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Meaning and Procedures relating to Case Management: A Comparison of India, USA, and France

Krutarth Vyas^a Sakshi Chaplot^b

^aInstitute of Law, Nirma University, Ahmedabad, India ^bInstitute of Law, Nirma University, Ahmedabad, India

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The success of a case management system that is efficient and fair, in lesser measures, forms the foundation of a just criminal system. This paper presents a hybrid doctrinal comparison of criminal case management in India, the U.S., and France with a special reference to pre-trial, trial, and post-trial stages. Indian courts, with the implementation of the Bharatiya Nagarik Suraksha Sanhita, 2023, are going for time-bound investigations, transparency, and judicial oversight. On the other hand, the U.S. imposes rigorous statutory deadlines via the Speedy Trial Act of 1974 and the Federal Rules of Criminal Procedure, while France, under the Code de procédure pénale, retains the efficiency of its inquisitorial model headed by the juge d'instruction. This paper examines how these mechanisms maintain a balance between the two aspects of the problem, efficiency and procedural justice, and thus provide a range of instruments, including statutory timelines, pre-trial conferences, and digital case management. Their results are instrumental in reinforcing the Indian constitutional guarantee of speedy and fair trials.

Keywords: *criminal case management, comparative criminal procedure, speedy trial, procedural justice, judicial efficiency.*

INTRODUCTION

Most components of the criminal justice machinery in different jurisdictions are confronted with problems of delay, procedural procrastination, and unequal enforcement of regulatory

safeguards that are intended to ensure justice.¹ The delays caused by these issues are the main reason why citizens' trust in the justice system disappears, and also the constitutional and human rights of the victims and the accused are compromised. Case management has been introduced as one of the measures aimed at reducing such malfunctions, and it appears to be at the core of case-flow management instruments, which are judicially driven mechanisms designed to ensure that criminal proceedings are conducted expeditiously and systematically. Moreover, case management is not limited only to pre-trial work; rather, it is a continuous judicial responsibility covering the entire life span of a case, from inquiry to the last appeal.² The judge's managerial role, therefore, is instrumental in achieving the great aim of doubly efficient and just criminal adjudication.

The role of judges in the pre-trial phase is to supervise the execution of investigations, release on bail, charging, and disclosure of evidence within the set time. In India, the Supreme Court has been emphasising the importance of a speedy trial as mandated by Article 21 of the Constitution.³ Nevertheless, the filing of charge sheets and the grant of adjournments are the causes of delays in the district courts that have become a routine in the filing of criminal cases. By introducing a setting time for investigation and implementing regulations such as 'Zero FIR' and periodic reporting to victims, the new Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), is trying to eliminate the delays that have been there for quite a long time. Nevertheless, progress is very slow because of the absence of strong judicial monitoring mechanisms.⁴ On the other hand, the United States implements the Speedy Trial Act of 1974, which specifies the time within which a criminal trial should start, i.e., within seventy days from the date of indictment or initial appearance; thus, judges hold pre-trial conferences for the purpose of monitoring compliance with these deadlines. Such legal deadlines provide judges with procedural managerial authority and convert them from passive adjudicators into managers.⁵ While France, through its inquisitorial system delineated in the Code de procédure pénale, has the juge d'instruction in charge of investigation, gathering of evidence, and ensuring that the process follows the rules before trial.⁶ India, having no such

¹ Mirjan R Damaska, *The Faces of Justice and State Authority: A Comparative Approach to the Legal Process* (Yale University Press 1991)

² *Ibid*

³ *Hussain & Anr v Union of India* Crim App No 509/2017

⁴ Bharatiya Nagarik Suraksha Sanhita 2023, ss 43, 173-175

⁵ Speedy Trial Act 1974, ss 3161-3174

⁶ Code de procédure pénale 1958, arts 79-189

comparable pre-trial judicial authority, thus stagnation and delay of investigations occur, putting efficiency as well as fairness at risk.

Case management at the court stage is equally important to be effective. Judges have to be in charge of suspending, preventing the submission of testimonies, and keeping order in courts by controlling the conduct of people. In India's adversarial system of trial, judges function as neutral umpires and only rarely take intervention; however, they allow lawyers to take leading roles and dictate the trial, thus there is an excessive number of interruptions and a fragmented presentation of evidence.⁷ On the contrary, American judges exert full managerial control by means of scheduling orders, pre-trial disclosures, and enforcing the cutting off of evidence under the Federal Rules of Criminal Procedure.⁸ Additionally, the French system works differently since the presiding juge du siège directs the examination of witnesses, limits unnecessary postponements, and tutors the trial by focusing on judicial enquiry rather than party control.⁹ These judicial functions demonstrate the importance of judicial pro-activity: trial performance and procedural integration are notably improved in those places where courts perform managerial tasks.

Even case management is quite important at a post-trial stage. Judges are obliged to deliver reasoned judgments, decide on sentences without delay, and oversee the carrying out or appeal of the verdicts. In India, judgments are often deferred, and sentencing hearings are frequently postponed; thus, the victims as well as the accused are kept in suspense for a long time.¹⁰ The United States, on the other hand, has implemented rigorous sentencing guidelines and is also characterised by statutory timeframes allowing the post-trial phase to be shortened.¹¹ France, as well, stresses the fast delivery of judgments and judicial oversight continues through the appellate process to ensure the legal and factual consistency of the decisions.¹² The lack of binding deadlines for post-trial stages in India not only helps the

⁷ Abhinav Chandrachud, 'An Empirical Study of the Supreme Court's Composition' (2011) 46(1) *Economic and Political Weekly*

⁸ Federal Rules of Criminal Procedure 2023, r 16.1

⁹ Paul Roberts, 'French Criminal Justice: A Comparative Account of the Investigation and Prosecution of Crime in France' (2008) 48(2) *The British Journal of Criminology* <<https://www.jstor.org/stable/23639244>> accessed 15 November 2025

¹⁰ *Vakil Prasad Singh v State of Bihar* (2009) 3 SCC 355

¹¹ *United States Sentencing Commission Guidelines Manual 2023* (Claitor's Pub Division 2023)

¹² Code de procédure pénale 1958, arts 500–515

piling up of cases but also is a reason why the public trust in the judiciary, its capacity to deliver timely justice, is getting lower and lower.

Consequently, the extent of such judicial intervention in case management, as revealed by the three stages of the pre-trial, trial, and post-trial, appears to be the main factor determining system efficiency. The comparative experience of the United States and France points to the fact that procedural reforms will only have their effect if they are supplemented by active judicial monitoring. The transition that India is presently undergoing - from the CrPC to the BNSS - is a recognition of that requirement. Nevertheless, the success of the transition will be contingent upon whether Indian judges can take on the role of managers rather than merely being adjudicators in the criminal process.¹³

CASE MANAGEMENT AT THE PRE-TRIAL STAGE

The pre-trial stage is the most crucial phase of criminal adjudication, which basically deals with investigation, arrest, remand, bail, framing of charges, and disclosure of evidence. The judicial system, through this stage, lays down the groundwork for a productive and equitable trial. The primary goal of the pre-trial case management is to ensure that the legal proceedings move forward without any unnecessary delay, while at the same time, the rights of the accused as well as the victim are respected. Different judicial systems have developed diverse procedural mechanisms to regulate this stage - India, through the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which superseded the Code of Criminal Procedure, 1973; the United States through the Speedy Trial Act of 1974 and the Federal Rules of Criminal Procedure; France through the Code de procédure pénale, which allows the juge d'instruction to oversee investigations and ensure procedural discipline.¹⁴ Comparing these systems shows us how procedural design and judicial authority together influence the speed and quality of criminal justice administration.¹⁵

Pre-Trial Case Management in India: The BNSS, 2023, is a landmark reform in India's criminal procedure that seeks to modernise pre-trial processes and enhance judicial efficiency. Section 43 provides in detail the steps involved in an arrest, the safeguards for

¹³ Bharatiya Nagarik Suraksha Sanhita 2023; *Hussain & Anr v Union of India* Crim App No 509/2017

¹⁴ Bharatiya Nagarik Suraksha Sanhita 2023, s 1; Speedy Trial Act 1974, ss 3161-3174; Code de procédure pénale 1958

¹⁵ Damaska (n 1)

women and vulnerable individuals, while it also requires more transparency and documentation.¹⁶ The new law changes the single 15-day police custody rule under the CrPC to a model where custodial remand can be requested in shorter periods up to a total limit; thus, the design is meant to provide investigative flexibility. Nevertheless, this has caused worries about the possible enlargement of police powers and the increased likelihood of longer periods of deprivation of liberty.¹⁷

One of the breakthroughs is the establishment of the 'Zero FIR' system, which obligates any police station to register a complaint, no matter the jurisdiction, and then the complaint is forwarded to the appropriate authority. With this, victims are guaranteed that they can take legal steps against the offenders without going through procedural hurdles; hence, the investigation is expedited. The BNSS, besides that, requires the setting up of deadlines for the investigation, and it instructs that the investigating officers must update the victims or informants every ninety days; thus, it is a way to ensure transparency and accountability.¹⁸ The role of the judiciary has also been widened; courts have to verify the lawfulness and duration of the pre-trial detention regularly.¹⁹ Section 356 additionally empowers courts to take action against the absconding accused who are not present, thus preventing procedural abuse and delay.²⁰

The execution of these reforms is, however, fraught with significant difficulties. Ambiguities of transition between the CrPC and the BNSS have resulted in uncertainty for cases that were filed before July 2024; and deficits in infrastructure - particularly about forensic capability and digital record-keeping - are factors that could undermine the effects of these procedural innovations. The success of pre-trial case management in India is therefore not only reliant on legislative reform but also on judicial intervention and the readiness of the administration.

Pre-Trial Case Management in the United States: Pre-trial management in the US is a very precise and statutorily regulated function with vigorous search and seizure time limits. Following the Speedy Trial Act of 1974, it is compulsory for the trial of a criminal case to be

¹⁶ Bharatiya Nagarik Suraksha Sanhita 2023, s 43

¹⁷ 'India: Authorities must immediately repeal repressive new criminal laws' (*Amnesty International*, 01 July 2024) <<https://www.amnesty.org/en/latest/news/2024/07/the-laws-in-their-current-form-will-be-used-as-pretext-to-violate-the-rights-of-all-those-who-dare-speak-truth-to-power/>> accessed 12 November 2025

¹⁸ Bharatiya Nagarik Suraksha Sanhita 2023, ss 173–175

¹⁹ Bharatiya Nagarik Suraksha Sanhita 2023, s 356

²⁰ *Ibid*

held not later than seventy days from the date of indictment or the initial appearance, with a limited number of exceptions.²¹ This legislated period changes the role of the judge to that of a case manager who is actively involved and not a mere mediator, hence the regular checkups of the trial progress are inevitable. Federal judges coordinate discovery, set trial dates, and, through conferences held under the Federal Rules of Criminal Procedure, settle procedural issues before the courtroom hears the case.²² Such means of interaction between the actors in the system are a significant factor in the elimination of the delaying mechanisms that exist in adversarial systems like India's.

Moreover, it is within the power of the judges to ensure that regulations are observed: breach of the Speedy Trial Act may cause the cancellation of the case, while failure to disclose required information may result in fines or punishment.²³ The pre-trial conference is a meeting point where the different parties involved in the case management get on the same page, and it is also an effective means to prevent the practice of adjournments without good cause. The extent to which judges use their authority in court resembles what is known as 'managerial judging,' thus judicial leadership and not administrative delegation have led to the court's functioning more efficiently. Still, the strictness of legal time frames sometimes makes defendants choose a plea bargain too soon, and therefore, the question of fairness is raised. Despite that, the US system can serve as an example of how a well-organised, judge-led procedure may reconcile demands for speed as well as for due process by virtue of clear and enforceable rules.

Pre-Trial Case Management in France: The French criminal justice system is an inquisitorial system, which heavily depends on the central figure of the judge throughout the pre-trial phase. Influenced by the Code de procédure pénale, France's model confers the investigation to the supervision of the juge d'instruction, who actively seeks evidence, authorises the execution of expert studies, and determines if there is enough cause to proceed to trial.²⁴ Such a judicially connected system not only evades the typical fragmentation of adversarial proceedings but also guarantees procedural continuity from investigation to trial.

²¹ Speedy Trial Act 1974, ss 3161–3174

²² Federal Rules of Criminal Procedure 2023, r 16.1

²³ *Ibid*

²⁴ Code de procédure pénale 1958, arts 79–189

Pre-trial detention in France is regulated by the juge des libertés et de la détention (JLD), a judicial officer specialised in this area, who, after thorough examination, issues or extends the detention orders.²⁵ This method ensures that limitations of liberty remain in proportion and are well-grounded, thus, in compliance with European human rights standards. The file composed by the juge d'instruction is the factual basis of the trial; therefore, the need for double evidence-gathering is eliminated, and the process of adjudication is made faster.²⁶ However, some commentators claim that the merging of the investigative authority in one judge might cause the erosion of the line between investigation and adjudication, and as a result, the neutrality component may be weakened.

COMPARATIVE ANALYSIS AND DISCUSSION

Comparative study of the pre-trial procedures in India, the United States, and France reveals differences as to how the case is managed by the court. The American system accomplishes the task quickly by enforcing the directives through the legislative framework, posting clear deadlines, and providing for punitive measures against tardiness. France, conversely, ensures the promptness of the procedure by embedding constant judicial oversight right into the investigation stage. Indian model through BNSS is closer to adversarial systems as it attempts to merge the two constitutional traditions by incorporating elements of judicial control and reporting, along with establishing the timelines.²⁷

Nevertheless, the Indian alteration is still mostly a vision of the future. The legal norms of the BNSS can only bring about a change if courts take on a managerial role that is more than just handing down decisions, and if investigative agencies carry out their reporting obligations not only in letter but also in spirit. While the United States can bring about a crisis of waiting under the control of judges who are then held accountable for it, and France takes care of the problem by continuous involvement of the judge, India is still wrestling with the problem of overcoming the inherent resistance of institutions and the shortage of resources before similar results can be achieved.²⁸

²⁵ Code de procédure pénale 1958, arts 137–145

²⁶ Roberts (n 9)

²⁷ Bharatiya Nagarik Suraksha Sanhita 2023, ss 43, 173–175

²⁸ Chandrachud (7)

Furthermore, efficient pre-trial management cannot be solely attributed to well-planned legislation but rather to institutional culture. The United States and France comparative studies show that judicial engagement is a prerequisite for the timely delivery of justice, be it through statutory implementation or inquisitorial supervision. India's BNSS is a major legislative milestone on the path to the goal, but its effectiveness depends on judges recognising their role as managers of the process rather than operators of a passive referee. Only then will the criminal justice system be able to reconcile formal procedural reform with the delivery of substantive justice.²⁹

Case Management at the Trial Stage: The trial stage is the main part of the whole judicial process, and through it, the crime is transformed into a formal determination of guilt or innocence. Basically, good on-trial management will decide both the process's efficiency and fairness. Moreover, how this phase looks depends on each local government and its procedural view. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in India reflects the adversarial system typical of the old law of the Criminal Procedure Code, 1973. On the other hand, the United States, by the Federal Rules of Criminal Procedure and the Speedy Trial Act of 1974, is more of a structured and judge-driven one. France, being regulated by the Code de procédure pénale (C. pr. pén.), has an inquisitorial system, where judges not only question but also supervise the investigation. The procedural differences that exist do not hinder cooperation in solving a common problem, which is how to carry out trials in due time, transparently, and with respect to all legal procedures.³⁰

Trial Case Management in India: Trial case management is a major hurdle faced by the Indian-style court of law, even after the legislative touch of BNSS on it. According to Section 254 of the BNSS, the court is obliged to facilitate 'as expeditiously as possible' recording of evidence for the prosecution, and, after it has been started, it is also required to be in continuous session.³¹ Nevertheless, the frequent adjournments that are given as a matter of routine are what really prolong the trials. The Supreme Court has once again emphasised that unnecessary adjournments seriously jeopardise the right to a speedy trial, which is a constitutional right under Article 21, but the level of compliance is still very low.³²

²⁹ *Hussain & Anr v Union of India* Crim App No 509/2017

³⁰ Damaska (n 1)

³¹ Bharatiya Nagarik Suraksha Sanhita 2023, s 254

³² *Hussain & Anr v Union of India* Crim App No 509/2017

One of the main problems of the Indian judiciary system is the insufficiently active role of the trial judges. Rather than taking an active stance and seizing the managerial role, judges normally are seen as referees who, in turn, allow attorneys to decide the pace of the trial. Consequently, the gathering of evidence becomes splintered, and not all witnesses are sure to show up. The BNSS, through the reforms it brings, like testimony of witnesses via videoconference and digital record-keeping, considers not only procedural changes but also removing the necessity for physical presence.³³ But at the same time, there are technological and infrastructural hurdles, and these, together with the lack of training of the staff, are the reasons for the slow progress of the implementation.

The lack of coordination between the prosecution, judiciary, and investigative agencies is the other problem the authorities have to deal with. Due to frequent absences of witnesses and incomplete documentation, deferments become repetitive. The BNSS even theoretically assumes continuous day-to-day hearings as soon as the trial is underway,³⁴ but on account of the overload of the courts with backlogged cases, they cannot keep going without breaks. The absence of court calendars or binding sanctions makes it impossible for managers of trials to be consistent in various areas of jurisdiction.

Although the BNSS tries to make efficiency less dependent on individuals and more a matter of institutional practice, the outcome of this endeavour is closely linked to the level of judicial engagement. The managerial style typical of the US or French judiciary is still to be found in India. Therefore, the time for judges to take over the role and responsibility of managing working schedules, ensuring presence, and limiting adjournments has not yet come if judicial reforms alone are to result in justice being served promptly.

Trial Case Management in the United States: The U.S.A. illustrates a very organised type of model where judges administratively exercise their managerial power in an active way. The Speedy Trial Act enforces the commencement of a criminal trial within seventy days of the indictment or of the first appearance, and it allows a few kinds of exceptions. Judges supervise this by scheduling orders under the Federal Rules of Criminal Procedure through which they set the deadlines for discovery, motions, and disclosures of witnesses.³⁵ If the

³³ Bharatiya Nagarik Suraksha Sanhita 2023, s 530

³⁴ Bharatiya Nagarik Suraksha Sanhita 2023, s 254(2)

³⁵ Federal Rules of Criminal Procedure 2023, r 16.1

rules are not followed, the court has the power to exclude certain evidence or even dismiss the case, thereby providing procedural discipline.

During the trial stage, judges control the timing and the order of the implementation of the work. According to Rule 611(a) of the Federal Rules of Evidence, judges have the power to decide the order in which the witnesses are cross-examined to bring about efficiency and to disallow the harassment of the witnesses.³⁶ Thus, judges obtain the practical power not only over the content but also over the tempo of trial proceedings. And, in addition, pre-trial conferences under Rule 11 help to narrow issues and facilitate plea bargaining, thereby reducing the volume of trials and thus relieving the court's docket congestion.³⁷

Even though plea bargaining elicits fairness problems as it tends to produce more negotiated outcomes rather than adjudicated ones, it is still a practical element of American case management. The main feature of the U.S. model that makes it so strong is its great predictability-the very set of enforceable timelines, judicial control, and procedural sanctions which together bring about the compliance culture among the parties. So the judge performs the function of not only an adjudicator but also that of a managerial authority who is the main agent of statutory and procedural control, ensuring that the process moves from one stage to another and toward timely resolution.

Trial Case Management in France: French criminal justice, mainly based on the Code de procédure pénale, is a perfect representative of the inquisitorial model, where judicial authority has both the leading role in terms of substance and structure.³⁸ The judge in the court takes the lead in the trial, the examination of the witnesses is at his/her discretion, and the investigative record, being an integral part of the hearing, is the judge's own work.³⁹ This can be called a kind of reduction of the repetition, as almost all the evidence is taken from the pre-trial stage and thus has already been checked.

The factor that distinguishes the French model most is the uninterrupted character of the hearings. For instance, trials before the cour d'assises are held without long breaks between the sessions, thus the procedural rhythm is maintained.⁴⁰ The judge determines the

³⁶ Federal Rules of Evidence 2024, r 611

³⁷ Federal Rules of Criminal Procedure 2023, r 11

³⁸ Code de procédure pénale 1958, arts 231-316

³⁹ Roberts (n 9)

⁴⁰ Code de procédure pénale 1958

usefulness, the logical sequence, and the right measure of the questions asked; thus, the unnecessary deviations are kept away. This kind of very close supervision of the court by the judge not only brings the delay to a minimum but also helps to illuminate the evidence.

Nevertheless, the French model is not without flaws. The issue of partiality is raised most often since the same judges who direct the investigation also decide the case. France accomplishes its goal of efficiency through the complete harmony of its institutions. The single judge who conducts the entire investigation up to the moment of trial ensures not only a smooth but also a very disciplined process that is almost free from procedural fragmentation, which is typical of adversarial systems.

COMPARATIVE ANALYSIS AND DISCUSSION

The USA expedites the trial by the use of law enforcement and punishment for the delays, whilst France attains it through integration of the judiciary within the inquisitorial framework. The BNSS of India is designed to learn from both systems by way of statutory intervention as well as maintaining adversarial fairness, but there are implementation gaps that still exist.⁴¹

The US system depends on externally enforced discipline, whereby judges intervene to ensure compliance through orders that can be enforced. On the other hand, France uses internally enforced discipline, which implies that the judiciary itself controls how the proceedings are carried out. At present, India is devoid of both mechanisms: on the one hand, there is legislative reform without the necessary administrative infrastructure, and on the other hand, there is no corresponding judicial proactivity.⁴²

Furthermore, effective case management is largely determined by the prevailing institutional culture. In the US, judges are brought up to be efficient managers of their dockets; whereas, in France, magistrates regard procedural direction as their inherent judicial function. Indian judges, on the other hand, are still heavily burdened with large caseloads and are bound by the rigidity of procedural formalities. For the BNSS to fulfil its function, it will require the Indian judiciary to transition to the stage where they will be expected to manage cases

⁴¹ Bharatiya Nagarik Suraksha Sanhita 2023, ss 254-256

⁴² Law Commission, *245th Report on Arrears and Backlog* (Law Com No 245, 2014)

proactively, and this, in turn, will need to be supported by digital tools and clear procedural timelines.⁴³

To sum up, the US system is a good example of procedural rigour and discipline that can be enforced, the French system is coherent structurally through judicial control, whereas the Indian system is in a state of flux. The BNSS acts as a legislative scaffold for the Indian legal system to become more modernised; however, the real indication of success will be the judiciary's readiness to change. If the judges do not take it upon themselves to handle the trial efficiently and ensure its continuation, then the promise of the BNSS, which is to provide justice that is both fast and fair, is going to be largely unfulfilled.⁴⁴

Case Management at the Post-Trial Stage: The post-trial stage refers to the last but equally important part of the criminal process. Besides sentencing and appellate review, case management at this stage includes the activities of the court after the conclusion of the trial, such as dealing with the judgment, and the conduct of the case in the appellate and review jurisdiction. Proper case management at this level should make sure that the delivery of justice does not stop after a conviction or an acquittal and that the judicial process is brought to a timely end. The health of the entire criminal justice system can be gauged by how efficient the post-trial management is.

On the one hand, knockout blows to the judiciaries' tardiness in giving decisions on judgments, sentencing, and appeals can be found in statutory reforms enacted by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in India, even though obstacles to the same linger on. On the other hand, in the US, sentencing and appeals have a well-defined and codified structure along with judicial oversight under the Federal Rules of Criminal Procedure and the U.S. Sentencing Guidelines, which altogether facilitate time keeping. France, regulated by the Code de procédure pénale (C. pr. pén.), limits the time for pronouncement of judgments and also provides for judicial supervision to be extended throughout the appeal process. These different systems display the degree to which post-trial judicial efficiency and fairness are maintained or broken down.

⁴³ Case Flow Management Rules 2005

⁴⁴ Bharatiya Nagarik Suraksha Sanhita 2023, s 254(2)

Post-Trial Case Management in India: India's criminal justice system is post-trial delay riddled with the most chronic way of unprocessed cases that are piled up, leading to justice being dispensed very slowly. Even though the BNSS retains the fundamental adversarial structure, it also imparts features that enhance the aspects of the administration of justice relating to time and accountability. Section 258 stipulates that judgments shall be delivered within thirty days from the day of the conclusion of the arguments, and upon written reasons, it shall be extended to forty-five days.⁴⁵ Such a provision is aimed at addressing the problem of the long period during which the judgment under the CrPC would be reserved. Nevertheless, in reality, performance in this respect is heavily reliant on the work of judges and the efficiency of the court administration.

In India, delays in sentencing hearings mostly arise due to the fragmentation of procedures and the lack of counsel's preparedness.⁴⁶ By mandating that judges should look at pre-sentence reports and victim-impact statements before sentencing, the BNSS makes provisions for speeding up sentences.⁴⁷ However, the government is still in the very early stages of the implementation of these mechanisms, and whether entered into will largely depend on the prospects of probation officers and the readiness of courts to take up the new methods. Sentencing should, as the Supreme Court has noted, not be a matter of filling in the blanks but one that involves following the guide of logical principles; nonetheless, the lack of frameworks for this process still results in significant differences and inconsistencies.

Another large segment of the criminal justice system reforms in India is represented by the appeal procedures and post-conviction services that cause delays in court proceedings. The unavailability of High Courts and the Supreme Court causes the stack of cases awaiting resolution to extend over years. The National Judicial Data Grid and Case Flow Management Rules (2005) have been instrumental in bringing about improvements in the management and digital tracking of cases, but different states have varying degrees of success in implementing these measures.⁴⁸ With the BNSS agreement to facilitate appeals and revisions through digital records and video-link hearings, the modernisation of these processes is underway.⁴⁹ However, until appellate courts are willing to take on the role of strict

⁴⁵ Bharatiya Nagarik Suraksha Sanhita 2023, s 258

⁴⁶ *State of Punjab v Prem Sagar & Ors* (2008) 7 SCC 550

⁴⁷ Bharatiya Nagarik Suraksha Sanhita 2023, ss 400–401

⁴⁸ Case Flow Management Rules 2005

⁴⁹ Bharatiya Nagarik Suraksha Sanhita 2023, s 530

schedulers and enforce the punctuality of reporting, the benefits of efficiency that the new code foresees will be hard to realise.

Consequently, the post-trial management situation in India is not only that of legislative reform under the BNSS being a mere signal of progress, but also that of continuing weaknesses in terms of enforcement of the institutions, shortage of human resources, and absence of mechanisms of accountability for delayed judgments and appeals.

Post-Trial Case Management in the United States: The United States features a relatively strict post-trial framework that focuses on elements such as predictability, transparency, and supervision by the judge. Sentencing is regulated by the U.S. Sentencing Guidelines, which set the limits of the sentence depending on the severity of the crime and the offender's criminal record. Though the judge's discretion is kept, it is limited by the statutes and the decisions of the higher courts. The employment of this structured method lessens cases of different sentences for similar crimes and also speeds up the making of decisions.

According to Rule 32 of the Federal Rules of Criminal Procedure, the court imposing the sentence must do so 'without unnecessary delay' and give its reasons in writing.⁵⁰ Furthermore, judges should, on record, deal with the criticisms of the pre-sentence reports, thereby not only ensuring procedural justice but also saving time. Generally, the court hearing the sentence is held within a few weeks of the guilty verdict, while in India, such hearings may be deferred for several months.

The appellate procedures in the U.S. are also bound by time. Rule 4(b) of the Federal Rules of Appellate Procedure stipulates that the defendants must submit notices of appeal within two weeks from the day of the decision, and similarly, the prosecutors are allowed to file cross-appeals in that period only.⁵¹ The main purpose of this strict regulation is to prevent the post-trial review from being renewed over and over again. Besides that, the appellate courts keep extremely detailed docket calendars and publish their statistical reports annually, which assists them in being accountable and transparent.

One of the most remarkable aspects of American post-trial management is the probation and correctional services' inclusion in the judicial supervision. The probation officers write the

⁵⁰ Federal Rules of Criminal Procedure 2023, r 32

⁵¹ Federal Rules of Appellate Procedure 2025, r 4

reports before and after the sentence, and these reports help them keep track of the release conditions' compliance. The continuous judicial engagement, supported by administrative mechanisms, as described above, is one of the factors that make post-trial processes not merely administrative formalities but an integral part of case management. The U.S. model, due to the presence of codified timelines, mechanisms for accountability, and transparent data reporting, stands as an example of post-trial efficiency.

Post-Trial Case Management in France: The French criminal system, according to the Code de procédure pénale, sees the management of cases after the trial as the continuation of the judicial responsibility, rather than a separate administrative phase. The announcement of the decision must be made 'promptly' after the hearing, and the written reasons are obligatory.⁵² The judge ensures that the sentencing is based on proportionality and is legally certain. The French system, being less adversarial, moves away from the focus on argument and instead highlights the documentary and deliberative approach.

Besides that, appeals in France are bound by strict deadlines: an appeal against a correctional judgment has to be submitted within ten days, whereas in the cases before the cour d'assises, within twenty days.⁵³ The Cour d'appel looks into both the facts and the law, whereas the Cour de cassation only examines points of law, thus avoiding the repetitive review of the evidence.⁵⁴ By checking whether the procedure was followed, the Cour de cassation ensures that there is a consistent practice of law and that the delays caused by the lower courts do not accumulate.

Furthermore, the French judge in charge of the execution of the sentence (juge de l'application des peines) keeps an eye on the post-sentencing measures, parole, and rehabilitation, thus providing the continuity of judicial control beyond the trial.⁵⁵ This continued participation represents the philosophy prevailing in the inquisitorial system, according to which the judge is the supervisor of the whole life span of the criminal case. By providing for the observance of procedural timelines and judicial accountability at each level,

⁵² Code de procédure pénale 1958, arts 485–486

⁵³ Code de procédure pénale 1958, arts 498–505

⁵⁴ Code de procédure pénale 1958, arts 567–593

⁵⁵ Code de procédure pénale 1958, arts 712–721

the French system reduces the post-trial period to almost zero possibilities for uncertainty and, at the same time, ensures that the rights of individuals are fully respected.

COMPARATIVE ANALYSIS AND DISCUSSION

The post-trial structures of India, the United States, and France exhibit different trade-offs between the factors of efficiency, judicial control, and procedural safeguards. It can be seen from the systems of the U.S. and France that a significant reduction in pendency is the result of active judicial involvement and having codified timelines. On the other hand, the Indian system, although it has been recently reformed, is still very much dependent on the discretion of individual judges, and there is no institutional enforcement of statutory timeframes.⁵⁶

The United States model can provide efficiency by means of external mechanisms, such as very strict filing deadlines, sentencing guidelines, and centralised docket monitoring. At the same time, the French model attains the same result by means of internal control when the judge remains the most active person even after the conviction. India, on the other hand, is still far from both as it does not have the structural and technological provisions for a consistent post-trial discipline.

Moreover, speeding up post-trial activities should also be done without sacrificing the quality and fairness of judicial reasoning. The French system's focus on written justification and the U.S. system requirement for transparent sentencing reports both increase the trust of society in the justice system. For India, it would be a significant reform to implement the compulsory publication of sentencing orders, adopt a uniform format for digitally tracking appeals, and pronounce the judgments within a predetermined time frame.

To sum up, although France and the U.S. have institutionalised post-trial management as part of their judicial culture, India's achievement relies on the courts' judgment whether BNSS's provisions are mere formal obligations or functional duties. Criminal case management in India is not just about the future of statutory reform but also about creating a culture of judicial accountability and procedural efficiency in all stages of justice delivery.

⁵⁶ Bharatiya Nagarik Suraksha Sanhita 2023, ss 258–261

COMPARATIVE ANALYSIS AND CONCLUSION

Globally, the concept of managing a criminal case has changed from being a mere technical aspect of administration to one of the central functions of the judiciary, which has a major impact on the manner in which justice is given. The latter is actually the main determinant of whether a criminal proceeding is going to be efficient, fair, and trustworthy.

Comparatively, India, the United States, and France signify three different procedural traditions: adversarial, managerial-adversarial, and inquisitorial models, respectively. Each of these systems represents its constitutional principles and legal traditions; however, they all face the same issue: how to balance judicial efficiency with procedural fairness.⁵⁷

America serves as an example of the managerial method, in which judicial control is very detailed in laws and regulations. The Speedy Trial Act of 1974, along with the Federal Rules of Criminal Procedure, make it very clear that there are set timelines that have to be observed and that a person should be held accountable; thus, judges are not left as mere bystanders, but rather, they take an active part in managing cases.⁵⁸

The French system, on the other hand, as per the Code de procédure pénale (C. pr. pén.), is the representation of the inquisitorial idea, where the judiciary is in charge of the investigation, trial, and post-trial process.⁵⁹ India's structure, on the other hand, which is presently embodied in the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), looks forward to transforming the adversarial model by adopting more features of the judicial system, such as codified timelines, digitalisation, and judicial oversight.⁶⁰ The comparative analysis across the pre-trial, trial, and post-trial stages reveals how each model builds up and confines judicial management in various ways.

Pre-Trial Stage: Judicial Involvement and Procedural Control: At the stage of pre-trial stage, the issue of management is crucial because it is through the setting up of the relevant procedures that it opens up the way to the stages that follow. In the U.S., a pre-trial is the responsibility of the court, and its conduct is very much under the control of the judges. Judges are holding pre-trial conferences, regulate discovery, and Speedy Trial Act deadlines

⁵⁷ Damaska (n 1)

⁵⁸ Speedy Trial Act of 1974, ss 3161–3174

⁵⁹ Code de procédure pénale 1958, arts 79–189

⁶⁰ Bharatiya Nagarik Suraksha Sanhita 2023, s 1

are enforced by them.⁶¹ This move prevents the prosecution from prolonging, and thus it guarantees that defendants will be tried without unnecessary delay.

The law-established seventy-day period is a strong instrument whereby the judiciary is given the role of the main agent in the prosecution of the case; it is there that the accomplishment of the progress is mainly dependent on the work of the judges.

On the contrary, in France, the *juge d'instruction* is deeply involved in investigation through his/her supervision, which not only orders searches and expert reports but also ensures the consistency of the whole matter before the court.⁶² Integrating investigation very tightly with the court, this judicial process limits the chances of both duplication and fragmentation, thus trials become much faster. France leaves nearly no frontier between investigation and adjudication but achieves, nevertheless, great procedural efficiency owing to judicial continuity.

India, in return, under the BNSS, is trying to combine the best qualities of both the above-mentioned systems. Besides the provisions for Zero FIR, timelining for investigation and progress reporting regularly are all steps towards judicial monitoring.⁶³ Nonetheless, the lack of an empowered judicial figure, such as the *juge d'instruction*, means that there is no pre-trial oversight. Delays in the submission of the charge sheet, as well as in procedural adjournments, are still very frequent. The comparative insight is that only the judicial presence during the investigation - through either the imposition of statutory timelines or the supervision of the investigation - is really capable of preventing systemic delays.

Trial Stage: Judicial Management and Procedural Discipline: The trial stage is the battlefield where case management most starkly shows its influence on justice delivery. In India, Section 254 of the BNSS imposes a strict regime of continuous evidence-taking with very few adjournments, but the adversarial system and the heavily loaded courts make it difficult to observe the provisions.⁶⁴ Judges are usually drawn into the arena and take up the role of neutral umpires; thus, they do not intervene in the day-to-day management of the case, which is left to the ushers. As a consequence, the procedures get prolonged due to the

⁶¹ Speedy Trial Act 1974, s 3161

⁶² Code de procédure pénale 1958, arts 81–145

⁶³ Bharatiya Nagarik Suraksha Sanhita 2023, ss 173, 174 and 175

⁶⁴ Bharatiya Nagarik Suraksha Sanhita 2023, s 254

scattering of testimonies and the lengthening of the examination of witnesses. Although measures such as video testimony and digital records have been introduced, the lack of institutional will and absence of case calendars have made it difficult for these to be put into practice consistently.

In the US, the judges reframe their role and become the procedural leaders. Federal Rules of Criminal Procedure entail the issuance of scheduling orders that set out timetables for discovery, motions, and witness lists.⁶⁵ If the provisions are not met, warnings or, in the worst cases, withdrawal of the case are the resulting reactions; thus, procedural observance is safeguarded. In addition to this, the pre-trial conferences and plea bargaining options being introduced have lessened the pressure on the docket and thereby transformed judges into those who actively manage cases rather than just supervising.⁶⁶

On the other hand, the French system is the embodiment of the concept of judicial continuity. The *juge du siège* attends to the oral part, decides the order of the witnesses, and recasts the *dossier d'instruction* into the trial.⁶⁷ The close management brought about by this concentration of functions allows for short and efficient trials, especially before the *cour d'assises*, where the process goes on every day till the end. The French model, therefore, achieves efficiency through direct control of the judiciary rather than through procedural deadlines.

Comparatively, France and the U.S. are different in many respects, but equally effective systems, which either rely on judicial authority or on statutory regulation. The problem with India is not that it lacks laws but that the laws are not enforced. The BNSS equips Indian judges with procedural means similar to those in the U.S., but their effectiveness is determined by the level of the judge's engagement and whether they get the necessary administrative support.

Post-Trial Stage: Timeliness and Judicial Accountability: The post-trial stage is a challenge of case management continuity. Besides the timely pronouncement of judgments and sentencing, it also consists of fast and efficient appeals and execution. In India, Section 258 of the BNSS provides for judgments to be given within thirty days from the conclusion of

⁶⁵ Federal Rules of Criminal Procedure 2023, r 16

⁶⁶ Federal Rules of Criminal Procedure 2023, r 11

⁶⁷ Roberts (n 9)

arguments, and this period can be extended to forty-five days upon giving a reason.⁶⁸ It often happens, however, that reserved judgments remain far beyond their due dates for quite a long time. Similarly, sentencing hearings face delays due to the absence of standardised frameworks and the lack of pre-sentence reports. Appeals experience a perpetual backlog, and there is no fixed hearing calendar to support efficiency.⁶⁹

The U.S., on the other hand, keeps up with the strict procedural discipline even in the post-trial period. Rule 32 of the Federal Rules of Criminal Procedures requires that the sentencing be done ‘without unnecessary delay.’⁷⁰ The U.S. Sentencing Guidelines offer clear frameworks that limit judicial discretion and, at the same time, allow for individualised consideration. The filing of appeals should take place within 14 days of the judgment, and the docket of the appellate court, which is in electronic form, facilitates the monitoring of compliance thereof.⁷¹ The post-trial management system in the U.S. is, therefore, the natural continuation of the pre-trial one - it is hierarchical, rule-bound, and transparent.

The French system also guarantees the enforcement of punctuality. Judgments are made without delay and in writing, while the periods for lodging appeals are very short and limited to ten or twenty days.⁷² The intervention of the Cour de cassation in monitoring the fulfilment of the lower court and the continuous presence of the juge de l’application des peines after the verdict that execution of the sentence is in accordance with the law and that the rehabilitative process is implemented are the aspects that ensure that judicial accountability is present even after conviction.⁷³ The post-trial system in France is the perfect embodiment of the idea that the judiciary's responsibility does not end with the delivery of the judgment but continues through the execution and the rehabilitation phases.

COMPARATIVE SYNTHESIS: JUDICIAL EFFICIENCY AND FAIRNESS

Three systems are analysed to understand the two main variables that impact the effectiveness of case management, namely, the role of the court and the structural means of enforcement. The U.S. system utilises the court's role in a very active way through the law,

⁶⁸ Bharatiya Nagarik Suraksha Sanhita 2023, s 258

⁶⁹ *State of Punjab v Prem Sagar & Ors* (2008) 7 SCC 550

⁷⁰ Federal Rules of Criminal Procedure 2023, r 32

⁷¹ Federal Rules of Appellate Procedure 2025, r 4

⁷² Code de procédure pénale 1958, arts 498–505

⁷³ Code de procédure pénale 1958, arts 712–721

i.e., it formally installs judicial accountability by way of procedural sanctions. On the other hand, the French system recognises the court's role as a less active one and, through the judicial culture, imparts managerial responsibility to the very nature of the magistrate. Unlike these two systems, the Indian system depends mainly on changes in the law, without reforms being carried out in the institutions accordingly.

Moreover, these systems differ in the ratio of the two aspects that make up the justice principle: efficiency and fairness. The U.S. system might be accused of trading individualised justice, particularly in the field of plea bargaining, for the sake of the rapidity of the process. France, being very efficient, still undergoes criticism from time to time on the issue of losing impartiality due to the combination of the investigative and adjudicative functions. India is stuck with a delay; however, its pluralistic structure affords vigorous procedural rights. The challenge now is to combine these principles—embracing the managerial control without causing the adversarial fairness to suffer a decline.

In comparison, India's BNSS is a hybrid model that tries to reconcile these different systems. It seeks to be efficient by implementing such measures as digital tracking, investigation timelines, and stricter judgment deadlines. But actual reform goes beyond mere codification: it requires a profound change of the judiciary's mindset and the physical facilities of the judiciary. What can be learned from the U.S. and France is that efficiency has to be very clearly and concretely outlined in either statutory enforcement or judicial integration; India, at present, is functioning in a kind of an intermediate zone without being able to fully achieve either one.

CONCLUSION

The different stages of case management - pre-trial, trial, and post-trial - are telling the same story that procedural efficiency cannot be separated from judicial responsibility. The United States is an example where the implementable timelines together with judicial discipline lead to predictability; France indicates that efficiency does not need to be sacrificed to fairness as the courts are involved continuously; and India, which is on the reform's tipping point, conveys that modernisation of the legislature must go hand in hand with the institutional framework.

At the core, this cross-jurisdictional insight stresses a single point: delayed justice is not only justice denied but also bad case management. The judiciary should no longer be seen as a referee but rather as a custodian who keeps the procedural momentum going. As far as India is concerned, the BNSS's outcome shall rely on the extent to which judges will perceive case management as one of their constitutional duties and not merely as part of everyday office work. It is in that moment when the criminal procedure will reach the right balance between speed, fairness and trustworthiness that is characteristic of a justice system of the 21st century.