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THE RIGHT TO A FAIR TRIAL AND EFFECTIVE LEGAL AID: ANALYSING ASHOK VS. STATE OF UTTAR PRADESH (2024)

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CASE DETAILS –

Case Name – *Ashok Vs. State of Uttar Pradesh*

Citation - 2024 SC 1120; Criminal Appeal No. 771 of 2024, decided on 2 December 2024

Court – Supreme Court Of India

Bench - Justice Abhay S. Oka, Justice Ahsanuddin Amanullah and Justice Augustine George Masih

INTRODUCTION –

The Hon'ble Supreme Court's judgement in *Ashok Vs State of Uttar Pradesh* represents a significant development in Indian Criminal Jurisprudence concerning the constitutional guarantee of a fair trial. While the case initially arose from the prosecution of a grave offence involving the Rape and Murder of a 10-year-old Child, the Court ultimately extended its concern beyond mere determination of guilt or innocence. The decision focused on whether the criminal process itself complied with constitutional standards of fairness.

The court reaffirmed that procedural safeguards constitute an integral aspect of substantive justice under Article 21 of the Constitution of India. The Judgement is particularly noteworthy for its detailed guidelines on legal aid and the role of Public Prosecutors in ensuring fair criminal trials.

FACTUAL BACKGROUND –

May 27, 2009 (Around 9:00 AM) - Incident of Rape and Murder

The victim of the offence (aged ten years) and her cousin (PW-2, aged seven years) went to a pasture to graze her goats. As the victim was thirsty, she went near a tubewell cabin where the

appellant - accused was working as an operator. The victim requested the appellant to provide drinking water, whereupon the appellant, with evil intentions, took her inside the cabin, committed rape on her, and after that, murdered her. PW-2 saw the appellant forcibly taking the victim inside the cabin and raping her.

May 27, 2009 (By 11:00 AM) - Discovery of Dead Body and Registration of FIR

PW-2 returned to PW-1, the victim's father and uncle of PW-2, and narrated the story. PW-1 went to the tubewell cabin to find the victim and found the dead body of the victim hidden under a haystack in that cabin. On being questioned by PW-1, the appellant fled from the spot, and thereafter, PW-1 registered the First Information Report (FIR).

December 24, 2012 - Conviction and Imposition of Capital Punishment

The Trial Court, by judgment and order, convicted the appellant for the offences punishable under Sections 376, 302 and 201 of the Indian Penal Code, and under the provisions of Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court imposed capital punishment.

Subsequent High Court Judgment - Modification of Sentence by High Court

The High Court heard the reference under Section 366 of the Code of Criminal Procedure, 1973, with an appeal preferred by the appellant. Though the High Court confirmed the conviction, the death penalty was set aside and the appellant was sentenced to undergo life imprisonment for the remainder of his natural life subject to the exercise of powers of grant of remission or grant of clemency by the constitutional functionaries.

May 20, 2022 - Grant of Bail by Supreme Court

By order of this Court, bail was granted to the appellant after noting that he had undergone actual incarceration for about 13 years, during the pendency of the present appeal against the judgments mentioned above.

ISSUES BEFORE THE COURT

- I. Whether the conviction of the appellant for the offence of murder under Section 302 of the Indian Penal Code could be sustained in light of the alleged evidentiary deficiencies and inconsistencies in the prosecution's case?

- II. Whether the failure of the trial court to properly comply with the requirements of Section 313 of the Code of Criminal Procedure, 1973, by not adequately putting incriminating circumstances to the accused, vitiated the trial and caused prejudice to the appellant?
- III. Whether the appellant's fundamental right to a fair trial under Articles 21 and 22(1) of the Constitution of India was violated due to the absence of effective legal representation and failure to provide competent legal aid at crucial stages of the criminal proceedings?
- IV. Whether the cumulative effect of procedural irregularities, including inadequate legal assistance and non-compliance with statutory safeguards, rendered the conviction and sentence unsustainable in law?

CONTENTIONS OF THE PARTIES –

Submissions by the Appellant –

- The appellant challenged the reliability of the prosecution case, highlighting material inconsistencies between the testimonies of PW-1 and PW-2 regarding the alleged occurrence.
- It was contended that the testimony of PW-2, the sole eyewitness, was not of sterling quality and could not safely form the sole basis of conviction, particularly in light of the delay in recording his statement and the possibility of tutoring.
- The appellant further questioned the evidentiary value of the alleged recovery of the victim's belongings, pointing to deficiencies in the recovery memorandum and the prosecution's failure to examine independent witnesses to the recovery.
- It was also submitted that no scientific evidence connected the bloodstains found on the appellant's clothing with the deceased victim.
- The principal challenge concerned the examination of the appellant under Section 313 CrPC. It was argued that material incriminating circumstances were not put to the appellant, thereby causing serious prejudice to his defence and vitiating the fairness of the trial.
- In support of this contention, reliance was placed upon **Raj Kumar v. State (NCT of Delhi)** and **Shivaji Sahabrao Bobade v. State of Maharashtra**, which emphasize the mandatory duty of courts to confront the accused with all material circumstances appearing in evidence.

Submissions on Behalf of the State

- The State supported the judgments of the Trial Court and the High Court, contending that the evidence on record sufficiently established the appellant's guilt.

- It was submitted that the prosecution had successfully proved the case against the appellant and that the concurrent findings of conviction warranted no interference.
- The State also assisted the Court on issues relating to legal aid and procedural fairness, particularly concerning the obligations of courts to ensure effective representation and compliance with procedural safeguards during criminal trials.

DECISION OF THE COURT -

Reasoning of the Court

- The Court found that the evidence of PW-2, the sole eyewitness, was not of sterling quality and could not safely form the sole basis of conviction. There were material inconsistencies between the testimonies of PW-1 and PW-2, and at best, PW-2's evidence established a circumstance of "last seen together."
- The Court held that the alleged recovery of the victim's slippers and undergarments at the instance of the appellant was not proved in accordance with Section 27 of the Indian Evidence Act. The recovery memorandum failed to mention the place of recovery, the independent witnesses to the recovery were not examined, and therefore this important incriminating circumstance could not be relied upon.
- The Court concluded that the prosecution had failed to establish a complete chain of circumstances sufficient to prove guilt beyond reasonable doubt.
- The Court found grave non-compliance with Section 313 CrPC. Material incriminating circumstances, including the evidence of PW-1 and PW-2 and the contents of the documentary evidence, were never put to the appellant during his examination. Consequently, the appellant was deprived of an effective opportunity to explain the evidence against him.
- Relying upon Raj Kumar v. State (NCT of Delhi) and Shivaji Sahabrao Bobade v. State of Maharashtra, the Court held that failure to put material circumstances to an accused causes serious prejudice and strikes at the fairness of the trial.
- The Court further observed that the defect could not be cured by remanding the matter because:
 - the incident had occurred more than fifteen years earlier;

- the appellant had already undergone incarceration for approximately twelve years and nine months; and
 - requiring the appellant to explain the circumstances after such a long lapse of time would be manifestly unjust.
- The Court also expressed serious concern regarding the failure to provide timely and effective legal aid. It held that legal aid is a fundamental right flowing from Articles 21 and 39A of the Constitution and that the appellant was denied effective representation at crucial stages of the trial, including the framing of charges and the recording of prosecution evidence.
- Relying upon Hussainara Khatoon (IV) v. Home Secretary, State of Bihar, M.H. Hoskot v. State of Maharashtra, and Anokhilal v. State of Madhya Pradesh, the Court reiterated that the right to free and effective legal aid forms an integral component of a fair trial under Article 21.

Decision of the Court

- The appeal was allowed.
- The judgments and orders of the Trial Court and the High Court were set aside.
- The appellant was acquitted of all charges.
- The bail bonds furnished by the appellant were cancelled.
- The Court issued comprehensive directions regarding:
 - the duty of courts to provide effective legal aid;
 - the obligations of Public Prosecutors in ensuring a fair trial;
 - proper compliance with Section 313 CrPC; and
 - the appointment, monitoring, and training of legal aid counsel.
- A copy of the judgment was directed to be forwarded to all State Legal Services Authorities for necessary compliance and implementation of the guidelines laid down by the Court.

CONCLUSION –

This judgment is a significant reaffirmation of the constitutional guarantee of a fair trial under Article 21. The Supreme Court found that the prosecution case suffered from serious evidentiary deficiencies, including inconsistencies in the testimony of the sole eyewitness and the failure to prove an important circumstance of recovery. Consequently, the Court held that the prosecution had failed to establish the appellant's guilt beyond reasonable doubt.

The judgment is equally noteworthy for its extensive discussion on legal aid. Building upon earlier precedents, the Court held that the right to legal aid includes the right to **effective and meaningful representation**, not merely the formal appointment of counsel. By issuing detailed guidelines regarding legal aid lawyers, the duties of Public Prosecutors, and the conduct of trial courts, the Court sought to strengthen procedural fairness and prevent similar violations in future criminal trials.

