

Avtar Singh and Others

Vs

State of Madhya Pradesh

Special Leave Petition (Criminal) No. 2996 of 1981

(CJI Y.V. Chandrachud, D.A. Desai, A.N. Sen JJ)

08.12.1981

ORDER

1. We see no substance in the grievance of the accused that they will not get a fair and impartial trial in the Court of the learned Sessions Judge, who is trying them, namely the Court of Shri. S. P. Khare. We, therefore, reject their prayer for transfer of the case to the Court of some other learned Judge.

2. One of the grounds on which the learned Sessions Judge is said to be biased against the accused is that he did not allow them to sit down during the trial. It is not right or proper that the accused were not provided with a sitting place during the trial which has gone on for the past seven months. We direct that the learned Session Judge will permit the accused to sit down during the trial. In fact, we are unable to understand how any court in our country can at all insist that the accused shall keep on standing during the trial, particularly when the trial is long and arduous as in this case. We hope that all the High Courts in India will take appropriate steps, if they have not already done so, to provide in their respective Criminal Manuals prepared under section 477 [1] of the Criminal Procedure Code that the accused shall be permitted to sit down during the trial unless it becomes necessary for the accused to stand up for any specific purpose, as for example, for the purpose of identification. We need not add that the facility to be accorded to the accused for sitting down during the trial should not be construed as in derogation of the established convention of our courts that everyone concerned should stand when the Presiding Officer enters the court. With these observations we dismiss the special leave petition.

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