-witness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

IX. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder.

X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

XI. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness." [See Bharwada Bhoginbhai Hirjibhai v. State of Gujarat 1983 Cri LJ 1096 : (AIR 1983 SC 753) Leela Ram v. State of Haryana AIR 1995 SC 3717 and Tahsildar Singh v. State of UP (AIR 1959 SC 1012)"

33. When the evidence of an injured eye-witness is to be appreciated, the undernoted legal principles enunciated by the Courts are required to be kept in mind:

> ***"(a) The presence of an injured eye-witness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.***
>
> ***(b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.***
>
> ***(c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.***
>
> ***(d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.***
>
> ***(e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.***
>
> ***(f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded."***

34. In assessing the value of the evidence of the eyewitnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, circumstances either elicited from those witnesses themselves or established by other

evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a Court would attach to their evidence. Although in cases where the plea of the accused is a mere denial yet the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or put forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence. (See: *Balu Sudam Khalde and Another v. State of Maharashtra* :(2023) 13 SCC 365)

35. Just because the firearm alleged to have been used and fired by the appellant-herein was not recovered or discovered under Section 27 of the Indian Evidence Act at any point of time during the course of the investigation would not render the ocular version of the two eyewitnesses doubtful.

36. Discovery or recovery of the weapon as the case may be, if any, could be brought in aid of the other evidence which the prosecution has led at the time of trial.

37. In the aforesaid context, we may refer to and rely upon few decisions of this Court. In the *State of Rajasthan v. Arjun Singh and Others* reported in (2011) 9 SCC 115, this Court observed in paras 17 and 18 respectively as under:

> ***"17. Learned senior counsel for the accused persons contended that in the absence of recovery of pellets from the scene of occurrence or from the body of the injured persons, it is highly doubtful as to the scene of occurrence and whether such incident did***

> ***take place in the manner suggested by the prosecution. Learned counsel appearing for the complainant pointed out that though there was an entry in Malkhana Register (Ex. P31A) wherein it was stated that a sealed packet containing pellets was deposited but prosecution failed to lead any evidence on this point. It was also pointed out that though a report was received from the Forensic Science Laboratory, no evidence regarding recovery of the pellets was produced.***
>
> ***18. As rightly pointed out by the learned Additional Advocate General appearing for the State that mere nonrecovery of pistol or cartridge does not detract the case of the prosecution where clinching and direct evidence is acceptable. Likewise, absence of evidence regarding recovery of used pellets, blood stained clothes etc. cannot be taken or construed as no such occurrence had taken place. As a matter of fact, we have already pointed out that the gun shot injuries tallied with medical evidence. It is also seen that Raghuraj Singh and Himmat Raj Singh, who had died, received 8 and 7 gun shot wounds respectively while Raj Singh (PW-2) also received 8 gun shots scattered in front of left thigh. All these injuries have been noted by the Doctor (PW-1) in his reports Exs. P-1 to P-4."***
>
> **(emphasis supplied)**

38. In *Krishna Mochi and Others v. State of Bihar* reported in (2002) 6 SCC 81, this Court observed in para 37 as under:

> ***"It has been then submitted on behalf of the appellants that nothing incriminating could be recovered from them which goes to show that they had no complicity with the crime. In my view, recovery of no incriminating material from the accused cannot alone be taken as a ground to exonerate them from the charges, more so when their participation in the crime is unfolded in ocular account of the occurrence given by the witnesses, whose evidence has been found by me to be unimpeachable."***
>
> **(emphasis supplied)**

39. The learned counsel also laid much stress on motive. According to her, there was no motive for the appellant – herein to commit the alleged crime.

40. We find no substance in the aforesaid submission because once the case of the prosecution is based on direct evidence, motive pales into insignificance.

41. The delay at the instance of the High Court in uploading the Judgment after a period of about 2 years 5 months is a matter of grave concern. We should not overlook this fact. We have taken serious cognizance of this delay at the instance of the High Court. It is only keeping this in mind that inspite of dismissal of the special leave petition filed by the coconvict-Vikas that we looked into the oral evidence threadbare so as to satisfy ourselves whether there is any infirmity in the appreciation of evidence by the Trial Court or the High Court and whether any grave prejudice could be said to have been caused to the appellant due to delay.

42. We have reached the conclusion that despite there being a delay of 2 years 5 months in uploading the Judgment, the oral testimony of the two eyewitnesses inspires confidence and there is nothing on record in the form of any intrinsic evidence to render their testimony doubtful.

43. Over a period of time, it has been the practice of few High Courts to pronounce the operative part of the order without the reasoned judgment and after a substantial length of time the reasoned judgment is uploaded. This practice has been deprecated by this Court in many of its judgments and orders. This practice of the High Courts deprives the aggrieved party of the opportunity to seek further judicial redressal more particularly in criminal matters wherein the appeal is dismissed affirming the judgment and order of conviction passed by the trial court. (See: *State of*

Punjab and Ors. v. Jagdev Singh Talwandi : (1984) 1 SCC 596, Zahira Habibulla H. Sheikh and Anr. v. State of Gujarat and Ors. (2004) 4 SCC 158, Mangat Ram v. State of Haryana : (2008) 7 SCC 96, Ajay Singh and Anr. v. State of Chhattisgarh and Anr. : (2017) 3 SCC 330, Balaji Baliram Mupade and Anr. v. State of Maharashtra and Ors. : (2021) 12 SCC 603, Ratilal Jhaverbhai Parmar and Ors. v. State of Gujarat and Ors. : 2024 INSC 801, K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil and Ors. : 2022 INSC 1025)

44. Almost two decades back, this Court in *Anil Rai v. State of Bihar* reported in (2001) 7 SCC 318 had taken serious cognizance of the aforesaid. This Court issued guidelines as contained in paras 9 and 10 respectively of the judgment which read as under:

> *"9. It is true, that for the High Courts, no period for pronouncement of judgment is contemplated either under the Civil Procedure Code or the Criminal Procedure Code, but as the pronouncement of the judgment is a part of the justice dispensation system, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that belief of the common man. Delay in disposal of the cases facilitates the people to raise eyebrows, sometimes genuinely which, if not checked, may shake the confidence of the people in the judicial system. A time has come when the judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the rule of law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come up to the expectation of the society of ensuring speedy, untainted and unpolluted justice.*
>
> *10. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:*

(i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.

(ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.

(iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances."

45. In the case in hand, the learned counsel appearing for the appellant placed strong reliance on the judgment of this Court in *Santosh Hazari v. Purushottam Tiwari (Dead) by Lrs.* reported in

(2001) 3 SCC 179 and few other orders to fortify her submission that the delay in uploading the reasoned order by itself should be a ground to set aside the same. It would be too much for this Court to say that the delay by itself is sufficient to set aside the impugned judgment. It would all depend upon the facts and circumstances of each case. This Court in *Ravindra Pratap Shahi v. State of UP and Ors.* reported in 2025 INSC 1039 has issued appropriate directions to tackle this problem. We quote the directions issued by this Court:

> ***"10. It is not that the situation with which we are dealing in these Appeals has arisen for consideration for the first time. The directions have already been issued by this Court in Anil Rai (supra). Therefore, what is required today is of adherence to the principles laid down by this Court in Anil Rai (supra). We reiterate the directions and direct the Registrar General of each High Court to furnish to the Chief Justice of the High Court a list of cases where the judgment reserved is not pronounced within the remaining period of that month and keep on repeating the same for three months. If the judgment is not delivered within three months, the Registrar General shall place the matters before the Chief Justice for orders and the Chief Justice shall bring it to the notice of the concerned Bench for pronouncing the order within two weeks thereafter, failing which the matter be assigned to another Bench.***
>
> ***11. The above direction is in addition to the guidelines/directions issued by this Court in Anil Rai (supra)."***
>
> **(emphasis supplied)**

46. We may refer to a passage from *State of Punjab v. Jagdev Singh Talwandi* reported in (1984) 1 SCC 596, wherein expressing the opinion for the Constitution Bench, Chandrachud, C.J. observed

thus:—

> ***"30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement. Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special leave petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned Judgment. It may be thought that such orders are passed by this Court and therefore there is no reason why the High Courts should not do the same. We would like to point out respectfully that the orders passed by this Court are final and no appeal lies against them. The Supreme Court is the final Court in the hierarchy of our courts. Besides, orders without a reasoned judgment are passed by this Court very rarely, under exceptional circumstances. Orders passed by the High Court are subject to the appellate jurisdiction of this Court under Article 136 of the Constitution and other provisions of the concerned statutes. We thought it necessary to make these observations in order that a practice which is not very desirable and which achieves no useful purpose may not grow out of its present infancy."***

47. In *K. Madan Mohan Rao* v. *Bheemrao Patil* C.A No. 6972/2022 decided on 26.09.2022, this Court after considering *Anil Rai* (supra), held that a party to litigation could not be expected to wait indefinitely for the availability of reasons of the Order of the Court. The guidelines and observations in *Anil Rai* (supra), remain fundamental to the course of dispensation of justice in any case before the Court, and the principle set out therein must be followed. This Court was concerned with an issue where an order was pronounced but even after more than three months, reasons were not forthcoming, and the Judgment was not available to either of the parties.

48. We hope that we may not have to come across any matter wherein there is a delay at the end of the High Court in uploading the reasoned order more particularly after the operative part of the judgment is pronounced. Today all that we are doing is reiterating the directions issued by this Court in *Anil Rai* (supra).

49. In view of the aforesaid, this appeal fails and is hereby dismissed.

50. Pending applications, if any, also stand disposed of.

51. Registry is directed to forward one copy each of this judgment to all the High Courts.

.....J
(J.B. PARDIWALA)

.....J
(SANDEEP MEHTA)

NEW DELHI
2ND SEPTEMBER, 2025.