

SUMMARY TRIALS UNDER THE BNSS: FINDING THE BALANCE BETWEEN SPEED AND FAIRNESS

by

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A small criminal case can sometimes take months or even years to finish. A person accused of a minor offence may have to visit court repeatedly, miss work, and spend money on travel and legal help. The complainant and witnesses may also have to return to court many times. When the offence is less serious, does every case need a long and detailed trial? This is the problem that summary trials try to address.

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which came into force on 1 July 2024, provides for summary trials under Sections 283 to 288. These provisions allow certain criminal cases to be handled through a shorter procedure. The aim is to save time and reduce the pressure on courts.

However, a faster trial must still be a fair trial. A short procedure should not mean that the judge ignores evidence or that the accused loses the chance to explain their side. The real challenge is to decide cases quickly without making careless decisions.

WHEN A FULL TRIAL MAY TAKE MORE TIME THAN THE CASE NEEDS

A summary trial is a shorter form of criminal trial used for certain offences allowed by law. It reduces the amount of detail that must be recorded, while keeping the main steps needed to decide the case.

For example, consider a case involving a small theft where the value of the property is low and the facts are not complicated. A full trial with lengthy records may take more time than the case reasonably needs. A summary trial can help the court deal with the matter more quickly.

But a short trial is not the same as an informal hearing. The court must still consider the evidence, hear the parties as required, and decide whether the offence has been proved. The word “summary” mainly refers to the simpler procedure and shorter record, not to a lower standard of justice.

This difference is important. The law tries to avoid unnecessary delay in minor cases, but it does not say that an accused person can be convicted without a proper examination of the case.

SECTION 283: WHICH CASES CAN BE TRIED SUMMARILY?

Section 283 of the BNSS gives the power to try certain cases summarily to Chief Judicial Magistrates and Magistrates of the first class, subject to the terms of the section.

It includes specified offences such as certain forms of theft where the value of the property does not exceed ₹20,000. It also covers certain offences involving receiving or retaining stolen property, helping conceal or dispose of stolen property, and specified offences involving house-trespass, insult intended to provoke a breach of peace, and criminal intimidation.

The provision also expands the scope of summary trials to cover certain offences punishable with imprisonment of up to three years, subject to the statutory conditions. Under the earlier Code of Criminal Procedure, 1973, the general category in the corresponding provision was narrower in this respect.

This change may help courts deal with more eligible cases through a shorter process. However, the punishment attached to an offence is not the only thing that matters. The court must also consider whether the case is suitable for summary procedure and whether the facts can be dealt with fairly in that form.

The purpose is not to push every minor-looking case into a summary trial. It is to use the shorter process where the law permits it and where it is appropriate.

SPEED SHOULD NOT DECIDE THE RESULT

One concern with summary trials is that a court may become too focused on clearing its list of cases. If the hearing is rushed, important details may be missed. A witness may have made a mistake, a document may be unreliable, or the accused may have an explanation that changes how the evidence should be understood.

Section 285 provides that the procedure used in a summons-case trial generally applies to summary trials, subject to the special rules in the chapter. It also states that a sentence of imprisonment exceeding three months cannot be passed in a conviction under this chapter.

The sentence limit is an important safeguard. Summary trials are intended for cases suitable for a shorter process, and the law restricts the imprisonment that may be imposed through this procedure.

Still, the limit does not mean that a conviction is harmless. Even a short period in prison can affect a person's job, family, reputation, and future. A fine or criminal record may also have lasting effects.

For that reason, the court must not treat a summary trial as a quick way to punish someone. It must still examine the evidence and follow the procedure required by law.

A SHORT RECORD MUST STILL TELL THE STORY

Sections 286 and 287 of the BNSS explain what the court must record and how the judgment should be written.

Under Section 286, the Magistrate must enter important details of the case, including the case number, the date of the offence, the date of the report or complaint, the names of the complainant and accused, the offence alleged and proved, the accused's plea, the finding, the sentence or final order, and the date on which the proceedings ended. For certain property offences, the value of the property must also be recorded.

Section 287 adds another important requirement. If the accused does not plead guilty, the Magistrate must record the substance of the evidence and give a judgment containing a brief statement of the reasons for the finding.

These rules show that a summary trial is not meant to leave behind an empty record. The record may be shorter than in a regular trial, but it must contain enough information to explain what happened and why the court reached its decision.

A judgment that simply says “guilty” without explaining the reasons would not serve the purpose of Section 287. The accused, the prosecution, and any court reviewing the decision should be able to understand the basis of the result.

Section 288 deals with the language of the record and judgment. They must be written in the language of the court. The High Court may also authorise the preparation of the record or judgment through an appointed officer, but the Magistrate must sign it.

WHAT IF THE CASE TURNS OUT TO BE COMPLICATED?

Not every case that appears simple at the beginning remains simple. New evidence may come to light, witnesses may disagree, or the legal issues may become more difficult than expected.

The law recognises that summary procedure may not be suitable for every case within its general scope. Under Section 283, the Magistrate must use the power according to the provision and the circumstances. Where the law requires the case to be dealt with through the regular procedure because summary trial is unsuitable, the court should not continue merely for the sake of speed.

The Supreme Court discussed the nature of summary trials under the earlier criminal procedure law in *Securities and Exchange Board of India v. S. K. Shelgikar* (2017). The case examined the availability of summary procedure in the context of proceedings under the SEBI Act. It is useful because it shows that summary trial is governed by the law that applies to the offence and is not an automatic right available in every criminal case.

A Magistrate must therefore look at the law and the facts rather than assuming that a case should be tried summarily simply because the shorter procedure exists.

This flexibility is important. A procedure that saves time in a simple case may become unfair if used in a case that needs closer examination.

THE RIGHT TO A SPEEDY TRIAL IS ALSO A RIGHT TO A FAIR TRIAL

Speedy justice is not just about convenience. Long delays can cause real harm. An accused person may have to attend court repeatedly, and witnesses may forget important details. A complainant may also lose faith in the process if the case seems to go nowhere.

In *Hussainara Khatoon v. State of Bihar* (1979), the Supreme Court highlighted the problem of undertrial prisoners who had spent long periods in custody while waiting for their cases to be decided. The Court recognised speedy trial as an important part of the protection of life and personal liberty under Article 21 of the Constitution.

The case was not specifically about summary trials, but its message is relevant. Criminal proceedings should not take so long that the process itself becomes unfair.

At the same time, speed cannot be the only goal. A trial that ends quickly but ignores the accused's rights is not justice. The court must provide a real opportunity to answer the case, consider the evidence, and give reasons for its decision.

Summary trials can help with delay, but they are only one part of the answer. Proper court staffing, careful case management, reliable evidence, and fewer unnecessary adjournments are also important.

THE NUMBERS SHOW WHY TIME MATTERS

The National Judicial Data Grid's district-court dashboard showed more than four crore pending criminal cases when accessed in October 2026. The total changes as cases are filed and disposed of, and the figures cover many types of criminal proceedings—not just cases suitable for summary trial.

This number helps explain why the legal system needs different ways of handling cases. If every eligible minor offence requires the same amount of paperwork and hearing time as a complex criminal trial, courts may find it harder to give proper attention to serious matters.

However, summary trials alone cannot solve the problem of pendency. Many pending criminal cases involve serious allegations, disputed facts, multiple witnesses, or complex evidence. These cases need careful hearings that cannot simply be shortened without considering fairness.

The better approach is to use summary procedure where it fits, while making sure that more complicated cases receive the time they require.

A FASTER TRIAL SHOULD STILL LEAVE ROOM FOR JUSTICE

Summary trials under Sections 283 to 288 of the BNSS offer a practical way to deal with eligible criminal cases more quickly. They allow a shorter procedure and a simpler record, while still requiring the Magistrate to consider the evidence and give reasons for the decision.

The law also recognises that not every case should be handled in the same way. Some cases are suitable for summary procedure; others need a fuller trial. Choosing the correct procedure is therefore as important as completing the case quickly.

The aim should not be to count how many cases are finished in a day. It should be to make sure that cases are decided without unnecessary delay and without ignoring the rights of the people involved.

In the end, speed and fairness should support each other, not compete with each other. A quick decision is useful only when it is also a careful and lawful decision. That is the balance summary trials must maintain under the BNSS.