

2026 LiveLaw (SC) 601

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
SANJAY KAROL; J., AUGUSTINE GEORGE MASIH; J.
Special Leave Petition (Crl.) NO. 17479 OF 2025; June 4, 2026

SAHIL ABDULSATTAR MANSURI & ORS.

versus

SAFIMAHAMAD FAFIRBHAI MANSURI & ORS.

Constitution of India – Article 21 – Criminal Procedure – Right to Speedy Trial and Timely Investigation – Duty of Constitutional Courts - Inordinate Delay in Investigation – Appeal against High Court order dismissing a writ petition seeking directions to file a charge-sheet in a criminal complaint pending for nearly two decades – Constitutional courts cannot remain mute spectators to prolonged and endless investigations – Right to speedy trial is an intrinsic facet of Article 21 of the Constitution, which inherently includes the timely completion of investigations – If an investigation continues for an unduly long period without adequate justification, the High Court ought to exercise its extraordinary jurisdiction to intervene instead of dismissing the plea on technical or alternative-remedy grounds. [Paras 10 - 13]

Criminal Justice Administration – Loss of Case Records during Active Investigation – Misplacement of original case papers and FSL reports in transit between police station and Magistrate – Held, such incidents strike at the very core of the criminal justice system and render bona fide complaints inactionable – Even if records are lost or witnesses are untraceable, the investigating agency cannot keep the investigation pending indefinitely; it must either reconstruct records or file an appropriate closure report before the Magistrate – State directed to conclude the investigation within six weeks and file an explanatory compliance affidavit. [Relied on *Robert Lalchungnunga Chongthu v. State of Bihar*, 2025 SCC OnLine SC 2511; Paras 16, 17, 18]

For Petitioner(s): Ms. Aastha Mehta, Adv. Mr. Satyam Chhayya, Adv. Ms. Prerana Mohapatra, Adv. Ms. Prina Sharma, Adv. Mr. Anshuman Srivastava, AOR

For Respondent(s): Mr. Mehmood Umar Faruqui, AOR Mr. Aman Rawat, Adv. Ms. Swati Ghildiyal, AOR Ms. Neha Singh, Adv.

ORDER

SANJAY KAROL, J.

Leave granted.

2. *Justice delayed is justice denied.* While this proverb has been reiterated by Courts for time immemorial, the case at hand is an unfortunate occasion where despite repeatedly knocking the doors of the Courts below, there has been an inordinate delay of nearly two decades in the investigation of the criminal complaint, which compels interference by this Court.

3. The present appeal arises from the impugned order dated 26.06.2025 in Special Criminal Application (Direction) No. 2029 of 2024 passed by the High Court of Gujarat at Ahmedabad, whereby the writ petition preferred by the predecessor of the appellants praying for a direction to respondent no. 6 to file charge-sheet in their criminal complaint dated 14.09.2007, came to be dismissed.

Brief Facts

4. The father of the appellant(s)¹ instituted a complaint before the Judicial Magistrate First Class, Bhiloda² against respondent no. 1 to 4, under Sections 120B, 406, 420, 463, 468, 471, and 114 of the Indian Penal Code, 1860³. It was alleged therein that the subject property, being Survey No. 761, Bhiloda Village, was self-acquired by him on 11.12.1975. Subsequently, when he was on Haj pilgrimage from 05.02.2002 to 21.03.2002, the aforesaid accused persons forged his signature and prepared a forged partition deed alongwith a bogus sale deed *qua* the subject property. On the basis of such forgery, their names were entered into the Revenue Records.

5. On 10.10.2014, the police presented C-Summary before the JMFC which came to be rejected, and further investigation was directed, to be concluded within 60 days. Thereafter, upon consideration of an application filed by the original complainant⁴ before the High Court of Gujarat at Ahmedabad⁵, on 20.07.2017, the Court directed preparation of the investigation report within six weeks while recording that some of the material collected during the investigation had gone missing from the custody of the concerned Police Station.

6. Consequently, on 29.08.2017, the FSL Report was prepared and forwarded to JMFC on 27.11.2017. In this report, it was stated that the accused persons had prepared forged documents and forged signatures of the complainant. Pursuant thereto, on 27.11.2017, in Summary No.59 of 2017 the JMFC directed the police to take further action and carry out further investigation.

7. Thereafter, on 21.01.2018, an application was filed by the original complainant before the JMFC praying for appropriate orders to the investigating officer as neither the investigation was concluded nor a final report was submitted in the complaint. In the said application, the JMFC directed the investigating officer to specify within a period of 10 days as to whether investigation remains pending or has been concluded.

8. On 14.09.2022, the Addl. Judicial Magistrate Bhiloda, again directed the investigating officer to carry out investigation and file charge sheet in accordance with law. The original complainant was constrained to file another

¹ Hereinafter 'original complainant'.

² Hereinafter 'JMFC'.

³ Hereinafter 'IPC'.

⁴ Special Criminal Application (Direction) No. 4455 of 2017.

⁵ Hereinafter 'High Court'.

application⁶ before the High Court, praying for directions to the investigating officer to file chargesheet.

9. *Vide* the impugned order, the High Court refused to issue any such direction and disposed of the application. It was observed that no case is made out for issuance of direction under Article 226 of the Constitution and since the JMFC had already passed an order to similar effect, an appropriate proceeding should have been initiated before the JMFC.

Our View

10. We have heard the learned counsel for the parties. At the outset, in the considered view of this Court, the High Court ought to have taken note of the inordinate delay in filing of the chargesheet and intervened in the matter at hand.

11. The right to speedy trial is intrinsically linked to Article 21 of the Constitution. On this aspect, we advert to the observations of this Court in **Robert Lalchungnunga Chongthu v. State of Bihar**⁷:

“14. Various judgments of this Court have emphasised the right to speedy trial as being an important facet of Article 21 of the Constitution. Timely completion of investigation is inherent thereto.

15. Moving further, it is to be noted that this aspect of prompt investigation has received statutory recognition as well in the CrPC, which of course, is the comprehensive code laying down detailed procedure for stages of investigation, trial and appeal among other things. It must be stated that statutory recognition of prompt investigation is a preconstitutional stipulation.

... ..

17. The inescapable conclusion arrived at from the above discussion in the Indian context, is that there has been an evolution in legislative wisdom over the years and the criminal procedure have moved from a period of no timelines and minimal judicial interventions/oversight to progressively more oversight and recognition of the need to conclude investigations in time. It may be true that no strict timelines are provided in the CrPC, but it is equally so that investigations are to be completed in reasonable time.

... ..

21. Before parting with this matter, we deem it fit to issue the following directions:

... ..

ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.

The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the

⁶ Special Criminal Application (Direction) No. 2029 of 2024.

⁷ 2025 SCC OnLine SC 2511

society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgement, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered."

(emphasis supplied)

12. In the present factual matrix, nearly two decades have passed since the initiation of the complaint by the original complainant. However, it is a matter of serious concern that despite the lapse of such an inordinate period of time the investigation is yet to reach any meaningful conclusion. From a bare perusal of the record, it is evident that the original complainant had run from pillar to post, for filing of a chargesheet in connection with his complaint, but to no avail.

13. This Court is of the view that it is incumbent upon constitutional courts to not remain mute spectators, when such prolonged investigations are brought to its notice. Therefore, in such peculiar circumstances, the High Court ought to have exercised its extraordinary jurisdiction to intervene in the present matter.

14. At this stage, it becomes appropriate to consider the stand put forth by the State of Gujarat. It has been submitted that the materials seized during the course of investigation were sent for FSL examination, wherein it was opined that the original complainant had not authored the signatures on the forged documents. A detailed report, along with original case papers, was sent to the JMFC Court through Police Station Bhiloda, via Outward No. 564/15. However, during transit, the said material is stated to have been misplaced and was never received by the JMFC. Thereafter, re-investigation was ordered by the High Court of Gujarat vide order dated 20.07.2017.

15. It has been submitted that during re-investigation, the original case papers remained untraceable. Disciplinary proceedings were initiated against the officer concerned and appropriate action was taken in accordance with law. The stand of the State is that in the absence of the original case records and inability to conclusively trace all relevant witnesses, the investigation could not be carried out to its logical conclusion.

16. Upon consideration of the stand of the State, we find that from the order of the High Court ordering re-investigation, nearly a decade has passed. Even in the case that during the investigation the police were not able to trace the relevant witnesses, ordinarily an appropriate report seeking closure should have

been filed before the JMFC. We find no reason from the record, as to why the complaint and investigation have remained pending till date.

17. Moreover, we are of the view that incidents such as this, wherein case records are lost during an active investigation, have to be taken with utmost seriousness. Moreover, such incidents strike at the very core of the criminal justice system, rendering *bonafide* complaints inactionable.

18. Therefore, in the interest of justice, we direct the State of Gujarat and Police Station Bhiloda, to conclude investigation within a period of six weeks from today and file an appropriate report with the JMFC containing all investigative material and if so, the lack thereof. Furthermore, the State of Gujarat to file an affidavit indicating:

- a. Specific action taken against the officer involved, the stage of such action and whether taken to its logical conclusion;
- b. Despite directions of the JMFC to conclude further investigation after the loss of records, why was the JMFC not informed of the inability to reconstruct records and track witnesses etc.; and
- c. Compliance with direction to conclude investigation.

19. List on 14.07.2026 at 2.00 P.M. as part heard.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)