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Judgment under BNSS, 2023: Contents, Special Reasons and Modes of Delivery

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"Injustice anywhere is a threat to justice everywhere."
– Martin Luther King, Jr.

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INTRODUCTION

Chapter 29 of BNSS focuses on ensuring fair and transparent judgment in criminal trials. This chapter outlines legal framework surrounding judgment dictating how they are pronounced, what information they must contain and how additional considerations like victim support and witness protection are addressed.

A judgment is the final stage of a criminal trial where the court determines the guilt or innocence of the accused. It reflects judicial reasoning, application of law, and ensures transparency and fairness in criminal justice administration.

MEANING OF JUDGMENT

While the BNSS does not explicitly define judgment, it is understood in criminal jurisprudence as the expression of the decision of a criminal court. Judgment refers to a formal decision made by a competent court at the conclusion of the criminal trial. It declares the finding of a court on the charges framed and includes reasoning, evidence, assessment, and final order, such as conviction or acquittal.

Following a full trial, a judgment contains:-

A summary of proceedings,

Evaluation of evidence,

Determination of guilt or innocence,

If applicable, the sentence imposed.

A judgment is binding and it is the final step before appeal or execution of the sentence.

OBJECT AND SCOPE OF JUDGMENT

The judgment serves multiple purposes. A criminal court cannot simply say that the accused is guilty or not guilty and end the matter there. The judge has to show how the conclusion was reached, what evidence was believed, which witness was found reliable, why certain contradictions were ignored while others became important. These things matter in actual trial practice.

a) Ensures fair trial and accountability.
   A reasoned judgment becomes part of the fairness of the trial itself. If the court convicts a person without properly discussing the evidence or explaining its reasoning, the accused is left with almost nothing meaningful to challenge in appeal. The judgment also keeps the judge accountable to the record of the case. Once reasons are written, the decision can be examined by appellate courts, lawyers, and sometimes even by the public. A bare conclusion is never enough in criminal procedure.
b) Provides clarity on findings and reasoning.
   The judgment must clearly state what facts the court accepted and what it rejected. In many criminal trials, both sides present completely different versions of the incident. The court has to separate reliable evidence from doubtful material. This is where appreciation of evidence becomes important. Sometimes the entire case turns on whether the court trusts one witness. Sometimes medical evidence weakens the prosecution story. The reasoning portion explains these conclusions. Without that discussion, the judgment starts looking mechanical.
c) Enables appellate review.
   Appellate courts mainly examine the reasoning of the trial court. They do not conduct the entire trial again from the beginning. So the judgment becomes the foundation for appeal proceedings. If findings are vague, or if important evidence is ignored without discussion, the higher court may interfere. In practice, many criminal appeals focus less on the existence of evidence and more on how the trial court interpreted it. A properly written judgment helps the appellate court understand whether the conviction or acquittal was legally sustainable.

d) Protects rights of the accused and victims.
The accused has a right to know why he was convicted. Equally, the victim or complainant also expects the court to explain why the prosecution succeeded or failed. This becomes especially important in acquittal cases. A detailed judgment reduces arbitrariness. It also affects sentencing. Before deciding punishment, the court often considers surrounding circumstances, conduct of the accused, gravity of the offence, and sometimes possibilities of reform. These findings cannot appear out of nowhere. They must come from the record and the reasoning discussed in the judgment.

Scope includes:-

- appreciation of evidence,
- application of law,
- determination of guilt, and
- Sentencing.

These are not separate academic stages. They overlap constantly during trial adjudication. The court first evaluates whether the evidence is trustworthy, then applies the relevant legal provisions to those facts, and finally decides whether the prosecution proved the charge beyond reasonable doubt. Only after that does sentencing arise. Even then, the judgment cannot stop at conviction alone. The court has to justify the punishment imposed. Sometimes two accused are convicted for the same offence but receive different sentences because their roles or circumstances were different. The judgment explains that difference.

FORMS AND CONTENTS OF THE JUDGMENT

Under Section 392 In a judgment, ratio decidendi and obiter dicta forms an integral part. Ratio decidendi is binding statement of judgment and obiter dicta is “by the way” remarks delivered by Judge.

If the judgment is of acquittal

If the judgment is of acquittal, the court must clearly explain why the prosecution case failed. An acquittal cannot be written in vague language. The court has to state whether the evidence completely failed to establish the offence or whether suspicion existed but the prosecution could not prove guilt beyond reasonable doubt. A criminal court may feel that the incident probably occurred, yet still acquit because legal proof remained insufficient. Trial courts are expected to record this carefully because appellate courts later examine whether the acquittal was justified or whether evidence was ignored improperly.

If the judgment is of conviction

If the judgment is of conviction, the court has a heavier responsibility while recording findings. A conviction directly affects liberty, in serious offences, sometimes life and reputation permanently. Because of that, the judgment must specifically cover the ingredients of the offence. Every essential element required under the penal provision has to be proved through evidence.

The role of the accused must also be identified clearly. Whether the accused acted as the principal offender, abettor, conspirator, or accomplice changes both liability and punishment. Criminal trials often involve multiple accused persons with different levels of participation. One person may have planned the offence while another only assisted after the act. A proper judgment separates these roles instead of treating all accused alike.

Section 392 ensures that a judgment is not arbitrary but structured, reasoned, and legally sound.

LANGUAGE AND CONTENTS OF JUDGMENT

According to section 393, every judgment referred to in section 392 must:

a) Be written in language of court,
b) Be clear and logical
c) Contain points for determination and reasons for decision.

Exact offenses and relevant provision must be specified.

In case of acquittal, offense charged, reasons for acquittal, clear statement that accused is free shall be mentioned.

In case of life imprisonment, judge must give proper reasons for conviction and in death sentence, special reason has to be given, as done in *Bachhan Singh V. State of Punjab*.

TIME NOTE, PRESENCE VALIDITY, CONTENTS OF DELIVERY OF JUDGMENT

Pronouncement Declaration of Judgment

Section 392 outlines the timeline for pronouncing judgment in the criminal trial. Judgment must be delivered by Presiding Officer of Criminal Court immediately after trial or within 45 days with notice. This ensures prompt justice.

Mode of Delivery:

Courts can deliver in three ways:

1. Read full judgment
2. Read operative part and explaining the judgment
3. Delivering in shorthand in language understood.

Section 392 (2) lays down that if judgment is dictated, it must be taken down in shorthand, signed and dated. If not written by the signing officer, every page must bear their signature and Section 392(4) mandates that a copy of the entire judgment or its immediate availability must be provided to parties free of cost to ensure accessibility and transparency.

Accused's presence

Section 392 (5) and (6) addresses the accused's presence during judgment pronouncement. If the accused is in custody, then the accused is produced physically or electronically. If accused is not in custody, the presence is required, but the exception exists.

The law emphasizes the accused's right to hear the judgment to reinforce the principle of natural justice.

Validity despite absence

According to 392 (7) if parties or advocates are not present while judgment is delivered, their absence does not invalidate the judgment. This prevents technical delays. Procedural absence does not violate the judgment.

ORDER FOR NOTIFYING RESIDENCE

Section 394 empowers court to impose post-release reporting obligation on certain convicted offenders to ensure continued supervision. Court can pass order when person is convicted of offense punishable with less than 3 years and imprisonment. Offenders required to complete obligation to notify residence after release, inform any change of residence for maximum of five years. This provision is preventive, not punitive. Purpose of imposing these obligations is to track repeated offenders, protect public safety, and assist law enforcement. Cancellation happens on acquital. It balances individual liberty with societal security through limited and conditional post-release monitoring.

COMPENSATION FOR VICTIMS

Section 395 provides for compensation to victims by directing application of fines or awarding additional compensation upon conviction. After conviction, the court can direct that money, fine, or separate compensation which can be used to compensate victims or others.

The purpose that the court may order payment of money for:

1. Defraying prosecution expenses.
2. Compensating victims for loss or injury caused by the offence.
3. Awarding compensation in cases involving death.
4. Compensating bona fide purchasers of stolen property.

Trial court, appellate court, and higher court can order compensation for victim.

COMPENSATION FOR GROUNDLESS ARREST

Section 399 of the BNSS deals with compensation for groundless arrest. If a person causes another to be arrested without sufficient ground, the court may direct payment of compensation to the wrongly arrested person. The idea is to discourage misuse of criminal process for personal revenge, pressure, or harassment. In Private compliance cases, non-cognizable offenses, court may order accused to pay prosecution costs to complainant.

DECISION AS TO PUNISHMENT

Judicial discretion means that judge is not forced to give one punishment, but can decide it on basis of:

- Nature of offense,
- age, gender, background of accused
- Circumstances of case.

A first-time young offender involved in a sudden fight is viewed differently from a habitual offender acting with preparation or brutality. That is where judicial discretion operates in practice. This flows from doctrine of separation of powers under judicial independence.

Section 401: order to release on probation or admonition.

The main part of judicial discretion is present under section 401, which gives power to judge for releasing the convicts on probation, but this power is limited.

Conditions are:

1. Woman not punished for life imprisonment or death penalty. The court usually examines circumstances carefully here. Age, dependency, prior conduct, and nature of involvement often become relevant during sentencing hearings.
2. Where the convict is above 21 years of age, probation may be granted if the offence is punishable with imprisonment of not more than seven years. This becomes important in

first-offence cases. Trial courts sometimes consider whether sending the offender to prison would actually reform the person or simply expose them to hardened criminal environments.

3. If the offender is below 21 years of age and is not convicted for an offence punishable with death or life imprisonment, probation may be granted.
   Courts generally approach young offenders differently because criminal law also recognises reformative considerations. In practice, judges often look at educational background, family situation, and possibility of rehabilitation before refusing probation to a young convict.

Section 402- When probation not granted, additional condition must be recorded

1. In cases involving death sentence, the court must specifically explain why lesser punishment was considered insufficient. Death penalty is not supposed to operate as the default punishment merely because the statute permits it. Courts are expected to discuss aggravating and mitigating circumstances in detail. Appellate courts examine this reasoning very closely.
2. The same requirement applies in cases of severe or enhanced punishment. If the punishment imposed is harsher than what is normally expected for that offence, the judgment must explain why. The court has to show what made the offence particularly grave. Sometimes it may involve extreme brutality, abuse of trust, repeated conduct, or vulnerability of the victim.
3. Rejection of statutory relief. If the accused seeks benefit under probation provisions or reformative laws and the court rejects it, reasons must be recorded. Otherwise the sentencing order starts looking mechanical. In appeals, this becomes a major issue. Many convicts do not challenge conviction itself as strongly as they challenge the refusal of probation or the harshness of sentence.

LANDMARK CASE LAWS

Praful Kumar V. Union of India.

This case is important because it explains what a judge is actually supposed to do at the stage of framing charges. In this case, the Supreme Court clarified that the judge is not expected to behave like a "post office" mechanically accepting every allegation made by the prosecution. At the same time, the judge also cannot conduct a mini-trial before the actual trial begins.

Facts: At the stage of framing of charge, court had to decide whether there is sufficient matter to proceed.

Issue: What is scope of judicial power at the stage of framing charges?

Held: Judge can shift and wait for evidence to see if prima facie case exists. If there is a great suspicion, charges should be framed. If there is only mild suspicion, accused should be discharged. Also, a detailed trial like examination should not be conducted at this stage.

Framing of charge is not a minor procedural step. Once charges are framed, the accused has to undergo criminal trial, appear before court repeatedly, face social stigma, legal expenses, and possible restrictions on liberty. Therefore, the law attempts to balance two concerns:

- innocent persons should not be unnecessarily dragged into trial, and
- genuine prosecutions should not be stopped prematurely.

The judgment also clarified that at this stage the court may sift and weigh evidence only for a limited purpose of determining whether a prima facie case exists.

Ajay Singh V. State of Maharashtra

This case highlights the importance of reasoned judgments in criminal trials. The Supreme Court emphasized that a criminal judgment cannot merely announce conviction without explaining how the court arrived at that conclusion. A judgment reflects application of judicial mind, and therefore reasons become an essential part of judicial accountability.

Facts: trial court convicted accused but the judgment didn't specify why guilt was established.

Issue: Whether a judgment without reason was valid.

Judgment: Supreme Court set aside defective reasoning.

Held: A judgment must contain clear reasons and show application of judicial mind.

The judgment reinforces the principle reflected under provisions relating to contents of judgment under criminal procedure law. A proper judgment must show:

- points for determination,
- appreciation of evidence,
- findings on material issues, and
- reasons supporting the final conclusion.

ALTERATION IN JUDGMENT

Section 403 lays that once a judgment is signed, the court becomes functus officio. After this stage, the court cannot alter or review judgment. Exceptions can be made, court may correct clerical or arithmetical mistakes which are not changes in judicial reasoning. Accidental slips, typing errors, calculation mistakes, wrong dates, incorrect section numbers written accidentally, or mathematical mistakes in sentence calculation may be corrected. Functus officio means court has exhausted its authority in that matter and cannot reopen, modify or do substantial modification.

In ***State of Kerala v. M.M. Manikantan Nair***[1], the Supreme Court confronted exactly this issue. A Kerala High Court judge tried to "clarify" a final order by the same court. The Supreme Court shut it down, holding that the earlier order was final and any reversal was beyond the court's power. The impugned order was not a mere typo fix – it was a full review of the earlier decision, which Section 403 of BNSS flatly forbids.

State of Kerala v. M.M. Manikantan Nair (2001) – Case Summary

[1] State Of Kerala vs M. M. Manikantan Nair on 25 April, 2001

Facts: Mr. Manikantan Nair, a retired Panchayat official, faced charges of criminal conspiracy and corruption. He challenged the claiming there was no sanction to prosecute. The High Court rejected his petition. After that first order, the petition was effectively disposed.

The same judge then granted a "miscellaneous petition for clarification" filed by Mr. Nair, but that second order of July 2000 reversed the earlier decision and quashed the prosecution for lack of sanction. In effect, the High Court tried to undo its own May order. This put the State in a bind, so the State appealed to the Supreme Court.

Legal Issue: Was the High Court allowed to review and reverse its own earlier final order in the revision petition? Section 362 CrPC (Section 403 BNSS) explicitly bars such review unless it's a clerical/arithmetical fix.

Holding: The Supreme Court, in a bench of three (Justices K.T. Thomas, R.P. Sethi & S.N. Variava), allowed the State's appeal. The Court held that the May 2000 order rejecting the quash petition was a final disposition. By July, the earlier order had "attained finality," so the High Court had no power to revisit it. The July 2000 order "reversed" the first order – this was not a mere "clarification" of a typo; it was an impermissible review. As the Court put it, "by no stretch of imagination… the impugned order only corrected a clerical or arithmetical error". In fact, that order was a review of the prior judgment, which Section 362 forbids and which leaves the court functus officio.

CONCLUSION

Criminal adjudication does not end with deciding guilt alone. The court must also deal with punishment, rights of victims, procedural fairness, and limitations on its own powers after judgment is signed.

In practice, many criminal appeals do not revolve around absence of evidence altogether. They revolve around how the trial court appreciated that evidence. Whether reasons were properly recorded. Whether the sentence was justified. Whether the court ignored material contradictions. This is why a reasoned judgment matters so much. The appellate court mainly reads the judgment to understand the judicial thought process behind the final order.