Polity & Governance · GS - II

Evaluate the role of judicial discretion in preventing abuse of criminal proceedings while ensuring that procedural safeguards do not undermine access to justice.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 25/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~ 250 words

Answer Hint

Fair trial, delay in prosecution, judicial discretion, inherent jurisdiction, rights of accused, victims' access to justice

Model Answer

Judicial discretion is essential to ensure that criminal proceedings serve the purpose of justice rather than becoming instruments of harassment or procedural injustice. Courts must balance the rights of the accused with the legitimate interests of victims and society.

Preventing abuse of process

1. **Quashing proceedings:** High Courts can exercise inherent powers under Section 528 of the BNSS to prevent abuse of process and secure the ends of justice.
2. **Unexplained delay:** Excessive and unjustified delay may weaken the reliability of evidence, prejudice the accused and affect the fairness of a trial.
3. **Protection against harassment:** Courts can intervene where proceedings are manifestly frivolous, legally unsustainable or initiated with an improper purpose.
4. **Constitutional safeguards:** Article 21 guarantees a fair and reasonable procedure, including the right to a speedy trial.

The need for balance

Judicial intervention must not become a mechanism for prematurely terminating genuine prosecutions. Delay alone does not establish malicious intent or invalidate a complaint. Its significance depends on the nature of the offence, explanation for delay, available evidence and prejudice caused.

Excessive quashing may deny victims an opportunity to obtain justice, particularly in cases involving delayed discovery or reporting of offences.

Institutional priorities

Courts should adopt reasoned, case-specific standards, while investigating agencies must ensure timely investigation and preserve evidence. Improved forensic capacity, case management and judicial infrastructure can reduce avoidable delays.

Ultimately, judicial discretion must protect both procedural fairness and substantive justice, ensuring that neither the accused nor the victim is denied the protection of law.

BECOME IAS
AI POWERED UPSC PREP