



SJA NEWSLETTER

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Topic of the Month

Chief Patron

Hon'ble Mr. Justice
Barin Ghosh
Chief Justice

Judge-In-Charge

Hon'ble Mr. Justice
Hakim Imtiyaz Hussain

Editor

Gh. Mohi-ud-Din Dar
Director SJA

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The Editor

SJA Newsletter
Jammu & Kashmir
State Judicial Academy
Janipur, Jammu-180001
Ph: Jammu: 0191-2530871
Srinagar: 0194-2472078
Fax: Jammu: 0191-2530783
Srinagar: 0194-2472078
E-mail: jkja@jk.nic.in

Compiled, Composed & Layout by :

Pankaj Kumar Gupta
Deputy Registrar

“Socrates counselled judges to hear courteously, answer wisely, consider soberly and decide impartially. Someone has commented that these four virtues are all aspects of judicial diligence. It is suggested that Socrates list needs to be supplemented by adding the virtue of acting expeditiously. But diligence is not primarily concerned with expedition. Diligence, in the broad sense, is concerned with carrying out judicial duties with skill, care and attention, as well as with reasonable promptness.

I read a poem (the name of the poet unfortunately I will not be able to quote, as it was not there, where I read it) which describes the qualities of a judge. It reads :

*“God give us men, a time like this demands;
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honour; men who will not lie;
Men who can stand before a demagogue and damn lies treacherous flatteries
without talking;
Tall men, sun-crowned, who live without the fog;
In public duty and in private thinking;
However, they may be trained to strengthen those who are weak & wronged.”*

Late Justice Shiv Dayal during his tenure as Chief Justice of the High Court of Madhya Pradesh brought out Judges’ Diary (Nyay Diary, 1976) as an official publication of the High Court. It included Judge’s Prayer running into three stanzas. Invoking the mercy of the Supreme Lord, he described the Judges as “Thy servants whom Thou sufferest to sit in earthly seats of judgment to administer Thy justice to Thy people”. He begs from the infinite mercy of the Supreme Lord, so as “to direct and dispose my heart that I may this day fulfil all my duty in Thy fear and fall into no error of judgment.” In the third stanza, he says - “Give me grace to hear patiently, to consider diligently, to understand rightly, and to decide justly ! Grant me due sense or humility, that I may not be misled by my willfulness, vanity or egotism”. Rightly, the Judges are something special in the democratic form of government governed by a Constitution and, therefore, the most exacting standards can be none too high.

(Taken from Ist M.C. Setalvad Memorial Lecture delivered by Hon'ble Shri Justice R.C. Lahoti, Former Chief Justice of India delivered on 22-02-2005.)

ACADEMY NEWS

1. One day workshop was conducted by the State Judicial Academy at Jammu on 18th of October, 2009 on the topic “Adjudication of Compensation cases under the Motor Vehicles Act”. All the Presiding Officers of Motor Accident Claims Tribunals of Jammu province participated in the workshop.



Workshop in Session

S/Shri Bansi Lal Bhat, Principal District and Sessions Judge, Jammu and Janak Raj Kotwal, Spl. Judge, Anti-corruption, Jammu were the Resource Persons in the workshop. Workshop was conducted in two sessions, 1st pertained to (a) : “Production of Evidence, quality of evidence and standard of proof” and (b) : “Statutory defences available to Insurance



Workshop in Session

Companies and Private Respondents” and 2nd pertained to (a) : “Award of compensation including structured formula for the same” and (b) : “Identifying the bottlenecks which come in the way of speedy disposal of compensation cases under the Motor Vehicles Act”.

The interactive programme for Session-I was initiated by Shri Janak Raj Kotwal, Spl. Judge, Anti-corruption, Jammu and all the participants took active part in the session. The difficulties faced by the Presiding Officers at the stage of trial of compensation cases under the Motor Vehicles Act,

were projected by some of the participants and the effective remedial measures were discussed. After the deliberations, the participants arrived at consensus on various complicated issues pertaining to such cases.

The discussion regarding the Session-II was initiated by Shri Bansi Lal Bhat, Principal District and Sessions Judge, Jammu. Participants were of the



Workshop in Session

View that there was lack of uniformity of approach in determining ‘Just Compensation’. However, there was consensus among the participants that in view of the latest law laid down by the Hon’ble Apex Court as well as our own High Court, the difficulties in awarding ‘Just Compensation’ can easily be surmounted. In this session, the bottlenecks in the



Workshop in Session

trial and disposal of compensation cases under the Motor Vehicles Act were identified and effective measures to overcome these difficulties, also to remove these bottlenecks within the present framework were discussed by the participants.

Workshop attained significance as Hon’ble Shri Justice Hakim Imityaz Hussain, Hon’ble Judge Incharge, Jammu & Kashmir State Judicial Academy addressed the participants. His Lordship suggested some enlightening guidelines for effective and speedy disposal of compensation cases under the Motor Vehicles Act. His Lordship impressed upon the participants that by being enterprising, Presiding

Officers of Motor Accident Claims Tribunals, can devise ways and means for ensuring the presence of parties and their witnesses before the Tribunals, which will in the long run result in speedy disposal of compensation cases. It was also suggested that cause list ought to be prepared taking benefit of latest I.T. tools including computers which will ensure grouping



Hon'ble Shri Justice Hakim Imtiyaz Hussain while addressing the participants

of cases having common Insurance Companies, common Issues and common nature of injuries etc. His Lordship particularly referred to prioritizing the cases keeping in view the immediate need of the claimants for grant of compensation under the Motor Vehicles Act.



Participants while listening the address

Participants in the workshop felt satisfied as they were able to further improve their knowledge by mutual interaction and in particular hearing His Lordship's words of advise.

2. A Refresher course for the Chief Judicial Magistrates and Judicial Magistrates of Kashmir Province excluding those who had already attended the said course at Anantnag and Baramulla was held by the State Judicial Academy at Srinagar on 25th of October, 2009 on the topic "(a) Field of Litigation u/s 138 of Negotiable Instrument Act and (b) Import of Section 164 and 164-A Cr.P.C." In all 21 Judicial Officers attended the course.

S/Shri Abdul Rashid Bhat-II, 3rd Addl. District & Sessions Judge, Srinagar and Kikar Singh Parihar, 4th Addl. District & Sessions Judge, Srinagar were the Resource person. Refresher course was interactive in nature.



Refresher course in Session

Shri Abdul Rashid Bhat while dealing with the topic "Field of Litigation u/s 138 of Negotiable Instrument Act" told the participants that in order to provide speedy and inexpensive justice to the public at large who approach courts with complaints under Section 138 of Negotiable Instrument Act, the



Refresher course in Session

Procedure provided in the Section itself, shall be strictly adhered to so that the purpose for which provision has been enacted, is served. In this connection, he said that the remedy for recovering the amount from the unscrupulous drawer of cheques lies in civil law but that is time consuming and several years are spent in getting effective relief by the defrauded payees under civil law and in order to provide speedy justice to such defrauded payees, this provision of Section 138 of the Negotiable Instrument Act is pressed into service and if proceedings in these complaints are also protracted then the people lose faith in the efficacy of law applicable in such situations. He also replied to several queries put to him by the participants and it was felt that some amendments are warranted to be

brought about in these provisions so that the unscrupulous drawer of cheques do not exploit the loop holes in the provision to wriggle out from the rigours of law.



Refresher course in Session

Regarding the topic “Import of Section 164 and 164-A Cr.P.C” Shri K.S. Parihar impressed upon the Magistrates that it is their duty to get themselves satisfied before recording any confessional statement under Section 164 Cr.P.C that it is voluntary and the same is not the result of any inducement, promise or threat. He also told the participants that the provision of Section 164 Cr.P.C has two dimensions and when it is for recording of confessional statement, a Judge has to be pro-active as well as cautious whereas he need not be pro-active while recording the statement of witnesses under section 164 Cr.P.C. He also apprised the participants about the latest law laid down by the Apex Court regarding this provision of the Code of Criminal Procedure and in particular told them that it is to be resorted to only when police agency comes for recording the statement of witnesses under this provision of the Code of Criminal Procedure.

Shri Parihar also told the participants that some developments during the trial of some cases after the Gujarat riots necessitated enactment of Section 164-A Cr.P.C. and in particular he referred to Zahira Sheikh’s case. He told the participants that the Investigating Officer not below the rank of Sub-Inspector is duty bound to record the statement of all material witnesses in a case if the offence alleged to have been committed entails punishment of more than seven years. He also told the participants that under this provision of Code of Criminal Procedure also the Presiding Officer has to ensure that the statement of material witnesses in a case recorded u/s 164-A is voluntary and not the result of any inducement, promise or threat. He further told the participants that if the witness whose statement under section 164-A has been recorded retracts during the trial of the case, he can be on the conclusion of the trial proceeded against for perjury. Some pertaining queries were put

by the participants and it was felt that this provision also needs to be amended to remove the loop holes experienced by the Judicial fraternity while dealing with matters wherein statement under Section 164-A Cr.P.C. had been recorded.

All the participants took very active part in the deliberations and the interaction between the participants and the Resource Persons cleared some doubts in the minds of some officers about the topic which were deliberated upon in the Refresher course.

LEGAL JOTTINGS

(Case No. Criminal Appeal No.67 of 2003)

Arun Kumar Sharma v. State of Bihar

Coram: Hon’ble Mr. Justice V.S. Sirpurkar and Hon’ble Mr. Justice Deepak Verma.

Date of Judgment: 5-10-2009

Subject Index: Sections 498-A, 302, 304-B IPC. Accused charged with harassment for demand of dowry and resulting in death of one Sushma Devi. Trial Court and High Court finding it a case of Murder, the charges of harassment for demand of dowry having not proved. Accused Husband only convicted for offence of murder. Supreme Court, in appeal before it, found that both trial Court and High Court had not appreciated the evidence properly. The alleged eye witnesses had remained silent for almost 15 Hours after the occurrence. Police was not informed till late in the evening, that too telephonically. Also, copy of FIR was not sent to Magistrate for five days. Medical evidence also not concluding the cause of death to be strangulation by hands, as alleged in prosecution story. Accused entitled to benefit of doubt, as such acquitted.

(Case No. Criminal Appeal No.1015 of 2003)

Umapada Kayal v. State of West Bengal

Coram: Hon’ble Mr. Justice V.S. Sirpurkar and Hon’ble Mr. Justice Deepak Verma.

Date of Judgment: 06-10-2009

Subject Index: Section 302, 34 I.P.C - Nine accused were charged for committing murder with common intention. Trial Court acquitted all of them. In appeal, High Court convicted accused 1 under Section 304 part II I.P.C. Death reportedly caused by a blow on chest with a stick having spikes. Medical evidence of Doctor who performed Post Mortem, stating that the injury on chest may have been caused by the said weapon. Prosecution witnesses were not cross-examined on the aspects of injury and

deceased's oral dying declaration that injury was caused by accused 1. Conviction of accused upheld, however the offence having taken place 26 years back and the accused had inflicted only a single blow, sentence reduced to imprisonment to 5 years.

(Case No. Criminal Appeal No. 940 of 2003

Parshotam Lal & Another v. State of Punjab

Coram: Hon'ble Mr. Justice V.S. Sirpurkar and Hon'ble Mr. Justice Deepak Verma.

Date of Judgment : 06-10-2009.

Accused were tried for commission of offence under Section 366 I.P.C. Trial Court convicted both accused and sentenced them to imprisonment for 4 years. In appeal High Court reduced the sentence to Six months' imprisonment. In the course of appeal before Supreme Court, two affidavits were filed stating that the origin of incident was the affair between prosecutrix and one of accused and they wanted to marry, however parents did not agree. Afterwards prosecutrix had married someone else and was living happily with husband and two children. Held Offence under Section 366 is not compoundable, the sentence imposed is already on lenient side and there does not appear any contrition on the part of the accused for their crime. We, therefore, reject the plea regarding the sentence.

(Case No. Civil Appeal No. 6864 of 2009 (Arising out of S.L.P.(C) NO.14302 of 2008)

Babu Ram & Anr v. State of Haryana & Anr.

Coram: Hon'ble Mr. Justice Altmas Kabir & Hon'ble Mr. Justice Cyriac Joseph

Date of Judgment : 07-10-2009.

Subject Index: Land Acquisition Act - Land proposed to be acquired by Govt. of Haryana for construction of Sewage Treatment Plant. Notification issued under Section 4 of Land Acquisition Act. Before residents could file objections under Section 5, another notification came to be issued under Section 17(4). Petitions filed in High Court of P&H. Order of Status Qua issued. Petitions dismissed by High Court. In challenge before Supreme Court, the first point to be considered was whether the provisions of Section 17(4) of the L.A. Act, had been validly invoked by the respondents for the purpose of acquiring the lands in question for the Sewage Treatment Plant. The other point which was linked with the first point was whether the choice of site for setting up the STP would prove to be hazardous for

the inhabitants. Held - Notwithstanding the invocation of Section 17(2)(c) of the L.A. Act in its application to the States of Punjab and Haryana, the appellants will be at liberty to file objections under Section 5-A of the L.A. Act within a month from the date before the concerned authority, who will, thereafter, dispose of the same upon giving the objectors, if any, an opportunity of hearing and placing their respective cases.

(Case No. Civil Appeal No. 1388 of 2003

Ram Babu v. Jay Kishan Das

Coram : Hon'ble Mr. Justice Markandey Katju, Asok Kumar Ganguly.

Date of Judgment : 07-10-2009.

Subject Index: Eviction of Tenant under Rent Control Act. - Eviction of tenant was sought by landlord on the grounds of default in payment of rent and bonafide requirement. Landlord required shop for settling his son in the business of foot-wear. Petition filed by landlord dismissed. High Court also held that requirement of landlord was not bonafide as son of landlord, for whom shop was required, was assisting his father in cloths business and has no experience of running foot-wear business. Order of High Court set aside by Supreme Court, holding that for starting a new business, landlord's son did not need prior experience. Claim of landlord could not be rejected for that reason only. Case remanded to trial Court to consider afresh on the point of bonafide need.

(Case No. Criminal Appeal NO.971 of 2003

Sohan Singh & Anr. V. State of Bihar

Coram : Hon'ble Mr. Justice Deepak Verma.

Date of Judgment : 09-10-2009

Subject Index: Section 376(2)(g) I.P.C. - A lady was raped after putting her in fear at Gun point. Trial Court and High Court convicted the accused. Judgments challenged in Supreme Court. It was contended that there was an inordinate delay in lodging FIR and it was a case of consensual sex. Held - When FIR by a Hindu lady is to be lodged with regard to commission of offence like rape, many questions would obviously crop up for consideration before one finally decides to lodge FIR. It is difficult to appreciate the plight of the victim who has been criminally assaulted in such a manner. Obviously, prosecutrix must have also gone through great turmoil and only after giving it a serious thought, must have decided to lodge the FIR. Reason of delay was properly explained. Conviction and sentence upheld.

Two Addl. Judges of the High Court of Jammu & Kashmir sworn in as Permanent Judges

Hon'ble Shri Justice J.P. Singh and Hon'ble Shri Justice Mohd. Yaqoob Mir, sworn in as permanent Judges of the High Court of Jammu and Kashmir. Oath ceremony, in this behalf, was held in the High Court of Jammu and Kashmir at Srinagar on 1st of October, 2009 at 4:30 P.M. Oath of office was administered by Hon'ble Shri Justice Barin Ghosh, Chief Justice, High Court of Jammu and Kashmir.



Hon'ble the Chief Justice while administering Oath to Hon'ble Shri Justice J.P. Singh

The oath taking ceremony was attended among others by the sitting and former Judges of the High Court, Judicial Officers of the District Judiciary, Srinagar and officers of the High Court.



Hon'ble the Chief Justice while administering Oath to Hon'ble Shri Justice Mohd. Yaqoob Mir

Hon'ble Shri Justice Jai Pal Singh born at Kehli Mandi, Samba Jammu on 06.04.1951. Did his LL.B in 1971 and was enrolled as Pleader on 15th September 1971. Practised as an Advocate in Jammu and Kashmir High Court for the last 34 years on Civil, Criminal Constitutional and Taxation matters. Appointed as Additional Central Government Standing Counsel in 1987 and Sr. Central

Government Standing Counsel in 1996. Appointed as Prosecutor General Vigilance, Standing Counsel GAD and worked as such for seven years. Elevated as Additional Judge of High Court of Jammu and Kashmir on 04.10.2005.

Hon'ble Shri Justice Mohammad Yaqoob Mir, born on 28-05-1957 at Village Rajpora, Pulwama. Did his LL.B from Kashmir University, joined the Bar and practised as Advocate from 1981 to 1993. Appointed as District & Sessions Judge on 27th of May 1993. Remained posted as Principal District & Sessions Judge, Baramulla, Principal District & Sessions Judge, Anantnag, Additional District & Sessions Judge, Srinagar, Special Judge, Anti Corruption, Kashmir, Registrar General, High Court of J&K and Principal District & Sessions Judge, Srinagar. Attended "International Conference on Arbitration (ICCA)". Was granted selection grade in July 2001 and was placed in Super Time Scale in April, 2007. Elevated as Additional Judge of High Court of Jammu and Kashmir on 23.11.2007.

Rape victim's testimony enough for conviction : HC

"A victim of rape is not to be treated as an accomplice after the crime," the Bombay High Court ruled, while upholding the sentence of a rapist.

"There is no rule of law that her testimony cannot be acted upon without corroboration in material particulars," the court added. Justice AP Bhangale dismissed the appeal filed by Shivnarayan Bhondaprasad Keskar who raped his 14-year-old niece in 2007 in Chandrapur.

Keskar challenged the order of Ad-hoc Additional Sessions Judge, Chandrapur, that sentenced him to seven years rigorous imprisonment in 2008.

His defence was that he was the "girl's paternal uncle and could not have committed rape upon her," was rejected by the Nagpur bench of the high court. After her parents' death, the girl lived with Keskar.

Keskar said there was no sufficient corroboration to believe the girl in absence of legal proof. The HC reiterated the Supreme Court's order. "Conviction can be based on the sole testimony of victim... it is improper to test her evidence with a certain amount of suspicion, treating her as if she were an accomplice.

(HT/21.10.2009)

Rules cannot take away existing rights of employees : SC

The Supreme Court has held that though the government has got the power to amend a rule with retrospective effect, the same cannot take away the existing rights and benefits conferred on the employees.

Article 309 of the Constitution empowers the government to frame rules for regulating service conditions of employees.

"It is no doubt true that Rules under Article 309 can be made so as to operate with retrospective effect. But it is well settled that rights and benefits which have already been earned or acquired under the existing rules cannot be taken away by amending the rules with retrospective effect," a bench of Justices R V. Raveendran and B. Sudershan Reddy ruled.

The apex court passed the ruling in a judgement dismissing the appeal of Madhya Pradesh government, which contended that it has absolute power in the rule-making process under Article 309.

In the present case, the State Administrative Tribunal had directed the government to pay non-practising allowance to government doctors working in Employees State Insurance Corporation at the originally fixed 25 per cent of the basic pay.

(HT/21.10.2009)

Tenant can be evicted if property is sublet: SC

The Supreme Court has held that a tenant can be evicted if he or she sublets the premises to another person without the consent of the landlord.

A bench of Justices Tarun Chatterjee and R M Lodha said the tenant may carry out a partnership business but the same cannot be a camouflage to conceal the illegal act of subletting.

"Inducting a partner or partners in the business or profession by a tenant by itself does not amount to subletting. However, if the purpose of such partnership is ostensible and a deed of partnership is drawn to conceal the real transaction of sub-letting, the court may tear the veil of partnership to find out the real nature of transaction entered into by the tenant," the bench said.

The apex court made the remarks while upholding the appeal filed by the landlord Celina Coelho Pereira challenging a Bombay High Court judgment.

In fact, the landlord-tenant disputes dates back to April 6, 1979, when the original landlord Abilio Coelho Pereirahad had filed a petition before the Rent Controller, Goa, for eviction of the tenant

Mahabaleshwar Ramchandra Colcar who had sublet the premises to a travel agency.

As the original landlord and the original tenant died during pendency of the suit, the case meandered for 30 years with the legal heirs battling it out till the Supreme Court passed the judgement.

(HT/30.10.2009)

CASE COMMENTS

Amrendra Kumar Paul v. Maya Paul & Ors. (2009) 8 SCC 359

Under the provision of Section 125 Cr.P.C., corresponding to Section 488 Cr.P.C. (applicable to the State of J&K), minor legitimate or illegitimate children are entitled to claim maintenance. Once they attain majority i.e. the age of 18 years (as prescribed under Majority Act), they cannot claim such maintenance. The limitation prescribed for recovering the arrears of maintenance allowance is one year from the date it falls due.

In the judgment under discussion the Hon'ble Supreme Court has reiterated the law as it exists in the statute book. It has been held as under:

“An application for grant of maintenance, therefore, is maintainable, so far as the children are concerned, till they had not attained majority. As a cause of action for grant of maintenance would arise only in the event a person having sufficient means, neglects or refuses to maintain his legitimate or illegitimate minor child unable to maintain itself, once, therefore, the children attained majority, the said provision would cease to apply to their cases.”

It has further been held that under Section 15 of Limitation Act, that period during which the Order of maintenance passed by the Magistrate was stayed, shall be excluded while computing the period of limitation.

*(Naushad Ahmed Khan)
Addl. Mobile Magistrate (T)
Jammu*

Seth Ramdyal Jat v. Laxmi Prasad AIR 2009 SC 2463

Burden of proof in trial of the Criminal cases and in the Civil cases, is different. In the first it is 'proof beyond reasonable doubt' and in later it is 'proof on preponderance of probabilities'. Under the scheme of Evidence Act judgments passed by Criminal Courts

and Civil Courts are not (with some exceptions) binding on each other. Even though the burden of proof in Criminal Cases is at higher pedestal as against the proof required in the Civil cases, still judgment as such, rendered in Criminal case shall not determine the Civil case on the similar issue. However the proceedings conducted in the Criminal case shall not be altogether irrelevant in the trial of Civil case.

The Hon'ble Supreme Court in a case mentioned above, has given a yardstick as to how far and how much of the proceedings in Criminal case can be imported into the trial of Civil case. The important observations made by the Hon'ble Court are quoted as under:

“17. If primacy is given to a criminal proceeding, indisputably, the civil suit must be determined on its own keeping in view the evidence which has been brought on record before it and not in terms of the evidence brought in the criminal proceeding

18. It is almost well-settled that, save and except for Section 43 of the Indian Evidence Act which refers to Section 40, 41, and 42 thereof, a judgment of a criminal court shall not be admissible in a civil suit.

19. What, however, would be admissible is the admission made by a party in previous proceeding. The admission of the appellant was recorded in writing. While he was deposing in the suit, he was confronted with the question as to whether he had admitted his guilt and pleaded guilty of the charges framed. He did so. Having, thus, accepted that he had made an admission in the criminal case, the same was admissible in evidence.....”

(*Jatinder Singh Jamwal*)
City Judge, Srinagar

Posuram Deshmukh v. State of Chhattisgarh
AIR 2009 SC 2482

The offences of Murder and Culpable Homicide have very thin line of distinction. Sometimes it is very difficult to decide if the offence committed is one of Murder or of Culpable Homicide only. Of course if the case falls within the exceptions to Section 300 IPC, it would be Culpable Homicide.

The Hon'ble Supreme Court in a case “Posuram Deshmukh v. State of Chhattisgarh”, reported as AIR 2009 SC 2482, had an occasion to decide a matter involving application of Exception Fourth to Section 300 IPC. The Hon'ble Court has held that Exceptions First and Fourth are mutually exclusive and have different areas of operation.

Exception Fourth deals with prosecution of cases not covered by Exception First. In both the exceptions, there is lack of premeditation. In the First Exception, there is total deprivation of self control, while as in Exception Fourth, there is that heat of passion which clouds men's sober reasons and urges them to deeds which they would not otherwise do. There is an element of provocation in the Exception Fourth as well but the wrong done is not the direct result of that provocation.

The ingredients of Exception Fourth, have been explained like this:

“The help of Exception 4 can be invoked if death is caused (a) without premeditation, (b) in a sudden fight; (c) without the offender's having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. To bring a case within Exception 4 all the ingredients mentioned in it must be found....”

(*Sunit Gupta*)
Excise Magistrate, Jammu

Subhash Kumar v. State of Uttarakhand
AIR 2009 SC 2490

An FIR is the most important document in the trial of criminal cases. Not only it sets into motion the course of investigation but also it has great evidentiary value. The time of lodging of FIR is important, however equally important is the narration of commission of crime in the FIR. The contents of FIR need not be a complete description of the occurrence but inversely it ought not to be too short sans the necessary particulars of the occurrence.

In the judgment cited above the Hon'ble Supreme Court has discussed the nature of details required to be contained by an FIR. The relevant observations are as under:

“FIR as is well known is not to be treated to be an encyclopedia. Although the effect of a statement made in the FIR at the earliest point of time should be given primacy, it would not probably be proper to accept that all particulars in regard to commission of offence in detail must be furnished.”

Therefore the Courts must not search for detailed description and narration of occurrence in the FIR itself, that being unnecessary. It depends on case to case as to when the FIR contains required details and when it is lacking in the same.

(*Manjit Rai*)
City Munsiff, Srinagar