

SUPREME COURT OF INDIA

Hardeep Singh

Vs.

State of Madhya Pradesh

CrI.A.No.2250 of 2011

(Aftab Alam and Ranjana Prakash Desai, JJ.,)

05.12.2011

JUDGMENT

Aftab Alam, J.,

1. Leave granted.
2. These two appeals are filed against orders passed by the Madhya Pradesh High Court in two separate cases though arising from the same set of facts.
3. The appellant, Hardeep Singh was engaged in running a coaching centre, called "Deepika Classes" where students were given tuition to prepare them for entrance tests for different professional courses. On June 8, 1992, it was reported to the Collector, Jabalpur, Raghav Chandra that the appellant had asked some of his students to pay him Rs.50,000/- for giving them the question papers for the pre- medical test in three subjects. The Collector decided to set up a trap for catching the appellant. The complainant before the Collector had with him only Rs.10,000/- at that time. The Collector, therefore, called the City Magistrate and instructed him to take out Rs.10,000/- from the Collectorate Nazarat. The currency notes taken out from the Nazarat were marked and the decoy was sent to pay to the appellant Rs.20,000/-, including the money taken out from the Nazarat. Then a raid was conducted at the house of the appellant in which Rs. 20,000/- with the marked currency notes of Rs.10,000/- were recovered. The appellant was arrested and a criminal case (Criminal case No. 314 of 2004) was instituted against him under Section 420 read with section 34 of the Indian Penal Code and under Section 3/4 of The [Madhya Pradesh] Recognized Examinations Act, 1937. He was brought to the police station in handcuffs and his photographs in handcuffs appeared in the local newspapers. The police submitted charge sheet in the case on the basis of which the appellant was put up on trial. The trial went on, as is not uncommon in this country for several years at the end of which he was acquitted on August 26, 2004.
4. Even while facing the trial, the appellant filed a complaint before the Judicial Magistrate First Class at Jabalpur (which was registered as Criminal Case No.66/2000) alleging that the

Collector Raghav Chandra and other Government functionaries, named as accused in the complaint had committed offences punishable under Sections 395, 468, 469 read with Section 34 of the Indian Penal Code. The appellant's complaint was also based on the raid conducted by the Collector along with the police officials at his house on June 8, 1992. The learned Magistrate dismissed the complaint for want of sanction under Section 197 of the Code of Criminal Procedure, 1973. Against the order dismissing the complaint, the appellant moved the Sessions Court in revision. The revision was allowed and as directed by the Sessions Court the appellant's complaint came to be registered.

5. The accused in the complaint filed by the appellant then moved the High Court in a quashing application (Miscellaneous Criminal Case No.1676/2000) and the High Court by order dated September 17, 2002 allowed the application holding that the complaint was not maintainable against the public servants in the absence of sanction under Section 197 Cr.P.C. The appellant challenged the order of the High Court before this Court in SLP(C) No.179/2003, but it was dismissed in limine.

6. The appellant, then, moved the State Government for grant of sanction under Section 197Cr.P.C. for prosecution of Raghav Chandra and the other Government officers named as accused in his complaint. The State Government, however, refused to give sanction and rejected his application by order dated December 12, 2006.

7. The appellant challenged the Government order in a Writ Petition (Writ Petition No.4777 of 2007) before the Madhya Pradesh High Court. The Writ Petition was dismissed by a learned Single Judge of the court by order dated August 31, 2007. The appellant, then, filed a review petition (M.C.C. No.2324/2007) but that too was dismissed by order dated May 10, 2007. The appellant, then, preferred an intra-court appeal (W.A. No.1682/2007) which after due consideration by a Division Bench of the High Court was dismissed by order dated May 14, 2008. This order comes under challenge in the Criminal Appeal arising from SLP (Criminal) No.1658 of 2008.

8. We have heard the appellant at length, who appeared in person. We have also carefully gone through the materials on record. We find that the Division Bench of the High Court on a detailed examination of the matter found and held that there was no material to suggest even a prima facie case against the Collector, Jabalpur, and the other Government officers accused by the complainant and, therefore, there was no ground to interfere with the decision of the State Government not to accord sanction for their prosecution. We find the view taken by the High Court is unexceptionable and there is no scope for any interference in the matter. We, accordingly, dismiss the appeal arising from Special Leave Petition (criminal) No.1658 of 2010.

9. Coming now to the other criminal appeal arising from SLP (Criminal) D No.23364 of 2008, as noted above, the appellant was acquitted in the criminal case on August 26, 2004. He, then, filed a Writ Petition (Writ Petition No.4368/2004) before the Madhya Pradesh High Court contending inter alia that while he was taken to the police station and was kept there in custody in the night of June 8, 1992, he was handcuffed by the police without there being

any valid reason. A number of daily newspapers published his photographs and on seeing his photograph in handcuffs his elder sister, who loved him like a son, was so shocked that she expired on June 17, 1992. The appellant also contended that the prosecution knew from the beginning that the cases registered against him were false and it purposefully caused delay in conclusion of the trial causing great harm to his dignity and reputation and violating his fundamental right to speedy trial guaranteed under Article 21 of the Constitution. In that Writ Petition too, a direction was sought for prosecution of persons impleaded as respondents 2 to 20 for criminal defamation and other provisions of law. A learned Single Judge of the High Court, however, admitted the writ petition, vide order dated February 24, 2005, on the limited question of grant of any compensation to the appellant for the delay in conclusion of the criminal case against him. The learned Single Judge came to find and hold that though the prosecution was stretched over a period of more than 10 years, the appellant himself was responsible for the delay, as on a majority of occasions adjournments were taken on his behalf. The Single Judge, therefore, found and held that there was no case for any compensation to the appellant and, accordingly, dismissed the Writ Petition. The appellant filed a review petition (M.C.C. No.7325 of 2005) but that too was dismissed.

10. Against the orders passed by the Single Judge, the appellant filed an intra-court appeal (W.A. No.175 of 2007). The Division Bench of the High Court, hearing the appeal, examined the order-sheet of the trial proceedings and disagreeing with the learned Single Judge found and held that the responsibility for the delay in the trial proceedings for five years from March 15, 1999 to May 6, 2004 lay with the State as no timely steps were taken by the prosecution to produce and examine the witnesses before the trial court. The Division Bench observed that an expeditious trial, ending in acquittal, would have restored the appellant's personal dignity but the State, instead of taking prompt steps to produce and examine the prosecution witnesses delayed the trial for long five years.

11. The Division Bench further held that there was no warrant for putting the appellant under handcuffs. His handcuffing was without justification and it had not only adversely affected his dignity as a human being but had also led to unfortunate and tragic consequences.

12. The Division Bench, however, noted that even though there was an undue delay of five years in concluding the appellant's trial, his liberty was not affected inasmuch as he was not in imprisonment but was on bail.

13. In light of these findings, the Division Bench held that the appellant would not be entitled to a large amount of compensation as claimed by him and taking an overall view of the matter awarded him a compensation of Rs.70,000/- (Rupees Seventy Thousand), without prejudice to any claim that he might make for damages.

14. The appellant is not happy with this order. He has not filed any suit in civil Court for damages. His constant refrain before us was that the Collector, Jabalpur and the other Government functionaries whom he perceived as his oppressors and perpetrators of the alleged offences against him must be sent behind bars. He seems to suffer from an aggravated sense of persecution and at times emotions and anger tended to get better of him.

15. But on that issue we cannot help him at all. It is now concluded by an order of this Court that the complaint filed by the appellant cannot proceed in the absence of sanction by the government for prosecution of the accused named in the complaint. The State Government has declined to grant sanction and the High Court has rightly found that the order of the State Government does not suffer from any infirmity and does not warrant any interference by the court. The prayer of the appellant, therefore, to send the accused behind bars cannot be entertained.

16. Coming, however, to the issue of compensation, we find that in light of the findings arrived at by the Division Bench, the compensation of Rs.70,000/- was too small and did not do justice to the sufferings and humiliation undergone by the appellant. In the facts and circumstances of the case, we feel that a sum of Rs.2,00,000/- (Rupees Two Lacs) would be an adequate compensation for the appellant and would meet the ends of justice. We, accordingly, direct the State of Madhya Pradesh to pay to the appellant the sum of Rs.2,00,000/- (Rupees Two Lacs) as compensation. In case the sum of Rs.70,000/- as awarded by the High Court, has already been paid to the appellant, the State would naturally pay only the balance amount of Rs.1,30,000/- (Rupees One Lac thirty thousand)

17. In the result, criminal appeal arising from SLP (Criminal) No.1658 of 2010 is dismissed and criminal appeal arising from SLP (Criminal) D No.23364 of 2008 is allowed to the extent stated above.

18. All pending applications are dismissed.