

**Granting adjournments in Sessions Cases**

It has been held by the Hon'ble Supreme Court in **Akil @ Javed Vs. State of NCT of Delhi**, Criminal Appeal No.1735 of 2009, decided on **06-12-2012** that the trial of **Sessions cases** involving serious offences and other cases, shall proceed on day to day basis '**in de die in diem**' until the trial is concluded.

**SUPREME COURT OF INDIA**

**Bench**

**Hon'ble Mr Justice Swatanter Kumar, Judge.**

**Hon'ble Mr Justice Fakkir Mohamed Ibrahim Kalifulla, Judge.**

**Per Fakkir Mohamed Ibrahim Kalifulla, J.**

**Held:**

“35. It is unfortunate that in spite of the specific directions issued by this Court and reminded once again in **Shambhu Nath** (supra) such recalcitrant approach was being made by the trial Court unmindful of the adverse serious consequences affecting the society at large flowing therefrom. Therefore, even while disposing of this appeal by confirming the conviction and sentence imposed on the appellant by the learned trial Judge, as confirmed by the impugned judgment of the High Court, we direct the Registry to forward a copy of this decision to all the High Courts to specifically follow the instructions issued by this Court in the decision reported in **Rajdeo Sharma** (supra) and reiterated in **Shambhu Nath** (supra) by issuing appropriate circular, if already not issued. If such circular has already been issued, as directed, ensure that such directions are scrupulously followed by the trial Courts without providing scope for any deviation in following the procedure prescribed in the matter of a trial of sessions cases as well as other cases as provided under Section 309 of Cr.P.C. **In this respect, the High Courts will also be well advised to use their machinery in the respective State Judicial Academy to achieve the desired result.** We hope and trust that the respective High Courts would take serious note of the above directions issued in the decisions reported in Rajdeo Sharma (supra) which has been extensively quoted and reiterated in the subsequent decision of this Court reported in Shambhu Nath (supra) and **comply with the directions at least in the future years.**

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