



Significance Of Plea Bargaining In Reducing Backlog Of Criminal Cases: A Case Study Of District Courts, Amravati, And Courts Of Metropolitan Magistrates In Mumbai.

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ABSTRACT

The increasing rate of arrears in criminal courts in India is causing a burden on the judiciary and compromising the principle of justice. The Supreme Court of India has emphasized the importance of speedy trials, which are essential for preventing undue incarceration and minimizing anxiety. Plea bargaining, a pre-trial negotiation between the prosecutor and the accused, can help reduce the burden on the courts. This research paper highlights the significance of plea bargaining in Mumbai and Amravati District courts. In America, it's commonplace, with 85-90% of criminal cases settled through it. However, in India, under-trial prisoners and accused face prolonged trials without hearing. To reduce court congestion and increase efficiency, it's essential to emphasize the significance of plea bargaining in Magistrates courts in Maharashtra State. Plea bargaining, a pre-trial negotiation between a prosecutor and an accused, has faced challenges due to socioeconomic conditions, cultural factors, and the accused parties' lack of awareness. To improve implementation, jail superintendents, probation officers, and courts should conduct legal awareness programs, remove the dilemma of socio-economic offenses, and establish time limits and accountability. Proper implementation can reduce pendency and alleviate stress and stigma for victims and accused.

Keywords: Plea Bargaining, Criminal courts, Magistrates, Accused, Backlog of cases, Speedy trial, Under trial.

INTRODUCTION

The increasing rate of arrears of the cases in the Criminal Courts affects the burden on the Courts and defeats the principle of justice. The disposal of cases is barely catching up with the institution. Therefore, the pendency has increased rapidly. In the case of Vakil Prasad Singh vs State of Bihar [Criminal Appeal No 138 of 2009], the Hon'ble Supreme Court of India clarified that speedy trial means reasonably expeditious trial which is an integral and essential part of the fundamental right to life and liberty. Subordinate judiciary, particularly courts of Judicial Magistrate First Class, are the foundation and the backbone of the entire judicial system in India. However, the criminal courts are flooded with cases. According to the data available on the National Judicial Data Grid (NJDG) total of 34029440 criminal cases were pending all over India on the 20th of May, 2024. While dealing with the bail petition in Babu Singh v. State of UP Justice Krishna Iyer observed- "Our justice system even in grave cases, suffers from slow motion syndrome which is lethal to 'fair trial' whatever the ultimate decision. Speedy justice is a part of social justice since the community, as a whole, is concerned with the criminal being finally punished within a reasonable time and the innocent being absolved from the inordinate suffering of criminal proceedings."

Emphasizing the need for speedy trial Supreme Court again reinstated "that right to a speedy trial is not only an important safeguard to prevent undue and oppressive incarceration, to minimize anxiety and concern

accompanying the accusation and to limit the possibility of impairing the ability of an accused to defend himself but also there is a societal interest in providing a speedy trial.

The concept of plea bargaining has been recognized in many countries and it has been incorporated in their Criminal Procedural Law. Plea bargaining has been proven to be an effective tool to reduce criminal cases in the United States of America. The term "plea bargaining" means, "pre-trial negotiation between the prosecutor and the accused whereby the accused agrees to plead guilty and the prosecution agrees to provide some concession or lesser punishment to the accused based on his plea of guilty." Having regard to the pendency of cases as shown in the above chart, it appears that nowadays the Criminal Courts are flooded with several cases. Therefore, there is a dire need to evaluate the scope of plea bargaining in India to reduce the problem of the pendency of criminal cases. Apart from this, several accused persons are lying in jail without trial. Even some accused persons do not get bail for want of legal awareness. In such a scenario, plea bargaining can be useful to reduce the burden on the Criminal Courts. In this research paper, the researcher has highlighted the significance of plea bargaining in the courts of Metropolitan Magistrates in Mumbai and Judicial Magistrates in Amravati District of Maharashtra.

SIGNIFICANCE OF STUDY

While highlighting the importance of plea bargaining in the case of *Santo Bello Vs. New York*, the Hon'ble Chief Justice Burger wrote for the court: "The disposition of the criminal charges by agreement between the prosecutor and accused, sometimes loosely called 'plea bargaining' is an essential component of the administration of justice. Properly administered, it is to be encouraged. If every criminal charge were subjected to full-scale trial, the State and the Federal government would need to multiply by many times the number of judges and court facilities." He added, "It is not only an essential part of the process but a highly desirable part for many reasons." Nowadays in America, Plea bargaining has become extremely commonplace. About 85 to 90 percent of all criminal cases are settled through plea bargaining. However, in India, under-trial prisoners languish in jail for years without their cases being heard, and the accused are facing prolonged trials without knowing the fate of their trials. There are several reasons for increasing the pendency of cases. In such a scenario, to reduce court congestion and to increase the efficiency of the criminal justice system, it is the need of hour to highlight the significance of plea bargaining in the courts of Magistrates in Maharashtra State.

HYPOTHESIS

This paper is carried out to investigate the research problems regarding the increasing pendency of criminal cases and to increase and point out the scope of plea bargaining in the courts of judicial magistrates in the state of Maharashtra. The following hypothesis are framed,

1. Whether the Courts of Metropolitan/Judicial Magistrate adopt the provisions of plea bargaining to reduce the pendency of criminal cases.
2. Plea bargaining plays a vital role in reducing the pendency of criminal cases.

RESEARCH OBJECTIVE

The study aims to examine and analyze the significance of plea bargaining in reducing the pendency of criminal courts. In this regard, the following are the main research objectives:

1. To explore the importance of plea bargaining.
2. To suggest practical and possible solutions for reducing the pendency of criminal cases by implementing the provisions of plea bargaining as contemplated under section 265A to section 265L of the Code of Criminal Procedure, 1973

RESEARCH DESIGN AND METHODOLOGY

The researcher has carried out a study on the crucial issue of the pendency of court cases and the role of plea bargaining in reducing such pendency. For this purpose, the researcher has adopted a descriptive research design. As well as the opinions of some litigants and stakeholders of the Indian Judicial system were obtained to understand the importance of plea bargaining. The research is a blend of doctrinal and non-doctrinal research methods. The empirical research method is used to carry out this study.

SAMPLE SIZE

The universe of the empirical study is Judges, Public Prosecutors, and litigants. For this purpose, questionnaires were given to Judges, Public Prosecutors, and litigant respondents. This sample size was divided into three groups:

- a. Judges (Total number of responses - 55)
- b. Public Prosecutors (Total number of responses - 7)
- c. Litigants (Total number of responses - 298)

AREA OF EMPIRICAL TEST

The jurisdictional area to ascertain statistical data by way of empirical study is confined to the District Court Complex, Amravati, and Courts of Metropolitan Magistrate, Mumbai. For an in-depth analysis of the problem, it is always better to confine to a relatively smaller area as a basis. If the area is larger, then the conclusions of

the study tend to be generalized in nature. Moreover, A researcher becomes more anchored when he is required to do a study among his people, with whom he has an affinity.

JUDICIAL PRONOUNCEMENT ON PLEA BARGAINING IN INDIA

1. In the case of Madan Lal Ramchandra Vs. State of Maharashtra, the Hon'ble Supreme Court of India held that it is very wrong for a court to enter into a bargain of this character, offence should be tried and punished according to the guilt of the accused. It is further held that if the court thinks that leniency can be shown on the facts of the case, it may impose a lighter sentence. But the court should never be a party to a bargain.

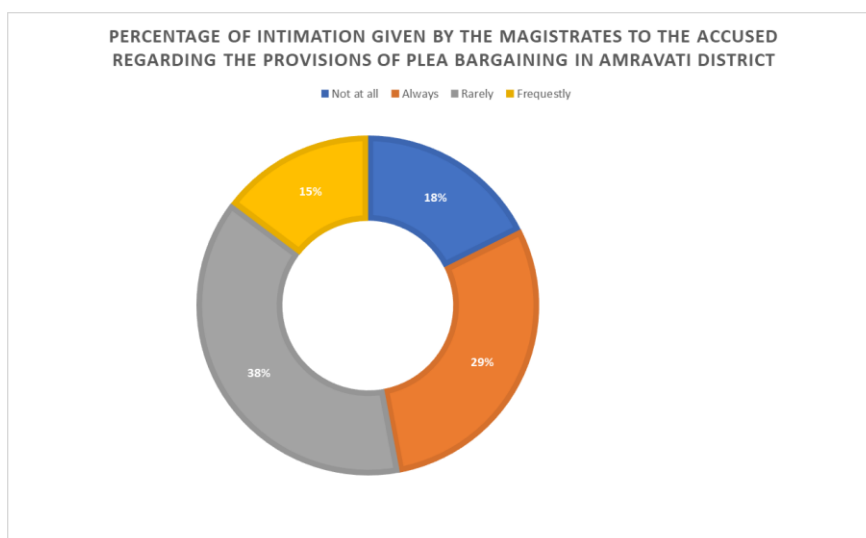
2. In the case of Kasam Bhai Adul Ahmar Bhai Sheik Vs. State of Gujarat, that the Hon'ble Supreme Court of India again held that the conviction of an accused based on a plea of guilty entered by him as a result of plea bargaining with the prosecution and the magistrate, must be considered to be unconstitutional and illegal. Adopting the procedure of plea bargaining is unreasonable, unfair, and unjust and hence it violates Article 21 of the Constitution of India.

3. Recently, in the case of Sonadhar Vs. State of Chhattisgarh, the Hon'ble Supreme Court expressed grave concerns about the plight of under-trial pensioners in India. Moreover, in Suo moto writ petition (CRI) No. 529/2021 the Hon'ble Supreme Court of India laid down guidelines for effectuating the provision related to plea bargaining/compounding/probation of offender. Thus, it can be concluded that nowadays, plea bargaining is playing a vital role in the criminal justice system in India.

ANALYSIS OF DATA WHICH WAS COLLECTED TO TEST THE HYPOTHESIS

Feedback on the topic research was collected from the Judges, Public Prosecutors, and litigants of the District Court Complex, Amravati, and Courts of Metropolitan Magistrate, Mumbai. It is discussed and analyzed in different scenarios, based on the various assessment parameters selected for the study. Respondents from District Courts Amravati and Courts of Metropolitan Magistrate, Mumbai are chosen at random. They were supplied with questionnaires to collect the data based on the objective of the study. The feedback provided by the respondents on different parameters based on their practical experience is depicted in the shape of pie diagrams and graphs.

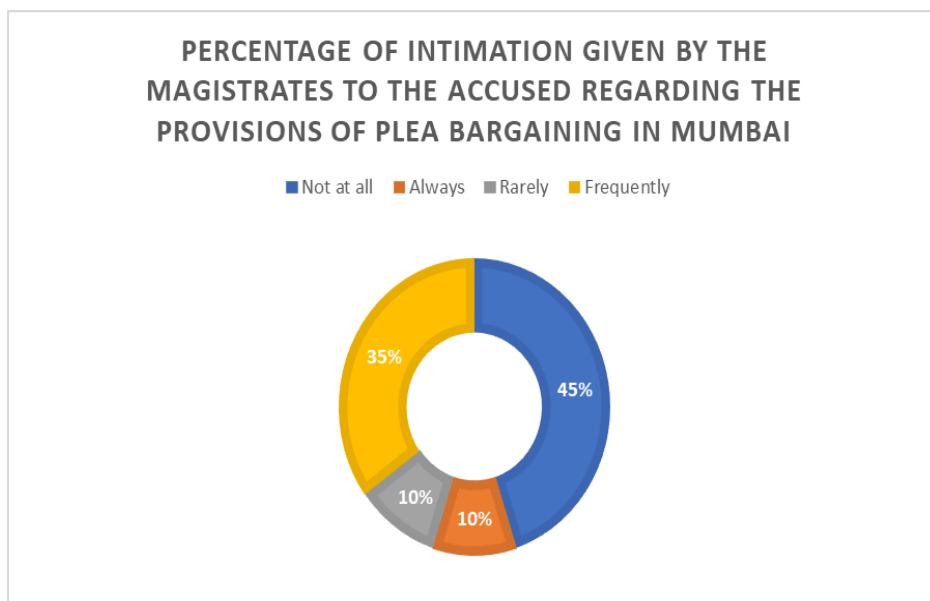
A. How Often the Magistrates Inform the Accused Regarding the Provisions of Plea Bargaining



The pie chart shows how often Magistrates inform the accused about plea bargaining in Amravati District, India. Here's a breakdown of the information in the chart:

- **Always (18%):** This slice represents the percentage of Magistrates who always inform the accused about plea bargaining.
- **Frequently (29%):** This slice represents the percentage of Magistrates who frequently inform the accused about plea bargaining.
- **Rarely (38%):** This slice represents the percentage of Magistrates who rarely inform the accused about plea bargaining.
- **Not at all (15%):** This slice represents the percentage of Magistrates who never inform the accused about plea bargaining.

In conclusion, according to the pie chart, a significant portion of Magistrates rarely inform the accused about plea bargaining in Amravati District. A smaller portion frequently informs the accused, and an even smaller portion always does. The least number of Magistrates never inform the accused of plea bargaining.

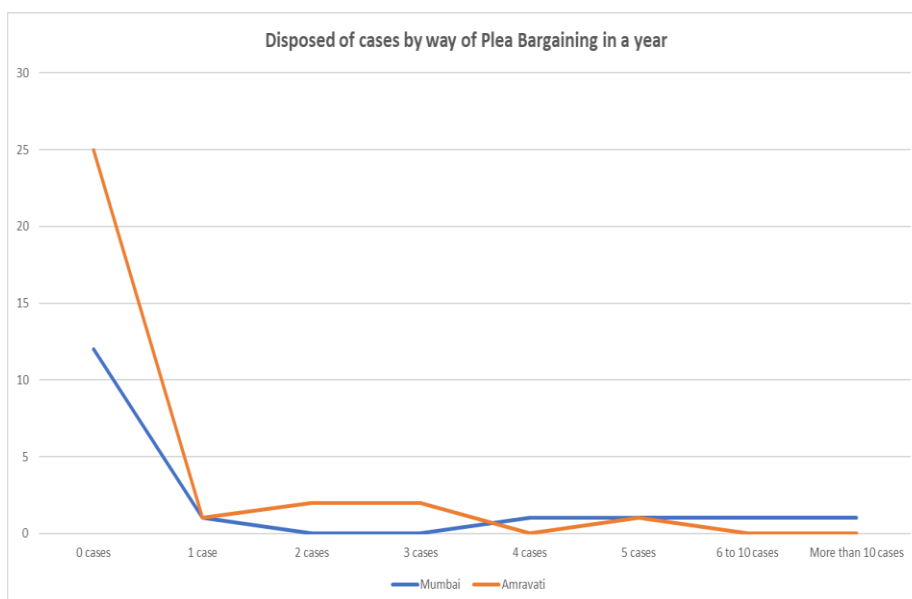


The pie chart shows how often magistrates inform the accused about plea bargaining in Mumbai, India. Here's a breakdown of the information in the chart:

- **Not at all (35%):** This slice represents the percentage of magistrates who never inform the accused about plea bargaining.
- **Always (45%):** This slice represents the percentage of magistrates who always inform the accused about plea bargaining.
- **Rarely (10%):** This slice represents the percentage of magistrates who rarely inform the accused about plea bargaining.
- **Frequently (10%):** This slice represents the percentage of magistrates who frequently inform the accused about plea bargaining.

In conclusion, according to the pie chart, nearly half of the magistrates always inform the accused about plea bargaining in Mumbai. A significantly smaller portion informs the accused rarely or frequently, and the least number of magistrates never inform the accused of plea bargaining.

B. Yearly Disposal of Cases in Amravati District and Mumbai by Way of Plea Bargaining

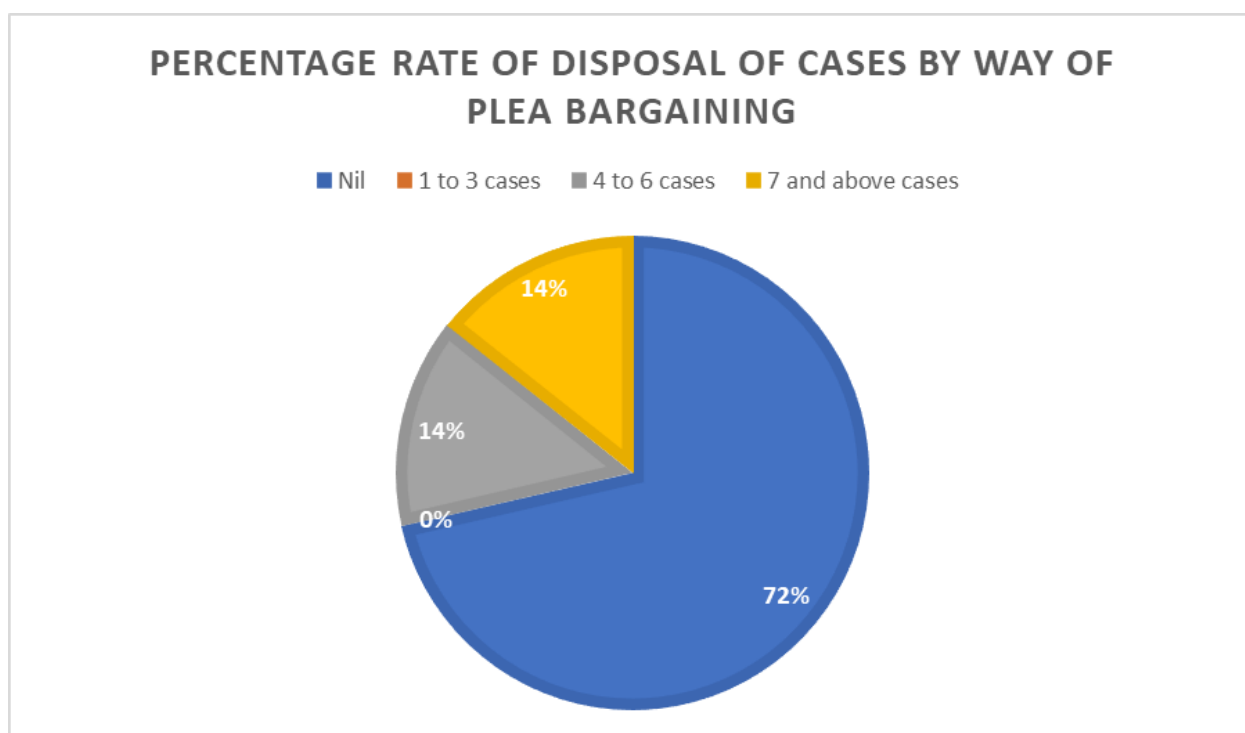


In the bar graph titled "Disposed of cases by way of Plea Bargaining in a year", the x-axis of the graph shows the number of cases disposed of by plea bargaining. The y-axis shows the number of cases. There are two data series plotted on the graph, one for Mumbai and another for Amravati.

- For Mumbai, the number of cases disposed of by plea bargaining increases steadily from 0 cases to 5 cases, then jumps to a higher number of cases for the category "6 to 10 cases". The data series then jumps again to an even higher number of cases for the category "More than 10 cases".
- For Amravati, there are no cases disposed of by plea bargaining in the categories "0 cases", "1 case", "2 cases", "3 cases", "4 cases", or "5 cases". There is a single case disposed of by plea bargaining in the category "6 to 10 cases". There are also cases in the category "More than 10 cases" but the number is not displayed on the graph.

Overall, the graph shows that a much larger number of cases are disposed of by plea bargaining in Mumbai compared to Amravati. In Mumbai, most of the cases disposed of by plea bargaining fall into the categories "6 to 10 cases" and "More than 10 cases". In Amravati, there is only a single case disposed of by plea bargaining and it falls into the category "6 to 10 cases".

C. Perception of Public Prosecutors Regarding the Rate of Disposal of Cases By Way of Plea Bargaining

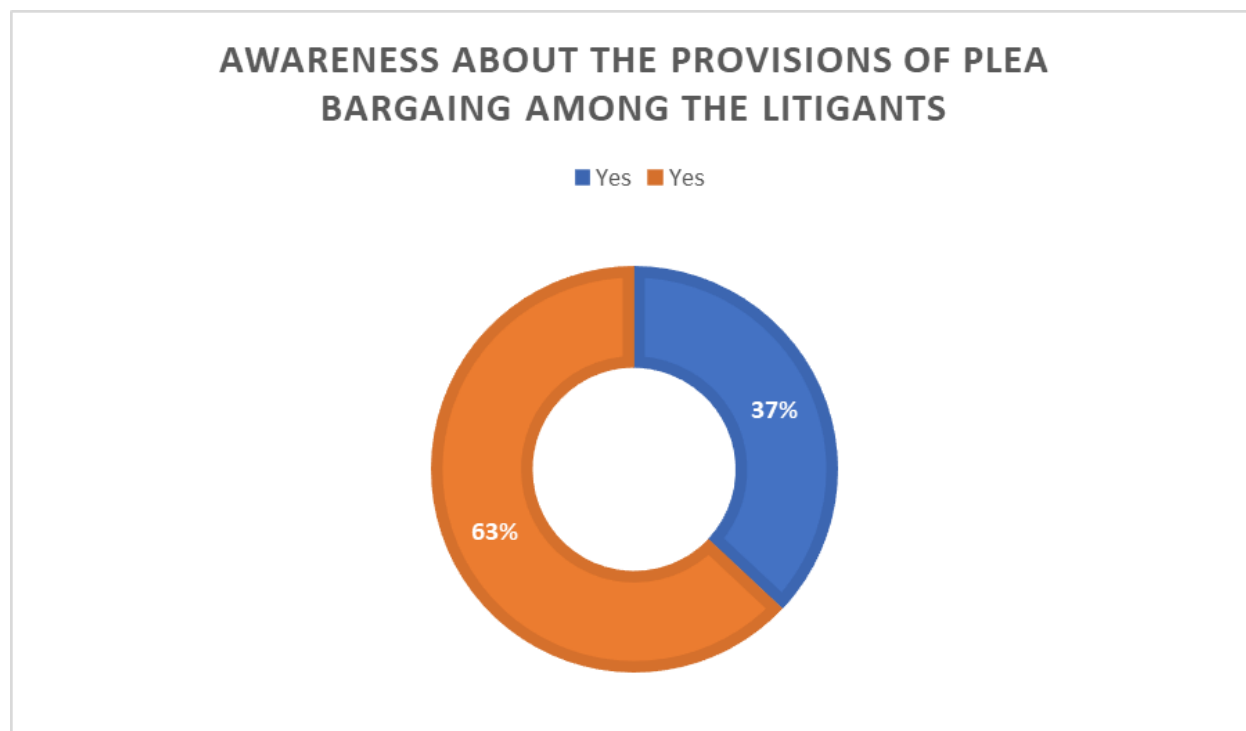


The pie chart shows the percentage of cases disposed of by plea bargaining in different categories. Here's a breakdown of the information in the chart:-

- **Nil (14%)**: This slice represents 14% of the cases that were not disposed of by plea bargaining.
- **1 to 3 cases (14%)**: This slice represents 14% of the cases had 1 to 3 cases disposed of by plea bargaining.
- **4 to 6 cases (0%)**: This slice represents 0% of the cases had 4 to 6 cases disposed of by plea bargaining.
- **7 and above cases (72%)**: This slice represents the largest portion, at 72%, of the cases had 7 or more cases disposed of by plea bargaining.

In conclusion, according to the pie chart, the majority of cases (72%) had 7 or more cases disposed of by plea bargaining. A smaller portion (14% each) of cases had none or 1 to 3 cases disposed of by plea bargaining, and none of the cases had 4 to 6 cases disposed of by plea bargaining.

D. Awareness About the Provisions of Plea Bargaining Among the Litigants



The pie chart shows the level of awareness about plea bargaining provisions among litigants. Here's a breakdown of the information in the chart:

- **Yes (37%):** This slice represents 37% of the litigants who are aware of the provisions of plea bargaining.
- **No (63%):** This slice represents a larger portion, at 63%, of the litigants who are not aware of the provisions of plea bargaining.

A larger proportion of litigants are not aware of plea-bargaining provisions compared to those who are aware.

OBSTACLES IN THE IMPLEMENTATION OF PLEA BARGAINING IN INDIA COURTS

Although plea bargaining has been incorporated into Indian law, there have consistently been obstacles in the way of its implementation. Its acceptance has been hampered by elements like socioeconomic conditions, cultural factors, and the accused parties' need for more awareness. Both parties' willingness to negotiate and the judgment of the judges and prosecutors determine how successful plea bargaining is.

SUGGESTIONS AND RECOMMENDATIONS

It has been observed that an under-trial or an accused who is facing trial does not know that sentences based on plea bargaining shall not cast any stigma on him/her. Therefore, for want of legal awareness, so many under-trials are accused and do not dare to resort to plea bargaining. Hence it is the need of the hour that jail superintendents, probation officers, and jail courts should conduct legal awareness programs on the topic of plea bargaining in prisons as well as on the court premises. Plea bargaining does not apply to socio-economic offenses. There is a dilemma about the concept of socio-economic offense hence the legislation should remove the dilemma by inserting the specific category and kinds of offenses that come within the context of socio-economic offenses. If the case is fit for plea bargaining then judges and advocates should attempt to convince the accused that his case may be rapidly disposed of by taking the resource of plea bargaining. The time limit should be fixed for the completion of plea bargaining and accountability should be fixed, if the trial has not been commenced.

CONCLUSION

Plea bargaining is the term for the pre-trial negotiations between the prosecutor and the accused in which the accused agrees to plead guilty and the prosecution agrees to provide the accused a reduction in punishment in exchange for his guilty plea. By making legal awareness about plea bargaining under trial prisoners and accused who are facing prolonged criminal trials may get rid of uncertain and unpredicted results that may be pronounced by the court. Since a coin has two sides, plea bargaining also has some advantages and disadvantages. If plea bargaining is implemented in India in a proper sense, then a huge pendency of cases may be reduced. Plea bargaining is not only used for the victims but it is helpful for the accused to get free from stress and stigma regarding the conviction. The Hon'ble Supreme Court of India has timely and again underlined the importance of plea bargaining in the criminal justice system.

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