



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 320/2023

1. Vikram Singh Indroi S/o Sh. Chug Singh Ji, Aged About 41 Years, R/o Indroi, P.s Ramsara, Barmer. At Present Lodged At Central Jail, Jodhpur.
2. Shaitan Singh S/o Sh. Uttam Singh Ji, Aged About 40 Years, R/o Villagepost Sagra Dechu, District Jodhpur. At Present Lodged At Central Jail, Jodhpur.
3. Devi Singh S/o Sh. Keshar Singh Ji, Aged About 41 Years, R/o Village Post Shri Bhadria Th. Pokhran, District Jaisalmer. At Present Lodged At Central Jail, Jodhpur.
4. Naresh Soni S/o Sh. Hemraj Ji Soni, Aged About 46 Years, R/o Rai Colony Berio Ka Bas, District Barmer. At Present Lodged At Central Jail, Jodhpur.
5. Kishan Singh S/o Sh. Jetmal Singh Ji, Aged About 42 Years, R/o Ward No. 1, Shiv Mandir Marg Lilaria Dhora District Barmer. At Present Lodged At Central Jail, Jodhpur.
6. Amar Singh S/o Sh. Bhageerath Singh Ji, Aged About 40 Years, R/o Village Dundia Th. Parbatsar, District Nagaur. At Present Lodged At Central Jail, Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Director General Of Police, Rajasthan, Police Headquarters, Jaipur.
3. Superintendent Of Jails, Central Jail, Jodhpur.

-----Respondents

For Petitioner(s) : Ms. Priyanka Borana
For Respondent(s) : Mr. Deepak Choudhary, AAG
assisted by Mr. N.S. Chandawat

HON'BLE MR. JUSTICE FARJAND ALI

Order

Reportable

07/03/2025

1. The instant criminal writ petition under Article 226 of the Constitution of India has been preferred on behalf of the



petitioners seeking permission to attend the pending criminal trials against him through video conferencing.

2. The petitioner is accused in multiple cases and is compelled to face criminal proceedings in the form of various FIR's filed almost in every State of Rajasthan and it may increase in future.

This Court vide order dated 23.08.2024 addressed the issue of multiple FIRs against the accused of financial crimes, leading to 259 cases across various districts. This court recognized the procedural burden and potential violation of his right to a fair and speedy trial under Article 21 of the Constitution. This court has consolidated the cases into groups based on geographical proximity to facilitate a more efficient judicial process and directed the transfer of cases to specific district courts for consolidated trials, ensuring a fair trial without expressing any opinion on the merits of the allegations.

3. After perusing the material available on record and considering the submissions made, it is evident that the present petitioner seeks permission for attending the criminal trials pending against him through video conferencing. To start with, it is not feasible for the accused to be physically present at multiple locations simultaneously. In the event of simultaneous proceedings, his physical absence leads to adjournments, thereby causing unnecessary delay. It has also been noticed that, in accordance with Section 273 of the Criminal Procedure Code (hereinafter to be referred as "CrPC"), there exists no legal impediment if the accused is represented by his counsel. The



relevant provision mandates that evidence be taken in the presence of the accused or, when his personal presence is dispensed with, in the presence of his pleader. Thus, if required, the jail authorities may be directed to coordinate and ensure the accused's presence through video conferencing. This would enable the proceedings to continue effectively and prevent them from being rendered idle or infructuous merely due to the absence of the accused.

4. This Court is of the view that the accused's non-appearance may be attributed to various reasons, such as the need to maintain law and order, transportation difficulties from jail to the court, unavailability of the police escort team, or other logistical constraints. Considering that six years have already elapsed in the ongoing proceedings, if the accused is not permitted to appear through video conferencing, it may take an unreasonably long time, potentially several decades, to conclude the trial.

5. For a better understanding, Section 273 of CrPC is reproduced herein below:-

"273. Evidence to be taken in presence of accused.—Except as otherwise expressly provided, all evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his pleader:

¹[Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-examination of the accused.]

Explanation.—In this section, "accused" includes a person in relation to whom any proceeding under Chapter VIII has been commenced under this Code.

STATE AMENDMENT

Gujarat



In section 273, after the words "in the presence of his pleader", add the following words namely:-

"or, as the case may be, through the medium of Electronic Video Linkage when the court on its own motion or on an application so directs in the interests of justice" shall be added.

[Vide Gujarat Act 31 of 2017, sec. 2 (w.e.f. 30-8-2017).]

Jharkhand

In Section 273, after the words "All evidence taken in the course of the trial or other proceeding shall be taken in the presence of the accused, insert the words, "either in person or through the medium of electronic video linkage".

[Vide Jharkhand Act 2 of 2016, sec. 3.]

From bare perusal of Section 273 of CrPC., it is evident that the States of Gujarat and Jharkhand have already introduced amendments to the said provision, incorporating the allowance for appearance through electronic video linkage in the interest of justice. However, in Rajasthan, although rules regarding video conferencing have been framed, no amendment in the CrPC has been made so far.

6. In view of the above, this Court expects the State Government to consider making a suitable amendment in the CrPC, providing that in cases where the accused is in judicial custody and his personal presence is not mandatory, the proceedings may continue in the presence of his counsel. Furthermore, in cases where the accused's presence is deemed necessary, the jail authorities shall ensure the accused's availability through video conferencing to prevent the wastage of judicial time and the proceedings can be completed effectively.

7. Accordingly, the instant criminal writ petition is allowed with a direction to the respondent authorities to make a suitable



arrangement in Central Jail to facilitate the petitioners to attend their criminal trials through video conferencing.

8. It is further directed that this order shall be applicable to all ongoing proceedings and any future matters arising on the same issue.

9. The stay petition stands disposed of.

(FARJAND ALI),J

111-Mamta/-

