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A LEGAL STUDY OF CRIMINAL TRIAL PROCEDURES IN INDIA BEYOND THE CONVICTION: FAIR TRIAL, JUDICIAL DISCRETION AND PROPORTIONALITY IN SENTENCING

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INTRODUCTION

The administration of criminal justice involves a complicated balancing act among the rights of the accused, the interests of victims and the greater purposes of society. Legitimacy and efficacy of the criminal justice system hinge on the notions of fair trial, judicial discretion and proportionality in penalties. Despite constitutional guaranties and procedural safeguards, the country suffers from procedural injustice, contradicting court verdicts and variation in penalty awarded for the same offenses. These issues are dealt with the important foundation of Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 legislations. The study presents a critical examination of the relationship between the guaranty of fair trial, the use of judicial discretion and the concept of proportionality in punishment under the Indian criminal code. Its purpose is to analyse judicial approaches to sentencing, review the constitutional and statutory framework within which criminal trial procedures operate, and ascertain deficiencies that may impact uniformity and justice. The study uses the doctrinal research approach and examines the relevant legal literature, legislative enactments, judicial precedents and constitutional requirements. In the author's view, judicial discretion is important to provide individualized justice, but must be exercised to produce well-reasoned conclusions based on the applicable aggravating and mitigating elements and established legal principles. The statement calls for more uniform judicial reasoning, better legal-aid procedures, greater appellate review, a true opportunity for the accused to be heard before punishment, and clearer criteria for sentences. It concludes that a just criminal justice system must do more than find guilt, and must give a guaranty that each consequence is reasonable, justifiable and lawful in the light of the offense and the facts of the case.¹

¹ INDIA CONST. arts. 14, 20, 21 & 22.

ABSTRACT

The Indian criminal justice system is fair, just, accountable and preserves individual liberty. A fair trial is a core part of the rule of law, because it ensures that criminal processes are conducted according to established legal principles, and that no one is deprived of liberty except by just, fair and reasonable means. These are covered under Article 14 and 21 of Constitution of India which guarantees equality before law and protection of life and personal liberty. Article 22 - Protection against Arrest and Detention Article 20 goes considerably farther, protecting persons from various forms of arbitrary prosecution and criminal punishment. Constitutional guarantees are strengthened by judicial dicta highlighting the necessity of an impartial adjudicatory procedure, a true opportunity to be heard, the legitimate evaluation of evidence, and the giving of reasoned findings. Hence, the right to a fair trial is of utmost importance not only for the accused but also for the victims and society since it increases the public's confidence in the legal system.²

Criminal adjudication is made up of closely interrelated components of criminal procedure, conviction and sentencing. Sentencing is the decision on the legal implications of a conviction. There are procedural safeguards for the investigation, prosecution, presentation of evidence and finding of guilt. The whole case is infected with illegality because of an unfair way of getting a conviction. Likewise, an unjust or disproportionate sentence may defeat the goals of criminal justice, even if guilt has been lawfully established. The modern legal framework established by the enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the Bharatiya Nyaya Sanhita, 2023 (BNS) and the Bharatiya Sakshya Adhiniyam, 2023 (BSA) provides the analysis of criminal procedure, substantive criminal liability and the law of evidence in India. These statutes have to be construed against the background of acknowledged standards of criminal jurisprudence and of constitutional rights.³

Judicial discretion is very important in determining guilt and punishment. The courts have to weigh the evidence, the facts of each case and determine whether sanctions are appropriate and legal. Such discretion is crucial since offenses vary in severity, and offenders vary in circumstances, motivations, and possibilities of rehabilitation. However, the use of discretion without enough justification or elementary legal criteria may lead to arbitrary decisions and unjust sanctions. The principle of proportionality requires that the punishment imposed be commensurate to the gravity of the offense, the responsibility of the offender and other relevant

² Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

³ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023; Bharatiya Nyaya Sanhita, No. 45 of 2023; Bharatiya Sakshya Adhiniyam, No. 47 of 2023 (India).

legal circumstances. 2. Therefore, the exercise of judicial discretion should be guided by constitutional ideals, legal norms, relevant aggravating and mitigating circumstances and rational judicial judgment. The aim is to ensure that discretionary power is applied in an open, consistent and lawful way, not to get rid of judicial independence.

The central research topic of this study is whether the current legal and constitutional framework in India for criminal trials and sentencing is appropriate to protect the right to a fair trial, to control judicial discretion and to give suitable punishment. Indian law provides substantial procedural protections and sentencing principles, but there are still problems of delays in criminal proceedings, unequal access to competent legal representation, inconsistent application of sentencing considerations and poorly reasoned decisions in individual cases. These difficulties suggest that fairness should not be viewed merely as a procedural necessity in the trial but as an enduring ideal that extends from the investigation and determination of guilt to the final decision on punishment. The fundamental argument of this study is that to have a strong criminal justice system, an integrated strategy combining proportionality of sentencing, restrained judicial discretion and fair trial guaranties is essential. "The highest form of justice is not merely convicting a person. "The punishment and the conviction must be lawful and constitutional.

The present work is an attempt to explore the constitutional and statutory basis of right to fair trial in India and to analyse the impact of judicial discretion in selection of criminal trials and punishment. It also attempts to analyse the usage of proportionality, aggravating and mitigating variables and the necessity of well-reasoned sentencing choices. It also aims to identify institutional and procedural deficiencies that could lead to inconsistent outcomes and suggest changes that support accountability, transparency and equity. To achieve these objectives the study addresses the following research issues. Are the existing procedural safeguards adequate to protect the rights of the accused in the balancing of the rights of victims and society? How to limit judges' discretion without damaging judicial independence? Are sentencing practices generally proportional and sensitive to significant individual circumstances? How can criminal adjudication be made more uniform through institutional or legal adjustments?

Theoretical and Constitutional bases of the fair criminal trial

The fair trial is the corner stone of criminal justice and rule of law in India. Articles 14, 20, 21 and 22 of the Constitution assure the right to a fair trial. Article 14 states that the State cannot act arbitrarily and must guaranty equality before the law. Article 20 provides protection from double jeopardy, compelled self-incrimination and retroactive criminal punishment. In Maneka

Gandhi v. Union of India (1978) 1 SCC 248, it was held that Article 21 provides for life and individual liberty and demands just, fair and reasonable attitude. Article 22 also includes safeguards against arrest and detention including the right to counsel and right to consult.

At the heart of criminal law is the presumption of innocence.⁴ The accused shall be assumed innocent until the contrary is proved in accordance with law. Subject to statutory constraints, the prosecution must prove the basic elements of an offense beyond a reasonable doubt. This criterion safeguards persons against unjust conviction and forces the judges to analyse the evidence in an objective way and explain their judgments.

The right to effective legal representation is the foundation of procedural justice⁵. Article 21 allows for the right to legal aid if necessary to secure a fair trial. Article 22(1) recognizes the right to consult and be assisted by a lawyer. In Hussainara Khatoon v. Home Secretary, State of Bihar, (1980) 1 SCC 98, the Supreme Court pointed up the requirement of speedy justice and legal help. There must be a true opportunity of grasping the claims, questioning the evidence of the prosecution and offering important comments in proper defence.

Article 21 contains right for quick trial. Long delays can hurt victims, compromise the accused and undermine public confidence in the justice system. In Hussainara Khatoon v. Home Secretary, State of Bihar, Supreme Court laid attention on the requirement of swift trial under constitution. But it is not required that expeditious disposition should be at the cost of adequate hearing, cross examination or impartial analysis of evidence. The Bharatiya Nagarik Suraksha Sanhita, 2023 provides the general procedural framework for criminal prosecutions subject to special legislation.

A fair criminal trial should balance the rights of the accused, the victim and society. The accused has a right to protection against unjust conviction as well as constitutional protection. Victims have valid concerns about due process, protection and legal remedies. Society demands accountability, public safety and effective criminal law enforcement. These interests must be balanced, with fair processes and data that can be trusted. The promise of a fair trial enables true convictions, reasonable judicial discretion and adequate punishment.

The Criminal Trial Procedures of the New Criminal Law

The Code of Criminal Procedure, 1973 has been repealed by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) except certain transitional clauses. BNSS regulates the criminal trial process in India. The law of evidence is to be found in the Bharatiya Sakshya Adhiniyam, 2023

⁴ Kali Ram v. State of Himachal Pradesh, (1973) 2 SCC 808.

⁵ Hussainara Khatoon v. Home Sec'y, State of Bihar, (1980) 1 SCC 98.

(BSA) and the basic substantive criminal law in the Bharatiya Nyaya Sanhita, 2023 (BNS). These principles, taken collectively, provide the legal framework for investigation of crimes, trial of cases, evaluation of evidence and determination of criminal responsibility. They shall be executed in conformity with the constitutional guaranties of equality, individual liberty and due process.

The Charges, the Investigation and a Fair Trial

A proper and unbiased inquiry is the only place from which fair criminal proceedings may begin. Investigators must collect pertinent evidence impartially, examine crucial situations and observe legal rights. The accused should have the benefits of the constitution and laws in force. The court should not take the conclusions of the investigating agency at face value, but at all stages of the formulation of the charge, objectively assess the materials of the prosecution and apply the relevant legal rule. The defendant must be afforded a fair opportunity to comprehend the charges, contest the prosecution's case, and offer a defence at trial. Such measures reduce the chances of an innocent person being convicted and help prevent innocent people from being prosecuted.

Witnesses – Examination and Cross Examination

The interrogation of the witness is the most significant factor in establishing criminal liability. The BSA governs whether evidence is admissible and relevant, whereas the BNSS provides the method for documenting evidence. A party may summon a witness to give testimony in examination-in-chief and the opposing party may cross-examine the witness as to the veracity accuracy and consistency of the witness. In re-examination, matters raised in cross-examination may be clarified. Section 308 of the BNSS provides for taking evidence in the presence of the accused or his lawyer unless otherwise permitted by legislation. Such approaches enhance openness and offer a real opportunity to contest the evidence used by the court.

Burden of Proof and Examination of Evidence

The court shall perform a substantive review of the oral, writing, scientific and electronic evidence, considering its relevance, reliability and consistency with other information contained in the file. Generally, the person asserting a legal claim or duty bears the burden of proof of establishing facts sufficient to prove the claim or responsibility under section 104 of the BSA. In criminal situations, the relevant statutory requirements usually require the

prosecution to prove guilt beyond a reasonable doubt. Courts must assess the reliability of evidence, not just accept evidence. Suspicion is not evidence and courts cannot treat it like it. It is vital to assess the evidence in a reasoned way to prevent unfair convictions and to ensure that the conclusion is backed by legally sufficient evidence.

Prosecution and Defence Roles

The legislation requires the prosecution to provide evidence on behalf of the State to prove the alleged offense. It is there to aid the court to arrive to a right verdict, not to get a conviction.” The defence safeguards the legal rights of the accused. It disputes the evidence offered by the prosecution, cross-examines witnesses and brings in crucial arguments or facts. The court must be objective and form its own assessment of the arguments of the parties. The balance of fairness between the prosecution and the defence makes the criminal judgment credible and trustworthy.

The effect of procedural flaws on a fair trial

Procedural irregularities can affect the fairness of a trial if they prejudice the accused, or if they affect the credibility of evidence, or if they breach legal protections. However, the legal consequences of a technical error depend on the statute concerned, the nature of the defect, and the damage. Not every technical mistake automatically invalidates criminal proceedings. Courts must determine if the procedural error is one which may be cured or one which goes to the heart of a fair trial. The new criminal laws have to be applied keeping in view constitutional considerations. Procedural efficiency can never be put before justice, trustworthy evidence and the protection of basic rights.

Judicial discretion in criminal adjudication

Judges have what’s called judicial discretion. Judicial discretion is the power judges have to exercise their judgment in interpreting and applying the law to the facts of a case. In criminal adjudication the judges exercise discretion to determine the admissibility and the weight of evidence, to analyse the case for the prosecution, to determine guilt and to impose a fitting penalty within the framework of the law. This enables the judge to take into account the nature of the offense, the evidence, the circumstances of the accused and the relevant legal principles before arriving at a decision. Individualized justice requires discretion but it is to be exercised within the bounds of the Constitution and the law.

Properly exercised discretion is informed by judicial independence and sound reasoning. Independent judges ensure objectivity in decisions and protect judges from undue external influence. But independence does not mean irresponsibility or disregard for the law. Judges should give accurate, concise and reasoned decisions, describing which evidence has been considered, which legal principles have been employed and the grounds for their conclusions. In *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158,⁶ the Supreme Court stressed the value of a fair trial and the responsibility of the courts to ensure that justice is administered fairly. Reasons for opinions add to public confidence in the judiciary, boost transparency and assist appellate review.

In determining guilt, judges must have discretion in considering evidence and the things they must consider include the credibility of witnesses, the consistency of evidence, the dependability of documentary and electronic records and the totality of the circumstances surrounding the case. In the absence of statutory exclusions, the court must find that the prosecution has shown the elements of the charged crime beyond a reasonable doubt. Legally sufficient evidence cannot be substituted by suspicion, public pressure or subjective belief. The exercise of discretion must consequently be impartial, objective and in accordance with the presumption of innocent.

The Constitution under Article 14 bans arbitrary or contradictory rulings and guarantees equality before the law. The exercise of judicial discretion is not a question of whim or extraneous circumstances. The factual situation and the circumstances may differ considerably so as to warrant different results but typically similar situations should be resolved by the application of identical legal principles. Before giving a sentence, the courts have to assess the nature of the crime, the guilt of the offender and the aggravating and mitigating circumstances. This method avoids unnecessary variations in punishment and promotes proportionality.

Appellate review and judicial accountability are important safeguards against abuse of power. Appellate courts review the trial court's conclusions of fact and law to determine if they are well reasoned and supported. Appellate courts shall confirm, modify or reverse decisions as required by law. At the end of the day judicial discretion has to strike a balance between obligation and independence. Legal reasoning, consistency, transparency and conformance with constitutional standards are all critical for fair and reliable criminal adjudication.

Proportionality is a core principle of criminal sentencing that punishment should fit the crime and the blameworthiness of the offender. Sentencing is a crucial stage of the criminal

⁶ *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158.

adjudication process, which must conform with legislative requirements and constitutional norms. It's more than just a belief. The Indian law does not prescribe a uniform formula of punishment for all infractions but the courts have to exercise their discretion wisely, logically and consistently. Article 14 of the Constitution forbids arbitrary treatment and Article 21 provides that when the State deprives any person of his liberty, it must do so by fair and constitutional methods.

The connection between gravity of offense and punishment

The suitable punishment will rely on a variety of factors including the severity of the action, the amount of harm caused, the level of involvement of the offender, and the circumstances of the incident. A sentence that is too light may not reflect the gravity of the offense and a sentence that is too severe may defeat the goals of justice. In *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684,⁷ in considering the sentencing policy in respect of death penalty, the Supreme Court took into consideration the circumstances of the criminal as well as the offense. The verdict emphasized the significance of tailor-made punishment in the legal context.

Mitigating and Aggravating Circumstances

Aggravating factors include the form and intensity of the harm caused, the means used to commit the crime and the prior behaviour of the offender. Mitigating factors include things like age, limited participation, personal circumstances, chances of rehabilitation, and other legally relevant elements. Courts should look at such instances dispassionately and limit their impact on punishment. The individualization guarantees that the punishment corresponds to the type of crime and the situation of the offender.

Rehabilitation, Reformation & Deterrence for Public Safety

There are numerous objectives of sentencing including rehabilitation, reformation and public safety as well as deterrence. Reformation and rehabilitation are supposed to aid an offender to re-enter society. Deterrence is meant to deter criminal action. Any limits which are necessary in law can be justified on the grounds of public safety. The relative weight of these reasons will vary depending on the nature of the offense, the legal setting and the facts of the case. A good sentencing system should not make imprisonment the default response to every crime.

⁷ *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684.

Impact on Victims and Social Interests

The pain of the victims should be accounted for when deciding on a punishment, particularly if the crime has substantial financial, psychological or physiological implications. The interests of the victim are: recognition of injury, adequate recompense, and protection against additional victimization. Public safety and accountability are also in the interest of society itself. However, popular pressure or outcry for harsh punishment should not take the place of judicial review or infringe on the legal rights of the accused.

Disparities in Sentencing and the Need for Uniform Guidelines

Disparity in punishments imposed for identical actions may erode public confidence in the judiciary and the principle of equality before law. In *Soman v. State of Kerala*, (2013) 11 SCC 382,⁸ the Supreme Court dealt with significant sentencing criteria and the need for a systematic approach. But it can be enhanced without sacrificing judicial power by the employment of specified sentencing guidelines, well reasoned rulings, consideration of aggravating and mitigating elements, and fast appeal review. In the final analysis proportionality demands that the punishment be legitimate, reasonable and fitting to the particular scenario.

Court Rulings on Fair Trial and Sanctions

The Indian Supreme Court has recognized in a broad-based manner that a fair trial is one of the basic pillars of constitutional justice. In *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, the Court held that the procedure which determines individual liberty should be equitable, fair and reasonable. The Court in *Zahira Habibulla H. Sheikh v. State of Gujarat*, (2004) 4 SCC 158 also stressed the significance of a fair and impartial trial in protecting the rights of the accused, victims and society. "These verdicts suggest that criminal adjudication cannot be reduced to a formality and should follow the constitutional protections.

Judicial discretion is essential for individual justice, but it must be applied within the bounds of established legal norms. The Supreme Court in *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 has laid stress on the necessity to consider the conditions of the offender and the circumstances of the offense in imposing a sentence. The courts must assess the nature of the offense, the harm produced, the culpability of the offender and any aggravating and mitigating elements to achieve proportionality. Sentencing judgments should be reasoned, to avoid arbitrary punishment and to encourage uniformity.

⁸ *Soman v. State of Kerala*, (2013) 11 SCC 382.

The right to be heard before sentencing is an important safeguard,⁹ for the considerations pertinent to the imposition of punishment may be distinct from those in deciding guilt. That does not entail that the prosecution can explain the right sentence under the law without affording the accused a meaningful opportunity to disclose relevant mitigating grounds. The hearing helps courts to make informed decisions and explore reformatory alternatives when the law permits.

In this regard, the Supreme Court in its landmark judgment in *Sunita Devi v. State of Bihar*, 2024 INSC 448 handed on 17.05.2024. The case highlighted serious problems about the procedures of a criminal trial; for example, the accused was denied a fair opportunity to defend himself. The Court has emphasized that the need for speedy proceedings cannot be an excuse for ignoring the parties' rights and that a fair trial needs a great degree of compliance with procedural guarantees. It also emphasized the need to hear the accused before passing a sentence and to explore any rehabilitative methods available under the Probation of Offenders Act, 1958. The Court was concerned about the disparities stemming from judge dependent sentencing practices and absence of a standard sentencing scheme.

Significantly, *Sunita Devi* demonstrates that justice is composed of two interconnected elements: proportional punishment and procedural fairness. An inconsistent sentence may violate equality under Articles 14 and 21 and a conviction without sufficient procedural safeguards may be doubted. The ruling promotes more accurate sentence standards, more reasoned judicial decision-making and a more effective appeals review process. Such approaches could be used to reduce unnecessary discrepancies by guaranteeing judicial independence, and by ensuring that sentencing takes into account the circumstances of the offender as well as the substance of the deed.

Critical analysis: Discrepancy, discretion and fairness in sentence

The criminal justice system in India is supported by constitutional and legislative safeguards for ensuring fair trial and proper punishment. But the law and practice lag behind. Individuals may face procedural errors, lack of legal help, delays in criminal procedures and unequal access to justice, preventing them from fully exercising their rights. Legal protection is not an assurance of fair procedure in the court.

There is a severe access to good legal advice problem. Poor and socially disadvantaged defendants may have difficulty in understanding the court process, challenging evidence from

⁹ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 258(2) (India).

the prosecution and putting forward mitigating circumstances. There are legal aid programs and constitutional mechanisms to remedy these discrepancies. Their effectiveness depends on the access, quality and availability of legal services. Thus, legal aid needs to be strengthened so that justice is not dependent on the financial status of a person.

Another major problem is the inconsistent punishment of comparable offenses. This is where judicial discretion comes in. Courts can consider the circumstances of each case. But without established sentencing criteria, two instances with the same degree of responsibility and similar crimes be quite differently treated. But too much punishment could forget rehabilitation and the particular circumstances of each case. Too much leniency without proper justification can weaken public faith and responsibility. A balanced approach should take into account all variables such as the seriousness of the offense, aggravating and mitigating circumstances, circumstances of the offender and the purposes of punishment.

Ultimately, criminal justice has to balance the rights of the accused against the requirements of victims and the legal accountability society needs. The public's need for vengeance does not excuse the courts making arbitrary choices, nor does protecting defendants from unjust conviction belittle the importance of victims' rights. A good fair system needs good trials, good legal support, suitable sentences and enough punishment. The constitutionality of criminal justice requires that the conviction be valid, but also that the procedure and the sanctions satisfy the constitutional ideals of justice, equality and fairness.

Recommendations for a Just and Fair Criminal Justice System

Reforms that strengthen procedural protections, constrain judicial authority and guaranty consistent punishment are needed to create a fair and just criminal justice system. The Indian Constitution and criminal laws provide a basis for the protection of individual rights but these need to be properly implemented to ensure that justice is done in a fair and transparent manner. Firstly, more precise sentencing legislation and organizational standards should be adopted to help courts to decide the right sentence. These recommendations should indicate crucial factors such as the seriousness of the offense, the degree of culpability, the harm produced and the purposes of punishment. They should enlighten judicial discretion, not deprive it of the flexibility required to take cognizance of individual situations.

Second, there should be a requirement that courts routinely take aggravating and mitigating circumstances into account before imposing sanctions. All the issues which are legally significant should be examined e.g. influence on the victim, offender's participation, gravity of the offense, chance of rehabilitation etc. In sentencing orders, the effect of these elements on

the penalty imposed should be considered so as to prevent unnecessary disparity between like cases.

Third, the accused must be given a legitimate opportunity to be heard before being punished. Where this is allowed by law, sentencing is a separate hearing where the accused can present mitigating circumstances and the court can make an informed decision. Victims should also be given the legal participation and consideration they are entitled to. This approach respects the rights of all people, and it fosters individualized justice.

Fourth, there is a need to strengthen procedural safeguards and legal support services. A defendant must be able to talk to a skilled counsel in a timely manner and the lawyer and the defendant must be able to communicate effectively to have a fair trial. The defendant must have enough time to question evidence. The defendant must be protected against delays that are unnecessary. "Financial issues should not be an obstacle to effective participation in criminal processes and legal aid groups should be adequately funded.

Fifth, appellate review¹⁰ and sentencing decisions must be reasoned. When courts award extremely harsh or relatively light punishments, they are obligated to disclose the legal and factual basis for their sentencing choices. The appellate courts need to ascertain if the necessary circumstances have been taken into account and whether the punishment imposed is within the bounds of the law. Periodic court training and public publication of sentencing regulations may further enhance accountability.

Finally, sentencing reform should remain focused on consistency and transparency. We need to distinguish, but to distinguish on reasoned, moral and relevant grounds, not to treat every identical circumstance with the same punishment. These approaches can help restore public confidence, while preserving judicial independence and constitutional safeguards.

Eventually, Judicial discretion and proportionality in punishment are the interconnected pillars of a fair trial, which are the cornerstones of a valid criminal justice system. This study reveals that justice is not only the conviction of an accused. Whether justice has been done is a question of the fairness of the method, the accuracy of the evidence, the opportunity to defend oneself and the suitability of the ultimate conclusion.

Articles 14, 20, 21 and 22 are the constitutional foundation and provide important safeguards against arbitrary criminal processes. The BNSS, BNS and BSA currently form the legal basis for substantive offenses, evidence and criminal procedure. But for these rights to be effective in practice, they must be competently implemented, timely processed, with legal representation

¹⁰ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 393 (India).

available and judicial decisions fair.

The questions raised in the study indicate the need for a balance between judicial independence and accountability. Judicial discretion is crucial as there is a unique fact and human circumstance in each case. Nevertheless, discretion should be exercised in a way consistent with the relevant aggravating and mitigating circumstances, consistent legal principles and reasoned findings. Proportionality takes into account rehabilitation, the interests of the victim and public safety, so as to ensure that the punishment is commensurate to the gravity of the offense and to the culpability of the offender.

The research thus proposes enhanced legal aid procedures, transparent judicial reasoning, relevant hearings before application of penalty, integrated sentencing guidelines and efficient appellate review. These kinds of initiatives can help reduce unnecessary sentencing inequalities, while preserving the flexibility we need for tailored justice.

Ultimately the whole criminal process has to be fair - from investigation, to trial, conviction, to the ultimate punishment. Constitutional justice seeks complementary goals, including protection of the accused from wrongful conviction, recognition of the legitimate interests of victims and maintenance of public trust. A proper criminal justice system is one that punishes offenders and where all decisions are legitimate, unbiased, rational and proportionate.

