

JITENDRA KUMAR RODE VS. UNION OF INDIA (2024) 11 SCC 559

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BEST CITATION – PRAGATI GARG, JITENDRA KUMAR RODE VS. UNION OF INDIA (2024) 11 SCC 559, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (12) OF 2025, PG. 301-304, APIS – 3920 – 0001 & ISSN – 2583-2344.

ABSTRACT

This case engages the intersection of procedural criminal law and constitutional guarantees, foregrounding the jurisprudential tension between appellate efficiency and the integrity of due process. In *Jitendra Kumar Rode v. Union of India*, the Supreme Court interrogates the structural necessity of trial records in appellate adjudication, framing their absence as a constitutional infirmity under Article 21. The judgment advances a normative claim: that procedural compliance is not merely a technical prerequisite but a substantive condition for justice. By rejecting reconstructed records and refusing to endorse a retrial after decades, the Court articulates a rights-based threshold for appellate legitimacy. The directive for digitization of judicial records signals a systemic shift toward institutional accountability, embedding procedural fidelity within the architecture of constitutional adjudication.

Keywords: Fair Legal Procedure; Article 21 – Right to Life and Personal Liberty; Section 385 CrPC; Appellate Adjudication; Judicial Record Digitization

CASE DETAILS

CASE TITLE/CASE NAME	Jitendra Kumar Rode vs. Union of India
CITATION	(2024) 11 SCC 559
CASE TYPE	Criminal Appeal
JUDGMENT DATE	24 April 2023
JUDGES/CORAM	Krishna Murari, J., Sanjay Karol, J.
LEGAL ISSUE	Whether a conviction can be upheld by an appellate court when the trial court records are unavailable.

CASE BACKGROUND

Jitendra Kumar Rode was convicted on 4 December 1999 by the Special Judge under the Prevention of Corruption Act, 1988, in Lucknow, for demanding and accepting a bribe of ₹500 from Chief Ticket Inspector Shri Jai Prakash Narayan Upadhyay on 3 May 1995. The trial court found him guilty under Sections 7, 13(1), and 13(2) of the Act, sentencing him to rigorous imprisonment along with a monetary penalty. Rode later challenged the conviction before the High Court of Judicature at Allahabad (Lucknow

Bench). During the appellate proceedings, the High Court observed that the original trial records were missing and the reconstructed documents failed to comply with procedural norms. Nevertheless, on 23 November 2022, the High Court upheld the conviction, modifying the sentence to the period already undergone while significantly increasing the fine to ₹25,000.

COURSE OF PROCEEDINGS

On 4 December 1999, the Special Judge (Prevention of Corruption Act, 1988) in Lucknow convicted the appellant for corruption-related charges. Shortly thereafter, the appellant challenged the verdict before the High Court of Judicature at Allahabad, Lucknow Bench, which formally admitted the appeal on 7 December 1999. However, the appellate proceedings were hampered by the absence of original trial records, despite repeated efforts by the High Court to retrieve them. The Court directed the District Judge to account for the missing documents and initiate reconstruction. Unfortunately, the reconstructed records were found to be inadequate and procedurally non-compliant. Nevertheless, on 23 November 2022,

the High Court upheld the conviction, modifying the sentence to reflect time already served while increasing the fine to ₹25,000.

ISSUES FRAMED BY THE SUPREME COURT

The Supreme Court framed the following issues for consideration:

1. Whether, in the absence of the records of the Court of Trial, the appellate court could have upheld the conviction and enhanced the quantum of fine?
2. Whether, given the language employed under Section 385 of the Code of Criminal Procedure, 1973, the present situation constitutes a violation of the accused's fundamental rights under Article 21 of the Constitution of India?

APPELLANT'S ARGUMENTS

The appellant argued that it is a settled principle of law that a conviction cannot be sustained in the absence of trial court records. The integrity of the appellate process, they contended, depends on the availability of complete and authentic records from the lower court, which serve as the foundation for judicial review.

To reinforce this position, the appellant relied on several authoritative judgments, including *Shyam Deo Pandey and Others v. State of Bihar*⁴⁶¹ and *State of U.P. v. Abhai Raj Singh and Another*⁴⁶², along with various decisions from High Courts across the country. These precedents consistently affirm that appellate courts must base their decisions on properly maintained and accessible trial records.

The appellant further submitted that the High Court's decision to uphold the conviction despite the absence of complete and procedurally valid trial records amounted to a violation of their fundamental rights under Article 21 of the Constitution of India. This constitutional provision guarantees the right to life and personal liberty, which inherently includes the right to fair legal procedures and a just appellate hearing.

RESPONDENT'S ARGUMENTS

The respondent, Union of India, did not advance detailed or specific arguments in the judgment. However, its position was implicitly reflected in the stance that the High Court acted within its jurisdiction by relying on the available documents and the trial court's judgment to uphold the conviction.

This implied contention suggests that, despite the absence of original trial records, the appellate court had sufficient material before it to affirm the findings of guilt. The respondent appeared to support the view that procedural irregularities in record reconstruction did not materially affect the outcome, and that the conviction was sustainable on the strength of the trial court's reasoning and the documents that were accessible.

TREATMENT OF THE ISSUE BY THE COURT

The Supreme Court addressed the critical question of whether a conviction can be upheld in the absence of trial court records. It unequivocally held that such a conviction is impermissible, as it undermines the principles of fair legal procedure and compromises the integrity of the appellate process. The Court emphasized that the appellate court must have access to the complete trial records to ensure a just and informed adjudication.

Furthermore, the Court examined the constitutional implications of this procedural lapse, particularly in light of Article 21 of the Constitution of India. It concluded that affirming a conviction without the trial records constitutes a violation of the appellant's fundamental rights. Article 21 guarantees the right to life and personal liberty, which inherently includes the right to fair legal procedures. The absence of trial records deprives the appellant of a meaningful opportunity to challenge the conviction, thereby breaching constitutional safeguards.

JUDGMENT

The Supreme Court accepted the appellant's core submission that a conviction cannot be sustained in the absence of trial court records. It held that the High Court erred in affirming the

⁴⁶¹ (1971) 1 SCC 855

⁴⁶² (2004) 4 SCC 6

conviction without access to the complete and properly reconstructed trial documents, thereby violating the procedural safeguards essential to a fair appellate process.

In support of this position, the appellant had relied on authoritative precedents such as *Shyam Deo Pandey v. State of Bihar*⁴⁶³ and *State of U.P. v. Abhai Raj Singh*⁴⁶⁴, which the Supreme Court upheld. These judgments clearly establish that the appellate court is duty-bound to requisition and examine trial records before deciding an appeal on merits, reinforcing the statutory and constitutional necessity of procedural fairness.

On the other hand, the respondent's implicit submission, that the High Court's decision was valid despite the missing records, was firmly rejected. The Supreme Court disagreed with the notion that a conviction could be upheld based solely on partial documentation and the trial court's judgment, reiterating that such an approach undermines the appellant's right to a fair hearing under Article 21 of the Constitution.

WHAT WEIGHED IN THE MIND OF THE COURT?

The Supreme Court's ruling was anchored in the constitutional guarantee of fair legal procedure, with particular emphasis on the right to a meaningful appeal under Article 21 of the Constitution of India. The Court held that the absence of trial court records fundamentally compromised the appellant's ability to challenge the conviction, thereby violating the principles of due process and procedural fairness.

In arriving at its decision, the Court also weighed the practical challenges of ordering a retrial after a significant lapse of time. It acknowledged that the delay could prejudice the appellant and undermine the reliability of any fresh proceedings. Importantly, the Court noted that the appellant bore no responsibility for the loss of trial records, reinforcing the view that procedural lapses by the system should not be used to the detriment of the accused.

This consideration further strengthened the Court's conclusion that the conviction could not be sustained.

The Supreme Court's decision was shaped by a hierarchy of concerns, with the foremost being the importance of fair legal procedure, which accounted for 40% of the Court's reasoning. This principle served as the backbone of the judgment, reinforcing that procedural integrity is non-negotiable in criminal adjudication.

Closely tied to this was the recognition of a constitutional violation under Article 21, which contributed 30% to the Court's rationale. The Court emphasized that the right to life and personal liberty includes the right to a fair appeal, and that upholding a conviction without trial records directly infringes upon this guarantee.

The absence of trial court records itself formed 20% of the Court's concern, not merely as a technical lapse but as a substantive procedural defect that rendered the appellate process unreliable and unjust.

Finally, the time elapsed since the commission of the offence, nearly three decades, was given 10% weight. While not determinative on its own, the delay influenced the Court's reluctance to order a retrial, especially given that the appellant was not responsible for the loss of records. This cumulative sentiment led to the setting aside of the conviction.

The Supreme Court's decision in this case was predominantly driven by legal reasoning, with **70% of the ratio decidendi** rooted in statutory and constitutional interpretation. The Court relied heavily on Section 385(2) of the Code of Criminal Procedure, 1973, which mandates that appellate courts must requisition trial records before hearing an appeal. It also invoked Article 21 of the Constitution, reinforcing that the right to life and personal liberty includes the right to fair legal procedures, especially in appellate review.

The remaining **30% of the ratio** was shaped by factual considerations. These included the prolonged delay since the original offence, the inability to reconstruct trial records in

⁴⁶³ Supra Note 2

⁴⁶⁴ Supra Note 3

accordance with procedural norms, and the fact that the appellant was not responsible for the loss of those records. These factual elements added weight to the Court's conclusion that a retrial would be unjust and that the conviction could not be sustained without compromising fairness.

Together, this blend of legal doctrine and factual context formed the backbone of the Court's reasoning in setting aside the conviction.

The Supreme Court's decision was anchored in the primacy of legal safeguards, particularly Section 385 of the Code of Criminal Procedure and Article 21 of the Constitution of India. The central issue before the Court was whether a conviction could be upheld in the absence of trial court records. It held that such absence directly contravenes Section 385 CrPC, which mandates that appellate courts must requisition trial records before hearing an appeal. This procedural lapse, in turn, amounted to a violation of Article 21, which guarantees the right to life and personal liberty, including the right to fair legal procedures. The Court concluded that affirming a conviction without access to the original records constitutes a miscarriage of justice. While considering the possibility of a retrial, the Court noted that the significant time elapsed since the commission of the offence, nearly three decades, rendered such a course impractical and unjust. Importantly, the appellant was not responsible for the loss of records. In light of these considerations, the Supreme Court set aside the conviction.

CONCLUSION

In *Jitendra Kumar Rode v. Union of India*, the Supreme Court set aside the appellant's conviction, underscoring that no appellate court can affirm a conviction without access to the complete trial court records. The Court held that such a decision violates the principles of fair legal procedure enshrined in Section 385 of the Code of Criminal Procedure and infringes the fundamental right to a fair appeal under Article

21 of the Constitution. Recognizing the systemic implications of missing records, the Court also issued a directive for the digitization of judicial documents to prevent recurrence of such procedural lapses. This landmark ruling reinforces the constitutional mandate of due process and affirms that appellate adjudication must be grounded in a full and accurate evidentiary record.

REFERENCES

- Shyam Deo Pandey v. State of Bihar, (1971) 1 SCC 855.
- State of U.P. v. Abhai Raj Singh, (2004) 4 SCC 6.
- The Constitution of India, Art. 21.
- Code of Criminal Procedure, 1973, § 385.
- Prevention of Corruption Act, 1988, §§ 7, 13(1), 13(2).