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## RIGHTS OF ACCUSED DURING CRIMINAL TRIALS AND FAIR TRIAL GUARANTEES

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### ABSTRACT

A key component of the criminal justice system, the rights of the accused are crucial to maintaining justice, legitimacy, and the rule of law. Protecting these rights becomes much more important in sexual assault prosecutions, when public opinion, media attention, and social pressure are frequently strong. The legal system has rightfully changed to improve victim protection, but it also needs to make sure that the accused is not denied their rights to a fair trial, procedural protections, and constitutional guarantees. In the context of sexual assault proceedings, this chapter looks at the extent, development, and difficulties related to the rights of the accused.

### 1.1 Concept and Importance of Accused Rights

A fundamental component of criminal law is the idea of the accused's rights, which is based on the idea that no one should be deprived of their life or freedom without following the proper legal procedures. These rights guarantee that the criminal justice system functions within the parameters of justice, lawfulness, and constitutional morality by protecting against arbitrary state authority and erroneous convictions. Essentially, accused rights are substantive protections that support the rule of law and the legitimacy of the legal system rather than just formalities.<sup>157</sup>

The idea that a person is considered innocent until proven guilty is a key part of the rights of someone accused of a crime. This means the person doesn't have to prove they are not guilty, and instead, it's up to the other side to show that they are guilty beyond a reasonable doubt. This shows a moral and legal effort to make sure that innocent people are not unfairly convicted, because wrongfully convicting someone can make people lose trust in the justice system.

In cases of sexual assault, especially when the charges are serious, emotional, and get a lot of attention from the public and media, the importance of protecting the rights of the accused becomes very clear. During these cases, the accused might face mental stress, harm to their reputation, and social embarrassment even before the trial is over.<sup>158</sup> This phenomenon, often referred to as "pre-trial punishment," highlights the importance of strictly following procedural safeguards to ensure that societal pressures or public sentiment do not affect the administration of justice. Articles 20, 21, and 22 of the Indian Constitution serve as a strong basis for the rights of the accused. Article 20 safeguards against ex post facto laws, double jeopardy, and self-incrimination, thereby protecting individuals from arbitrary or retroactive criminal liability. The Supreme Court has interpreted the right to life and personal liberty under Article 21 in a broad manner, encompassing the right to a fair, just, and reasonable trial.

Article 22 reinforces these protections by preventing arbitrary arrest and imprisonment,

<sup>157</sup> HLA Hart, *The Concept of Law* (3rd edn, OUP 2012).

<sup>158</sup> Andrew Ashworth, *Principles of Criminal Law* (7th edn, OUP 2013).

including the right to be informed of the reasons for arrest and to consult legal counsel.

Judicial interpretations have significantly expanded the rights of the accused. In the case of *Maneka Gandhi v. Union of India*, the Supreme Court integrated the concept of procedural due process into Indian constitutional law, stating that any process that restricts freedom must be "right, just, and fair." Similarly, in *Hussainara Khatoon v. State of Bihar*, the Court recognized the right to a prompt trial as a vital component of Article 21, emphasizing that prolonged detention without charge or trial violates individual liberty.

From a global perspective, international agreements such as the International Covenant on Civil and Political Rights (ICCPR) also support the rights of the accused.<sup>159</sup> The right to a fair trial, encompassing the presumption of innocence, the right to legal counsel, and the opportunity to cross-examine witnesses, is protected under Article 14 of the ICCPR. These rights are universally recognized as fundamental human rights and have significantly influenced domestic legal systems. In cases of sexual assault prosecution, the importance of the accused's rights must be viewed in the context of the potential for imbalance. Although legal reforms have appropriately enhanced victim protections, there is a risk that overemphasis on victim-centered measures could unintentionally weaken the safeguards for the accused. For example, strict bail conditions, reverse burden of proof provisions, and limitations on cross-examination, if not properly managed, may undermine the fairness of the trial.<sup>160</sup>

It is important to clearly understand that protecting the rights of the accused does not weaken the goal of justice for victims. In fact, it helps make the criminal justice system more trustworthy and fair. A system that treats

everyone fairly is more likely to give correct results, which builds trust in the legal system. Accused rights also act as a check to prevent the misuse of legal rules.

While false accusations in sexual assault cases are not common, the possibility of them happening means that legal procedures must be followed strictly. Courts always emphasize that convictions must be based on strong evidence and proved beyond a reasonable doubt, not just on suspicion or public opinion. The criminal justice system depends a lot on the rights of the accused. These rights make sure that the process of deciding guilt is fair, unbiased, and follows human rights and constitutional rules. In sexual assault cases, where different interests are strongly opposed, protecting the rights of the accused is important for protecting freedom and keeping the legal system balanced and fair.

## 1.2 Constitutional and Human Rights Framework

In India, the rights of the accused are mainly based on Articles 20, 21, and 22 of the Constitution. Article 20 ensures that people are not punished by laws that were not in effect when they committed the act, and it stops them from being forced to testify against themselves. It also protects against laws that apply retroactively and double punishment for the same crime. These protections help ensure fairness in criminal cases and stop the government from misusing its power. The Supreme Court has interpreted Article 21 widely to include the right to a fair, just, and reasonable trial, along with the rights to life and personal freedom.

This article now covers important rights like the right to legal help, a timely trial, and protection from mistreatment while in custody. The idea of substantive due process came into Indian law after the Supreme Court ruled in *Maneka Gandhi v. Union of India*, stating that any process that takes away someone's freedom must be fair, just, and reasonable. Article 22 adds more protection by allowing the accused

<sup>159</sup> ICCPR (International Covenant on Civil and Political Rights, 1966) <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

<sup>160</sup> Law Commission of India, Report No 172 on Review of Rape Laws (2000).

to know the reasons for their arrest, to consult and be represented by a lawyer, and to appear before a magistrate within a set time. These protections help stop wrongful imprisonment and make the criminal process more transparent.

In practice, the courts have also expanded these rights. The Supreme Court set clear rules in *DK Basu v. State of West Bengal* to make sure that police are accountable and that there is no abuse during custody. It has also recognized that the right to free legal help and a prompt trial is part of Article 21, especially for those who are still on trial. The International Covenant on Civil and Political Rights (ICCPR) adds global support to these rights by guaranteeing fair and public trials, the presumption of innocence, and the time and resources needed to prepare a defence. These ideas have greatly influenced Indian law and are widely accepted in criminal justice worldwide. In sexual assault cases, these constitutional and human rights protections are especially important.

Because these cases attract a lot of public attention and strong emotions, there is a risk that social pressure could affect the fairness of the process. Thus, the constitutional framework ensures that the accused is treated according to the law, keeping the balance between effective prosecution and protecting individual rights.

### 1.3 Presumption of Innocence and Burden of Proof

A basic rule in criminal law is the presumption of innocence. It means that unless someone is proven guilty beyond a reasonable doubt, they are considered innocent. This rule ensures that the prosecution has the full responsibility to prove guilt, and the accused does not need to prove their own innocence. A key part of this rule is the standard of proof beyond a reasonable doubt.

This standard reflects the serious and sometimes irreversible consequences of a criminal conviction, especially in cases like

sexual assault. As a result, the prosecution has a heavy duty to prove guilt using solid, reliable, and legally acceptable evidence.<sup>161</sup> Courts have always said that suspicion alone can't be used as proof, no matter how strong it seems. This principle has been followed in many court decisions in India. For example, in the case of *Kali Ram v. State of Himachal Pradesh*, the Supreme Court said that if there are two ways to interpret the evidence, the accused should be given the benefit of the doubt. This shows that the criminal justice system should make mistakes in favor of the innocent. However, some laws provide limited assumptions about consent in cases of sexual assault.

Once certain basic facts are proven, courts can assume that consent wasn't given in certain situations, like sexual assault during detention. These rules are part of the legal framework, currently under the *Bhartiya Sakshya Adhiniyan, 2023*. These rules are meant to solve the difficulties of proving lack of consent in private situations. Even though these assumptions help protect victims, they can also make it harder to ensure that the presumption of innocence is not ignored. That's why it's important that these rules are applied carefully and only after the prosecution has proven the basic facts of the case. To keep things fair, courts have emphasized that the prosecution still needs to prove guilt beyond a reasonable doubt, even when there are legal assumptions. The accused can challenge these assumptions through cross-examination and by presenting their own evidence.

Making sure that the burden of proof and the presumption of innocence are respected is vital for a fair trial and to avoid wrongful convictions. Striking the right balance is important to protect both the victims and the rights of the accused, especially when there are cultural pressures and difficulties in gathering evidence.

<sup>161</sup> V D Jhingan v State of Uttar Pradesh AIR 1966 SC 1762.

#### 1.4 Right to Fair Trial and Due Process

A fair trial is a key part of the criminal justice system and is essential for protecting the rights of the accused. It ensures that the process of finding someone guilty is done in a fair, open, and just way. Article 21 of the Indian Constitution guarantees that no one can be deprived of life or personal freedom unless they are given a fair, just, and reasonable process.

A fair trial includes several important protections. These include the right to present evidence, the right to have legal representation, the right to be heard, and the right to question prosecution witnesses.<sup>162</sup> This privilege is rooted in the concept of "audi alteram partem," or "hear the other side," which ensures the accused has a comprehensive and efficient opportunity to challenge the accusations. Fairness in a trial encompasses the entire process, not just the accused, as the judiciary has consistently emphasized. In the case of *Zahira Habibullah Sheikh v. State of Gujarat*, the Supreme Court held that a fair trial requires an impartial judge, a fair prosecutor, and an environment free from prejudice or bias. This underscores the need to uphold justice throughout all stages of the process.

Another crucial element of a fair trial is access to legal aid. The Supreme Court recognized in *Hussainara Khatoon v. State of Bihar* that providing free legal representation to indigent accused individuals is an essential part of Article 21. Without adequate legal counsel, the accused may be unable to effectively defend themselves, compromising the fairness of the trial.

A prompt trial is another key component of due process. Delays in the investigation or trial can prejudice the accused, causing prolonged uncertainty and, at times, extended pre-trial detention. The right to a prompt trial is considered a fundamental right under Article 21, as established by the Supreme Court.

Ensuring a fair trial presents unique challenges in sexual assault cases. While safeguarding victims from harassment and secondary victimization is vital, the accused must also have a meaningful opportunity to challenge the prosecution's case. Although protections for victims are essential, restrictions on cross-examination and evidentiary rules must not be applied in a manner that undermines the defense.

The impact of public opinion and media trials, which can prejudice the accused even before the trial begins, is another growing concern. Such external pressures can compromise the fairness of the proceedings and violate the presumption of innocence, as courts have repeatedly cautioned.<sup>163</sup>

The administration of justice relies on the right to a fair trial and due process. Maintaining justice in sexual assault cases requires a careful balance between protecting the victim and ensuring procedural rights for the accused, as these cases involve conflicting rights and strong emotional responses. Achieving this balance is essential for the legitimacy and credibility of the criminal justice system.

#### 1.5 The Right to Legal Defence and Representation

A fundamental protection that enables the accused to defend themselves within the criminal justice system is the right to legal representation. This right is derived directly from Articles 21 and 22 of the Constitution, which safeguard individual liberty and the right to consult and be represented by a lawyer of one's choice. It is a key component of a fair trial. In criminal proceedings, where the accused is subjected to the full force of the state's prosecutorial machinery, legal counsel is particularly crucial.

Without the right to legal representation, the accused may struggle to understand court procedures, challenge evidence, or build a

<sup>162</sup> *State of Punjab v Gurmit Singh* (1996) 2 SCC 384  
<https://indiankanoon.org/doc/1033713/>

<sup>163</sup> *Sahara India Real Estate Corp Ltd v SEBI* (2012) 10 SCC 603.  
<https://indiankanoon.org/doc/110813550/>

strong defense. The Supreme Court has acknowledged that a trial can be deemed unfair and unlawful if the accused lacks legal representation. Providing free legal aid to those who cannot afford it is a vital aspect of this right.

The Supreme Court ruled in *Hussainara Khatoon v. State of Bihar* that, under Article 21, free legal assistance is an essential element of a fair process. In *Khatri (II) v. State of Bihar*, the Court reiterated this principle, emphasizing that the State is constitutionally obligated to offer legal aid to economically disadvantaged accused individuals from the outset of the judicial process.

The Legal Assistance Authorities Act, 1987, provides statutory procedures for offering free and competent legal assistance to less fortunate members of society, ensuring that economic disadvantage does not bar someone from accessing justice.

In sexual assault cases, effective legal counsel is even more critical due to the complex procedural and evidentiary challenges. The defense attorney plays a vital role in defending the accused's rights by cross-examining witnesses, contesting contradictions, and ensuring the prosecution meets its burden of proof. Courts have stressed that defense strategies should not involve harassing or intimidating the victim, to preserve a balance between robust defense and victim dignity.

### 1.6 Bail, Arrest, and Pre-Trial Detention

The issues of bail, arrest, and pre-trial detention are critical to the rights of the accused, as they directly impact an individual's freedom before guilt is established.

The principle of "bail, not jail," which emphasizes that pre-conviction incarceration should be the exception rather than the rule, is recognized as a guiding concept in criminal law. This principle is grounded in Article 21 of the Constitution, which protects the right to life and individual liberty.

The provisions regarding arrest and bail under the *Bharatiya Nagarik Suraksha Sanhita, 2023* (BNSS) aim to balance individual liberty with the need for an efficient inquiry. Arrest should not be made routinely or mechanically, but rather on grounds such as the necessity for investigation, prevention of further offenses, or ensuring the accused's presence during the trial. This reflects judicial concerns regarding the misuse of arrest powers.

In *Arnesh Kumar v. State of Bihar*, the Supreme Court established important guidelines to prevent unnecessary arrests, particularly for crimes where an arrest is not required. These rules stress the importance of adhering to procedural safeguards and mandate that police personnel document the reasons for an arrest. The objective of these measures is to prevent arbitrary deprivation of liberty. Another vital protection is the issuance of bail.

Courts consider factors such as the seriousness of the crime, the likelihood of the accused evading justice, the risk of tampering with evidence, and the broader interests of justice when deciding on bail.<sup>164</sup> In sexual assault cases, bail decisions are often more stringent due to the seriousness of the offence; however, courts have emphasized that severity alone cannot justify denial of bail without considering other relevant factors. Prolonged pre-trial detention, where the accused is held in jail for extended periods before the trial concludes, is a significant issue within the criminal justice system. Such detention may violate the presumption of innocence, effectively resulting in punishment without conviction. The Supreme Court has consistently reiterated that delays in the legal system should not lead to the prolonged detention of undertrials.

In sexual assault proceedings, the accused's right to freedom must be balanced against the need to protect victims from intimidation. When bail is granted, restrictions may be imposed to ensure the accused does not interfere with

<sup>164</sup> *Gudikanti Narasimhulu v Public Prosecutor* (1978) 1 SCC 240  
<https://indiankanoon.org/doc/1737034/>

witnesses or obstruct the investigation. However, excessive restrictions or automatic denial of bail may undermine due process and fairness.

### 1.7 Evidentiary Safeguards and Right to Cross-Examination

A fair trial must include the right to cross-examination, which is a crucial protection for the accused. It allows the defence to assess the truthfulness, reliability, and honesty of prosecution witnesses, ensuring that the evidence presented in court is thoroughly examined. This right is essential to the adversarial system of criminal proceedings and is deeply rooted in the principles of natural justice. Cross-examination serves multiple purposes.

It enables the accused to challenge inconsistencies in witness testimony, reveal exaggerations or falsehoods, and present an alternative version of events. In criminal trials, particularly those involving serious allegations such as sexual assault, this right is vital in preventing wrongful convictions based on untested or unreliable evidence.

However, in the context of sexual assault trials, specific restrictions on the use of this privilege protect the victim's privacy and dignity. Inquiries into the victim's prior sexual history are deemed irrelevant to the issue of consent under the Bharatiya Sakshya Adhiniyam, 2023 (BSA) (equivalent to older provisions of the Indian Evidence Act). This demonstrates a deliberate shift from patriarchal assumptions and preserves the victim's character during the trial. Additionally, courts have stressed that cross-examination should not result in secondary victimisation.

In *State of Punjab v. Gurmit Singh*, the Supreme Court emphasized the need to handle sexual crime cases with sensitivity and advised against interrogating victims in an aggressive or dehumanizing manner. At the same time, the Court has maintained that reasonable and relevant cross-examination cannot be entirely

restricted, as it is essential for ensuring a fair defence.

Another critical protection is that, if the victim's evidence is reliable and convincing, it can serve as the basis for conviction. Although this approach enhances victim protection, it also grants judges more authority to carefully evaluate the evidence and ensure that the accused's ability to contest such testimony is not unfairly limited. In evidentiary matters, the delicate balance between protecting the victim and upholding the accused's rights is especially important.

Over-restriction on cross-examination may compromise the defence, while unrestricted questioning may violate the dignity of the victim. Courts must therefore adopt a balanced and context-sensitive approach, allowing an effective defence while preventing abuse of the legal process.

### 1.8 Media Trials and Presumption of Guilt

The criminal justice system has been significantly impacted by the growth of mass media and internet platforms, particularly in high-profile crimes like sexual assault. While the media is crucial for increasing awareness and ensuring accountability, it may also lead to the phenomenon known as "trial by media," in which the accused is portrayed as guilty before a court ruling. This undermines the presumption of innocence, which is the cornerstone of criminal law.<sup>165</sup>

Sensationalised reporting, speculative stories, and public discourse are commonly used in media trials, potentially harming the accused's case. A public perception of guilt may arise from such publicity, exerting undue pressure on courts and investigative bodies. In extreme cases, it can influence witnesses, undermine the trial's fairness, and compromise the impartiality of the judicial process.

The Supreme Court has issued several warnings regarding the risks of media involvement in

<sup>165</sup> *Manu Sharma v State (NCT of Delhi)* (2010) 6 SCC 1.

criminal proceedings. In *Sahara India Real Estate Corp Ltd v SEBI*, the Court highlighted the need to balance the right to a fair trial with freedom of speech, recognizing that excessive media coverage may interfere with the administration of justice. Courts have also emphasized that the accused's reputation and dignity are protected under Article 21 of the Constitution, and premature media conclusions can infringe upon these rights. In sexual assault cases, media coverage has a dual nature.

On one hand, it helps in breaking the culture of silence and encourages victims to speak out. On the other hand, it may lead to public vilification of the accused without a full understanding of the facts or evidence. The rapid spread of information through social media exacerbates this issue, making it difficult to control misinformation and biased narratives.

A further concern is the potential revelation of sensitive information that could affect witness testimony or inadvertently expose the victim's identity. Irresponsible reporting can harm victim protection and the fairness of the judicial process, even in cases where such disclosure is legally prohibited.

To prevent interference with ongoing proceedings, courts have stressed the importance of ethical media practices and, in some instances, have issued delay orders or imposed restrictions on publication.<sup>166</sup> These measures aim to ensure that media freedom does not cost at the cost of justice.

### 1.9 False Allegations and Misuse Concerns

Although sexual assault is a serious and widespread issue that needs strong legal action, there are also worries about false accusations or the misuse of legal rules.

Even though studies show that false reports are not very common, they can still cause big problems for the person being accused. This can lead to social judgment, damage to their reputation, and long legal battles. Because of

this, the legal system must carefully check all accusations and make sure there is solid evidence.

Courts often say that convictions should be based on clear proof, not just accusations or guesses. In the case of *Kali Ram v. State of Himachal Pradesh*, the Supreme Court said that if there are two possible views, the accused should be given more consideration. This is especially important when most of the proof comes from people's statements.

However, courts also warn against making general statements about false accusations that could hurt real complaints.

In *State of Punjab v. Gurmit Singh*, the Supreme Court mentioned the social shame linked to sexual crimes and noted that it's rare for a woman to falsely accuse someone without good reasons. This shows the need to handle both real cases and the rights of the accused fairly.

Another problem comes when accusations are made for personal reasons like fights, revenge, or pressure. In such cases, it's very important to investigate thoroughly to check if the claim is true and gather supporting evidence if possible.

The law has also put in place protections against wrongful prosecution.

The accused has the right to question witnesses, present their own evidence, and ask for a not guilty verdict if the prosecution doesn't prove their case. There are also ways to get compensation for false accusations and legal steps to fight defamation.

In sexual assault cases, the challenge is making sure that protective laws aren't used wrongly, which could make the trial unfair.

Focusing too much on protecting the victim or being worried about false claims can both affect the justice process. Courts must look at each case individually, using the evidence, legal rules, and careful judgment.

<sup>166</sup> *R.K. Anand v Delhi High Court* (2009) 8 SCC 106.

In summary, even though false accusations can happen, they shouldn't take away from the real problem of sexual violence.

The legal system must find a balance between helping real victims and making sure the accused isn't unfairly punished or treated badly by the law.

### **Case 1: Hussainara Khatoon v. State of Bihar (1979)**

#### **Facts**

The case Hussainara Khatoon v. State of Bihar is a landmark judgment about the rights of people who are waiting for trial and the right to a quick trial as part of the fair trial rights under Article 21 of the Constitution. The case started after a newspaper report revealed the terrible conditions in Bihar jails. The report showed that many people were being held for longer than the maximum time they could be sentenced for their crime. A petition was filed on behalf of several people waiting for trial, including Hussainara Khatoon.

Many of them had been in jail for years without a trial because of delays in the process. Many of them were poor and couldn't afford an attorney or bail. Their long detention was seen as unfair and a violation of their basic rights. This case brought attention to problems in the criminal justice system, like delays, lack of legal help, and inefficient procedures.

It also raised fundamental questions about how to protect the rights of the accused without affecting the fair operation of the criminal justice system.

#### **Issues**

1. Whether the right to a quick trial is a basic right under Article 21 of the Constitution.
2. Whether keeping people who are not yet convicted in jail for a long time violates their freedom.
3. Whether providing free legal help is necessary to make sure that trials are fair.

4. How the process of handling criminal cases should balance the rights of the accused with the need for justice.

#### **Judgment**

The Supreme Court said that the right to a quick trial is an important part of the right to life and personal freedom under Article 21. The Court noted that holding people who have not been convicted in jail for too long without a trial is not fair, is unjust, and breaks the law.

The Court also said that the government has a duty to offer free legal help to poor people who are accused of crimes so that they can get a fair trial. It explained that fair procedures are an important part of Article 21. The Court stressed that the ability to get justice should not depend on how much money someone has. The Supreme Court ordered the release of several people who had been in jail for too long and told the government to take steps to speed up investigations and trials. It also ordered the creation of a system to provide free legal help to poor accused people. This decision became the basis for a legal idea that a fair trial includes a quick trial and legal representation. This idea later influenced changes in criminal law, which are now included in fair trial protections under the Bharatiya Nagarik Suraksha Sanhita, 2023.

The Court further emphasized that the State is under a constitutional obligation to provide free legal aid to indigent accused persons to ensure fair trial guarantees. It clarified that fair procedure, as envisaged under Article 21, includes access to legal representation, and the ability to secure justice must not depend on an individual's economic capacity. This principle was further reinforced in *Khatri (II) v. State of Bihar and Suk Das v. Union Territory of Arunachal Pradesh*, where the Court reiterated that failure to provide legal aid vitiates the trial itself.

#### **Significance**

This case is important because it strengthened the rights of people who are accused of crimes

within the human rights framework of criminal law.

It showed that to have a fair criminal justice system, it is not just about punishing criminals but also protecting the rights of those accused. The decision is often used to show that achieving justice means protecting both victims and the accused through fair processes.

### **Case 2: Manu Sharma v. State (NCT of Delhi) (2010)**

#### **Facts**

The case of Manu Sharma v. State (NCT of Delhi) began after the murder of Jessica Lal, a model who worked as a bartender at a private party in Delhi in 1999. During the event, Manu Sharma, the son of a person with political power, asked for a drink after the bar had closed. When Jessica Lal refused to serve him, he reportedly shot her dead on the spot.

During the trial, some witnesses became unreliable, and the Trial Court acquitted Manu Sharma because there was not enough solid evidence. This decision caused a big public backlash and a lot of media attention, raising concerns about the pressure on witnesses and the influence of powerful accused people in criminal cases. The Delhi High Court later reviewed the evidence and convicted Manu Sharma for murder. The accused then appealed to the Supreme Court, arguing that the media coverage had affected his right to a fair trial and that the conviction was not supported by enough evidence.

This case raised important questions about the right to a fair trial for the accused, the role of media in criminal trials, and the need to ensure justice for victims.

#### **Issues**

1. Whether too much media coverage can take away the right of the accused to a fair trial.
2. Whether a conviction based on indirect evidence and witness testimony is acceptable.

3. Whether hostile witnesses affect the credibility of the prosecution.
4. How courts should balance the rights of the accused to a fair trial with the need to provide justice for victims.

#### **Judgment**

The Supreme Court approved Manu Sharma's conviction and said the High Court had correctly understood the evidence. The Court noted that small inconsistencies or bad witnesses do not automatically ruin the prosecution's case if other reliable evidence exists. Regarding media coverage, the Court said that while free press is important in a democracy, it should not unfairly influence criminal trials. It reminded that the accused has a constitutional right to a fair trial under Article 21 and that courts must make sure that convictions are based only on legally accepted evidence and not on public opinion.

At the same time, the Court recognized that criminal justice must also protect the rights of victims and society. It said that justice must be fair for the accused, the victim, and the community. The Court said that a criminal trial is about finding the truth and must balance the interests of the accused, the victim, and society. Therefore, the Court concluded that the conviction was justified based on reliable evidence and did not take away the accused's right to a fair trial. The appeal was rejected, and the conviction and sentence were confirmed.

#### **Significance**

This case is significant because it explains that a fair trial means being fair to both the accused and the victim, not just the accused alone. It also clarified that freedom of the press must not interfere with criminal justice and reinforced the principle that justice must balance due process rights with holding people accountable for their actions.

### **Case 3: D.K. Basu v. State of West Bengal (1997)**

#### **Facts**

The case of D.K. Basu v. State of West Bengal started with a letter written by D.K. Basu, who

was the head of legal aid services in West Bengal. He wrote to the Supreme Court about the growing number of deaths while people were in police custody and the widespread use of police torture across the country. The letter mentioned newspaper reports about deaths in custody and how police often misused their power. The Supreme Court treated this letter as a public interest litigation and took the matter seriously because it involved serious human rights violations. The petition argued that torture and violence in custody not only break the legal rules but also harm the rule of law and the trust people have in the criminal justice system.

It said that many people who were arrested, even those not yet convicted, were tortured, detained illegally, and treated badly without proper checks or accountability. The case raised important questions about protecting people who are accused of crimes from being unfairly arrested or tortured and the responsibility of the government to ensure fair procedures.

The court also looked into whether the existing rules in the criminal procedure code (now replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023) were being properly followed and whether more guidelines were needed to protect the constitutional rights of people who are arrested or detained.

## Issue

### Key issues before the court were:

1. Whether torture and deaths in custody violate the fundamental right to life and personal liberty under Article 21 of the Constitution.
2. Whether guidelines are needed to control how arrests and detentions are handled.
3. Whether the government is responsible for protecting the basic rights of people who are arrested.
4. How to ensure that investigations are effective while protecting the rights of the accused.

## Judgement

The Supreme Court ruled that torture and deaths in custody are serious violations of human dignity and directly break the fundamental right to life and personal liberty under Article 21.

The court said the government has a duty to protect the rights of accused persons even during investigations. Because there were not enough rules to protect people's rights, the Supreme Court made detailed rules that must be followed during arrests and detentions. These included making a record of the arrest, informing a family member or friend, examining the person's health, keeping proper records, and making sure the accused has access to a lawyer. The court warned that not following these rules could lead to disciplinary action or being punished for contempt of court.

The court also recognized that compensation could be given to people who suffered because of violations of their basic rights due to police violence, which makes the government more accountable. However, the court also said these guidelines do not stop the government from doing its job of investigating crimes, as long as investigations are done within the law.

The judgment set a standard that criminal justice must balance the need to solve crimes with protecting the rights and dignity of the accused. This case is important because it changed the way arrests are handled in India by setting rules to protect the rights of people who are accused.

It made it clear that fairness in the justice system requires protecting people from abuse of power, while making sure investigations are effective. This judgment is often used to show that human rights apply to all people, including those who are accused, and are essential for a fair and respected criminal justice system.

## Conclusion

The rights of the accused form an essential pillar of the criminal justice system and are indispensable for ensuring fairness, justice, and

the rule of law. These rights are not merely procedural safeguards but substantive guarantees designed to prevent wrongful convictions, arbitrary state action, and misuse of criminal law. Constitutional protections under Articles 20, 21, and 22, along with judicial interpretations, have firmly established that even a person accused of the most serious offences is entitled to dignity, liberty, and due process.

In sexual assault trials, maintaining this balance becomes particularly challenging because of the sensitive nature of the offence and the competing interests of victim protection and accused rights. While legal reforms have rightly strengthened victim protection mechanisms, it is equally necessary to ensure that these protections do not dilute the fundamental safeguards available to the accused. The presumption of innocence, the right to legal representation, the right to bail, the right to cross-examination, and the guarantee of a fair and speedy trial remain central to maintaining this balance.

Judicial precedents have consistently emphasized that justice must not only be done but must also be seen to be done. A fair trial requires impartial investigation, unbiased prosecution, competent defence, and an independent judiciary. External influences such as media trials, social pressure, and public sentiment must not be allowed to prejudice the rights of the accused or affect judicial objectivity.

Ultimately, protecting the rights of the accused does not weaken the cause of victims; rather, it strengthens the credibility of the criminal justice system. A system that ensures fairness to the accused is more likely to produce reliable outcomes and command public confidence. Therefore, the true strength of criminal justice lies in its ability to protect victims while simultaneously safeguarding the constitutional and human rights of the accused. Maintaining this equilibrium is essential for ensuring justice,

preventing miscarriages of justice, and upholding the integrity of the legal system.

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