

Public trial of criminal cases is universal rule: Supreme Court

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The Court, however, turned down the plea of RJD leader Mohammed Sahabuddin challenging Bihar government's decision to conduct his trial in various criminal cases against him in Siwan jail.

The Supreme Court has said public and open trial of criminal cases is universal rule which must be adhered to normally.

The Court, however, turned down the plea of RJD leader Mohammed Sahabuddin challenging Bihar government's decision to conduct his trial in various criminal cases against him in Siwan jail on the ground the universal rule of open trial can be done away with in extraordinary circumstances.

The Court pointed out that the past conduct of the politician and the influence of his men could create law and order problem if trial is conducted in normal court.

The apex court said the notification issued by the government and the Patna high court for shifting his trial is valid and the high court is empowered to change the venue of trial in such circumstances.

"Publicity is the authentic hallmark of judicial functioning distinct from administrative functioning. Open trial serves an important prophylactic purpose, providing an outlet for community concern, hostility, and emotion. Public trial restores the balance in cases when shocking crime occurs in the society," a bench headed by justice Dalveer Bhandari said.

"Public access is essential if trial adjudication is to achieve the objective of maintaining public confidence in the administration of justice," the court said.

"Criminal trial is a public event. What transpires is a public property. Therefore, I have no difficulty in concluding that open trial is the universal rule and must be scrupulously adhered to," the court said adding, however "In a case of extraordinary nature, the universal rule of open trial may not be adhered to".

"The case in hand would fall in the category of those extraordinary and exceptional cases where in the interest of justice, it became imperative to shift the venue of the trials," the court said.

42-year-old Sahabuddin is facing trial in over 40 criminal cases under Indian Penal Code.

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