V.S. DREAM COACHING

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Indirapuram Ghaziabad

For

H.J.S. P.C.S. (J) A.P.O. & CLAT

Year- 2023

Secret of success is to know something

nobody else knows

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For Judicial Service Aspirants

In the service of Judicial Fraternity

V.S. DREAM COACHING

1. Study Material-Law

Circumstantial Evidence

Introduction

The law of evidence places a lot of emphasis on circumstantial evidence, but other phrases do crop up occasionally. It is beneficial to review the fundamentals of proof so that you have a basic idea of what direct evidence and circumstantial evidence are. As it will demonstrate, historically, there were some rather major variations in how the law would treat this kind of evidence. Today, such distinctions are largely no longer relevant, but since these terms are still used so frequently, it's a good idea to grasp what they imply and the ramifications of using them.

Concept of Circumstantial Evidence

As primary evidence or eyewitness testimony for the crime committed may or may not be accessible, circumstantial evidence is frequently introduced in criminal courts to prove the guilt of the accused. Bentham claimed that witnesses serve as the "eyes and ears" of the law. The circumstantial evidence accurately depicts what would have actually occurred. Testimonies are not always reliable since there is a chance for fear-based antagonism and because the opposing party frequently tempts witnesses. As a result, the witnesses' accounts of the events lose some of their credibility. As a result, circumstantial evidence is useful in establishing the veracity of the witnesses' accounts of the events.

Contrary to what is really portrayed in television courtroom dramas, circumstantial evidence has a much different role in legal proceedings. Such depictions give the general public the impression that the evidence is rational. Deduction is logical reasoning based on principles for a particular claim, as opposed to reasoning deduction.

When evaluated in isolation, circumstantial evidence may appear to be no different from other facts, but when considered in relation to the relevant facts, it either supports or refutes those facts.

One such piece of evidence is a person's actions following a crime being committed. It is highly likely that the suspect is the one who committed the

crime if a theft has been reported and shortly after the incident the prime suspect is seen going on a shopping spree and purchasing pricey products. Contrary to popular belief, the accused can be found guilty based solely on circumstantial evidence as long as there is a clear connection between the crime and the defendant. However, this practise is discouraged since most criminal cases lack direct evidence due to their criminal nature.

Overview of Circumstantial Evidence in History

Circumstantial evidence has a long history, going all the way back to the Roman legal system, where the function of indirect evidence was a little bit different. At the time, circumstantial evidence played a big part in expanding the investigation into the crime. An appropriate example is when a census reveals that if numerous people with the same surname reside in the same neighbourhood, the affiliation and ties between them can be inferred with the aid of the individuals' ages and genders.

Essentials of Circumstantial Evidence

A person should thoroughly assess the evidence with regard to its admissibility before producing it in court since evidence has a significant role to play in granting justice to those who seek it. If the requirements listed below are met, it is possible to be found guilty purely on the strength of circumstantial evidence;

- It should be demonstrated under what conditions the guilt is established.
- The evidence should support the idea that the accused is guilty.
- The evidence supporting guilt should be unambiguous in nature.
- The situation being emphasised must rule out any other likely explanations aside from proving guilt.
- The evidence must establish the accuser's guilt above a reasonable doubt.

Scope

Sometimes the truth emerges abruptly and without much clear proof. In these situations, the major event must be rebuilt in front of the court using supporting evidence such as the event's cause or effects. Sometimes circumstances speak just as loudly as concrete proof. For instance, a road touches a sleepy tiny settlement and then terminates there. Periodically, the village driver of the lorry travels there to spend the night. On the same night the truck arrived, a villager's body was discovered by the side of the road. There is some disagreement about whether he was initially carried by a car for a short distance before one wheel ran over him according to the position of his body and the severity of his wounds. There was no mist, rain, or dust storm to obscure vision. From these facts, some can be confidently assumed as a matter of probability, while many

more can be reliably inferred. It is clear from the data that the village vehicle was responsible and that it must have been handled carelessly.

The risks of employing circumstantial evidence include:

- There is a chance of drawing conclusions too quickly.
- The jury instructions are helpful in highlighting the danger of this kind of evidence.
- The jury should be reminded during the instructions that the only reasonable inference from the facts should be that the defendant is guilty.

When presenting circumstantial evidence, one should not draw too hastily of a judgement; instead, one should consider all of the possible outcomes. The conclusion one wants to draw is more likely supported by other circumstantial evidence, since the more circumstantial evidence one can assemble, the more strongly a thesis can be supported.

For example, by demonstrating that the road is wet, which is one piece of circumstantial evidence, the fact that it was cloudy and people were carrying umbrellas, which is another piece of circumstantial evidence, and the fact that it usually rains at that time of year are all circumstantial evidence that the rain was falling on that day even though no one could see it. The accumulation of circumstantial evidence can be a potent instrument in the evidentiary reasoning process.

Conclusion

Direct evidence is in no way superior to circumstantial evidence. They are effective at establishing a fact that supports or contradicts the in-question fact. The behaviour of the accused post- or before the crime committed can provide the corroboration they want. If the court cannot find that the circumstances leading to the fact are conclusive, it must closely evaluate both the direct and indirect evidence and identify the missing chain of events.

B. Important Cases Full Report

IN THE SUPREME COURT OF INDIA

M/s Asian Avenues Pvt Ltd.
Vs.
Sri Syed Shoukat Hussain

[Civil Appeal No. 2927 of 2023]

HEADNOTE – An action instituted under Section 31 of the Specific Relief Act, 1963 for cancellation of an instrument is not an action in rem. It means that the cancellation of instrument as per this section will bind only the parties to the proceedings and will not operate universally against everyone.

JUDGMENT

Abhay S. Oka, J.

Facts

1. The present appeal is by the defendant in a suit filed by the respondent. The respondent-plaintiff claims to be the owner of the suit property, more particularly described in the plaint. There was a Development Agreement-cum-General Power of Attorney (for short, 'the Development Agreement') executed on 23rd October 2008 by and between the appellant and the respondent.

By the Development Agreement, the appellant was granted permissive possession for the purposes of carrying out development work on the property subject matter of the Development Agreement. There was a dispute between the parties, which led to the respondent cancelling the Development Agreement. The respondent issued a legal notice to the appellant calling upon him to execute a deed of cancellation of the Development Agreement. The prayer in the suit is for a decree directing the appellant to execute a deed of cancellation in respect of the Development Agreement. There is also a prayer for the delivery of possession of the suit property.

2. After the suit summons was served, the appellant filed an application under Rule 11 of Order VII of the Code of Civil Procedure, 1908 (for short, 'CPC'). The application was filed on the ground that in view of the arbitration clause in the Development Agreement, the dispute ought to be referred to arbitration. There was a prayer made for referring the dispute to arbitration.

The Trial Court rejected the plaint. The Trial Court also exercised power under Section 8 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act'). The Trial Court directed the parties to refer their dispute to arbitration. In a revision application preferred by the respondent, the High Court has interfered and has set aside the order of the Trial Court.

Submissions

3. The learned counsel appearing for the appellant pointed out that the High Court relied upon a decision of the Division Bench of the same Court, which holds that the adjudication on the issue whether there is a cancellation of the Development Agreement will operate in rem and therefore, the arbitration clause cannot be invoked.

4. The learned counsel appearing for the appellant relied upon a decision of the Bench of three Hon'ble Judges of this Court in the case of **Deccan Paper Mills Company Limited v. Regency Mahavir Properties and Ors**. **(2021) 4 SCC 786.** He submitted that this Court has held that action instituted under Section 31 of the Specific Relief Act, 1963 (for short 'the Specific Relief Act') is not an action in rem. He would, therefore, submit that the order of the High Court is erroneous and, therefore, the order of the Trial Court be restored.

5. The learned counsel appearing for the respondent submitted that the arbitration clause will not apply as the prayer in the suit is for cancellation of the agreement in accordance with Section 31 of the Specific Relief Act. Her submission is that the issues arising under Section 31 of the Specific Relief Act can be adjudicated only by a competent Civil Court.

Our View

6. We have considered the submissions. Admittedly, there is an arbitration clause in the Development Agreement, which reads thus:

"All the disputes arising out of or in connection with this agreement shall be initially resolved by mutual discussions among the developer and landowner or the nominated representatives of both the parties. In case of disputes not resolved by mutual discussions, the same shall be referred to the arbitration in accordance with the provisions of the Arbitration and Conciliation Act 1996. The disputes shall be referred to the mutually agreed arbitrator within from the cause of action. The award of the arbitrator shall be binding and final on both the parties."

(emphasis added)

7. The dispute, whether the Development Agreement stands cancelled or whether the agreement can be lawfully cancelled, is a dispute arising out of or in connection with the Development Agreement. Therefore, as per the arbitration clause, if the issue concerning cancellation is not mutually resolved, the same must be referred to arbitration.

8. The only ground on which the High Court has interfered is that the adjudication pursuant to invocation of Section 31 of the Specific Relief Act is an adjudication in rem. However, in the case of Deccan Paper Mills Company Limited1, this Court has categorically held that it is impossible to hold that an action instituted under Section 31 of the Specific Relief for cancellation of an instrument is an action in rem.

In view of the applicability of the arbitration clause to the dispute subject matter of the suit filed by the respondent, the learned Trial Judge was justified in passing an order under Section 8 of the Arbitration Act by directing that the dispute be referred to the arbitration.

9. Therefore, the appeal succeeds. We set aside the impugned judgment and order of the High Court and restore the judgment and order of the Trial Court. Parties shall act in accordance with the mandate of Section 8 of the Arbitration Act.

The appeal is allowed on the above terms with no order as to costs.

.....J. (Abhay S. Oka)

.....J. (Rajesh Bindal)

New Delhi;

April 28, 2023.

IN THE SUPREME COURT OF INDIA

Ritu Chhabaria
Vs.
Union of India & Ors.

[Writ Petition (Criminal) No. 60 of 2023]

HEADNOTE – I. Without completing the investigation of a case, a charge-sheet or prosecution complaint cannot be filed by an investigating agency only to deprive an arrested accused of his right to default bail under Section 167(2) of the CrPC.

II. Such a charge-sheet, if filed by an investigating authority without first completing the investigation, would not extinguish the right to default bail under Section 167(2) CrPC.

III. The trial court, in such cases, cannot continue to remand an arrested person beyond the maximum stipulated time without offering the arrested person default bail.

JUDGMENT

Krishna Murari, J.

1. The present writ petition under Article 32 of the Constitution of India has been filed by the writ petitioner herein seeking the release of her husband on default bail. The writ petition also raises an issue of grave importance of personal liberty enshrined under Article 21 of the Constitution of India.

Facts

2. Briefly, the facts relevant to the present writ petition are that an FIR was lodged under Section 120(B) read with Section 420 of the Indian Penal Code, 1860 (for short, 'IPC') along with Sections 7,12 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988, wherein the writ petitioner's husband was not named.

3. Subsequently, two supplementary charge-sheets were filed, wherein the writ petitioner's husband (hereinafter referred to as "accused") was made a prosecution witness in the supplementary charge-sheet dated 26.05.2020. Multiple other supplementary charge-sheets were later filed, and the accused was not named in any of the said charge-sheets.

4. The investigation was then transferred to another investigating officer, and the accused was then arrested by CBI and was remanded to custody on 28.04.2022. Multiple other supplementary chargesheets were then filed, wherein the accused herein was named as a suspect, and the remand of the accused under Section 309(2) of the Code of Criminal Procedure, 1973 (for short, 'Cr.PC') was renewed and was continued from time to time, and he was never released on default bail.

5. Subsequently, vide I.A No. 37424/2023, the petitioner sought to incorporate additional grounds and prayers for seeking bail in the writ petition, which was allowed by this Court vide order dated 20.02.2023, and interim bail was granted.

6. It is against this continuation of custody, and the scuttling of relief of default bail, the petitioner herein has filed the present writ. Every Supplementary chargesheet filed, as per the writ petitioner herein, is an attempt to ensure that her husband is not released on default bail.

Arguments Advanced by The Petitioner

7. The learned counsel for the petitioner contended that:

I. The Respondent has admitted in writing in the supplementary chargesheet that the investigation is still pending, and in light of the same the trial court ought not to have issued process and remanded the petitioner's husband under Section 309 Cr.P.C.

II. The accused's fundamental rights are in prejudice due to continued custody on grounds of investigation not being completed. It was argued that the provisions of the CrPC do not empower continued remand to custody beyond 60 days if the investigation is still in progress. For this, the learned counsel relied on the judgment in the case of M. Ravindran Vs. The Intelligence Officer, Directorate of Revenue Intelligence .1

Arguments Advanced by The Respondent

8. The learned counsel appearing on behalf of the respondent contended that:

I. The present writ is not maintainable, and for the grant of bail, the accused herein should have either approached the High Court against the order of the Magistrate refusing default bail or filed a Special Leave Petition against the said order invoking provisions of Article 136 of the Constitution of India.

II. The contention of the petitioner that the accused is not named in the FIR is not a relevant submission, as the FIR is not a complete document, and is only the first step to set the criminal procedure in motion. To support the contention,

learned counsel relied on the case of State Of Bihar & Others Vs. J.A.C Saldanha & Ors. 2

III. The supplementary chargesheet filed on 25.06.2022 is a complete document in respect to the offence committed by the persons arraigned in the said supplementary chargesheet, therefore no right to default bail has been accrued in favor of the petitioner's husband.

Issues

9. In light of the abovementioned arguments raised by the learned counsel for the parties, the following three issues arise for our consideration:-

I. Can a chargesheet or a prosecution complaint be filed in piecemeal without first completing the investigation of the case?

II. Whether the filing of such a chargesheet without completing the investigation will extinguish the right of an accused for grant of default bail?

III. Whether the remand of an accused can be continued by the trial court during the pendency of investigation beyond the stipulated time as prescribed by the CrPC?

Preliminary Objection

10. A preliminary objection has been raised by the learned counsel appearing on behalf of the respondent stating that the present writ is not maintainable before this court on grounds that no relief at such an early stage of the investigation can be granted.

11. We have considered the preliminary objection, however, we are not inclined to concur with the same. It must be remembered that our Constitution has entrusted the Supreme Court with the most important task of protecting civil liberties of individuals, and the society at large.

These civil liberties, which manifest themselves in the form of fundamental rights, are what allow the people of this country to effectively negotiate with the state and maintain the parity in power in the social contract between the people and the state. If this Court refuses to exercise its jurisdiction on technicalities in cases of violations of fundamental rights, it will lead to a ripple effect that will result in a dysfunctional social contract, wherein the people of this country would become subject to an arbitrary and unfettered tyranny of the state.

12. Article 32 of the Constitution of India provides remedies for enforcement of rights conferred by this Part. The said Article reads as under:-

"32. Remedies for enforcement of rights conferred by this Part-

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clauses (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution."

Article 32 falls within Part III of the Constitution which deals with fundamental rights and thus the right to invoke Article 32 is a fundamental right in itself, that exists to protect and safeguard the other fundamental rights guaranteed by Part III of the Constitution. We may usefully refer to the following observations of a Constitution Bench of this Court made in the case of K.S. Puttaswamy & Anr. vs. Union Of India & Ors.3:-

"A constitutional democracy can survive when citizens have an undiluted assurance that the Rule of Law will protect their rights and liberties against any invasion by the State and that judicial remedies would be available to ask searching questions and expect answers when a citizen has been deprived of these, most precious rights."

13. Further, another Constitution Bench of this Court in the case of K.K Kochunni, Moopil Nayar vs. State of Madras & Ors. 4 as early as 1959, has observed that the Court must exercise its jurisdiction in matters where there is an abuse of fundamental rights. The relevant paragraphs of the said judgment are being extracted hereunder:

"Further, even if the existence of other adequate legal remedy may be taken into consideration by the High Court in deciding whether It should issue any of the prerogative writs on an application under Article 226 of the Constitution, as to which we say nothing now - this Court cannot, on a similarground, decline to

entertain a petition under Article 32, for the right to move this Court by appropriate proceedings for the enforcement of the rights conferred by Part I of the Constitution is itself a guaranteed right.

It has accordingly been held by this Court in Romesh Thappar v. State of Madras [1950 SCC 436 :: 1950 SCR 594] that under the Constitution this Court is constituted the protector and guarantor of fundamental rights and it cannot, consistently with the responsibility so laid upon it, refuse to entertain applications seeking the protection of this Court against infringement of such rights, although such applications are made to this Court in the first instance without resort to a High Court having concurrent jurisdiction in the matter.

The mere existence of an adequate alternative legal remedy cannot per se be a good and sufficient ground for throwing out a petition under Article 32, if the existence of a fundamental right and a breach, actual or threatened, of such right is alleged and is prima facie established on the petition."

14. It is also pertinent to note that the relief of statutory bail under Section 167(2) of the Cr.PC, in our opinion, is a fundamental right directly flowing from Article 21 of the Constitution of India, and the violation of such a right, as mentioned above, directly attracts consideration under Article 32 of the Constitution. In such circumstance, we are not inclined to agree with the preliminary objections raised by the learned counsel for the respondent regarding the maintainability of this petition under Article 32 of the Constitution and the said objection, therefore, stands rejected.

Analysis

15. Before we deal with the issues framed, we find it pertinent to mention that in the present case, this Court is not dealing with the merits of the case and as such is not inclined to make any observations regarding the same. Every court, when invoked to exercise its powers, must be mindful of the relief sought, and must act as a forum confined to such relief. In the present case at hand, this Court is not a court of appeal, but a court of writ, and therefore is inclined to limit its jurisdiction only to the personal liberty of the writ petitioner's husband and the impugned points of law.

16. For the purpose of deciding the issues framed by us, we deem it appropriate to trace the history of the provision of default bail, and the reasons which led the legislature to incorporate the existing provisions in the new statute. Under Section 167 of the Code of Criminal Procedure, 1898, which was the Act that governed criminal procedure before the enactment of CrPC presently in force, an accused, either under judicial or police custody, could be remanded only for a

maximum period of 15 days. For a ready reference Section 167 of the 1898 Code is being reproduced herein:-

"Procedure when investigation cannot be completed in twenty-four hours.-

(1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police station or the police officer in charge of the police station or the police officer making the investigation if he is not below the rank of sub-inspector shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the State Government shall authorise detention in the custody of the police.

(3) A Magistrate authorising under this section detention in the custody of the police shall record his reasons for so doing.

(4) If such order is given by a Magistrate other than the District Magistrate or Sub-Divisional Magistrate, he shall forward a copy of his order, with his reasons for making it, to the Magistrate to whom he is immediately subordinate."

17. This period of 15 days, however, more often than not, was inadequate to conclude investigations, especially in complicated cases which required a longer and deeper investigation. This lack of time, because of the abovementioned provision of the 1898 Act, led to a widespread practice wherein investigating officers would file preliminary charge-sheets after the expiry of the remand period, and subsequently request the magistrate to postpone the commencement of trial and remand the accused under Section 344 of the 1898 Act for a further time, till the final charge-sheet was filed.

18. This practice of filing preliminary charge-sheets was first pointed out by the Law Commission of India in its Report No. 145 on Reforms of the Judicial Administration, wherein it was stated that in many cases, the accused persons, without the filing of any detailed reports before the courts by the investigating authority, were languishing in jail for a prolonged period of time. It thus recommended that there existed an urgent need for a provision that provided for an appropriate time frame for the completion of an investigation while also safeguarding the personal liberty of the accused.

19. These recommendations made by the abovementioned law commission report were again emphasized by the Law Commission in its Report No. 416, wherein it was explicitly stated that there was an urgent need to protect the civil liberties of accused persons against the misuse of Section 344 of the 1898 Act, wherein the accused persons, on grounds of a preliminary report and pending investigation, were remanded to custody indefinitely. The relevant paragraphs from the said report are being reproduced hereunder:-

"Section 167 provides for remands. The total period for which an arrested person may be remanded to custody-police or judicial-is 15 days. The assumption is that the investigation must be completed within 15 days and the final report under section 173 sent to court by then. In actual practice, however, this has frequently been found unworkable. Quite often, a complicated investigation cannot be completed within 15 days, and if the offence is serious, the police naturally insist that the accused be kept in custody. A practice of doubtful legal validity has therefore grown up.

The police file before a magistrate a preliminary or "incomplete" report, and the magistrate, purporting to act under section 344, adjourns the proceedings and remands the accused to custody. In the Fourteenth Report, the Law Commission doubted if such an order could be made under section 344, as that section is intended to operate only after a magistrate has taken cognizance of an offence, which can be properly done only after a final report under section 173 has been received, and not while the investigation is still proceeding.

We are of the same view, and to us also it appears proper that the law should be clarified in this respect. The use of section 344 for a remand beyond the statutory period fixed under section 167 can lead to serious abuse, as an arrested person can in this manner be kept in custody indefinitely while the investigation can go on in a leisurely manner.

It is, therefore, desirable, as was observed in the Fourteenth Report that some time limit should be placed on the power of the police to obtain a remand, while the investigation is still going on: and if the present time limit of 15 days is too

short, it would be better to fix a longer period rather than countenance a practice which violates the spirit of the legal safe-guard.

Like the earlier Law Commission, we feel that 15 days is perhaps too short and we propose therefore to follow the recommendation in the Fourteenth Report that the maximum period under section 167 should be fixed at 60 days. We are aware of the danger that such an extension may result in the maximum period becoming the rule in every case as a matter of routine: but we trust that proper supervision by the superior courts will prevent that. We propose accordingly to revise sub-sections (2) and (4) of section 167 as follows:-

"(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days at a time and sixty days in the whole. If he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction Provided that-

(a) no Magistrate shall authorise detention in any custody under this section unless the accused is produced before him;

(b) no Magistrate of the second class not specially empowered in this behalf by the High Court shall authorise detention in the custody of the police.

(4) Any Magistrate other than the Chief Judicial Magistrate making such order shall forward a copy of his order, with his reasons for making it, to the Chief Judicial Magistrate."

20. On the recommendation made by the Law Commission through the aforesaid reports recommending to curtail the abuse of such power, Section 167(2) as it exists today in the statute was incorporated in the Cr.PC, 1973, which provides for a longer period of maximum remand, but also guarantees default bail, to ensure that accused persons are bereft of arbitrary detention.7 The Statement of Objects and Reasons of CrPC,1973 also refer to the 41st law Commission Report and inter alia reads as follows:-

"(2) A comprehensive report for the revision of the Code, namely, the Forty-first Report, was presented by the Law Commission in September, 1969. This report took into consideration the recommendations made in the earlier l Reports of the Commission dealing with specific matters namely, the Fourteenth, Twenty-fifth, Thirty-second, Thirtythird, Thirty-sixth, Thirty-seventh and Fortieth Reports.

(3) The recommendation of the Commission were examined carefully by the Government, keeping in view, among others, the following basic considerations-

(i) an accused person should get a fair trial in accordance with the accepted principles of natural justice;

(ii) every effort should be made to avoid delay in investigation and trial which is harmful not onlv to individuals involved but also to society; and

(iii) the procedure should not be complicated and should, to the utmost extent possible, ensure fair deal to the poorer sections of the community. The occasion has been availed of to consider and adopt where appropriate suggestions received from other quarters, based on practical experience of investigation and the working of criminal courts"

21. A bare perusal of the abovementioned statement of objects strongly indicates that Section 167(2) of the Cr.P.C. was enacted to ensure that the investigating agency completes the investigation within the prescribed time limit, failing which no accused could be detained if they are willing to avail bail. This position was also laid emphasis on by a three-judge bench of this Court in the case of M. Ravindran Vs. Directorate Of Revenue Intelligence (Supra), the relevant paragraphs of the same are being reproduced hereunder:

"The suggestion made in Report No. 14 was reiterated by the Law Commission in Report No. 41 on The Code of Criminal Procedure, 1898 (Vol. I, 1969, pp. 76-77). The Law Commission re-emphasised the need to guard against the misuse of Section 344 of the 1898 Code by filing "preliminary reports" for remanding the accused beyond the statutory period prescribed under Section 167.

It was pointed out that this could lead to serious abuse wherein "the arrested person can in this manner be kept in custody indefinitely while the investigation can go on in a leisurely manner". Hence the Commission recommended fixing of a maximum time-limit of 60 days for remand. It was in this backdrop that Section 167(2) was enacted within the present day CrPC, providing for time-limits on the period of remand of the accused, proportionate to the seriousness of the offence committed, failing which the accused acquires the indefeasible right to bail."

22. Further, this legal position was again reiterated in Satendar Kumar Antil vs CBI & Anr .8, wherein it was held that Section 167(2) of the Cr.PC is a limb of Article 21 of the Constitution of India, and as such, the investigating authority is under a constitutional duty to expediate the process of investigation within the

stipulated time, failing which, the accused is entitled to be released on default bail. The relevant observations made in the said judgment are as under:-

"Section 167(2) was introduced in the year 1978, giving emphasis to the maximum period of time to complete the investigation. This provision has got a laudable object behind it, which is to ensure an expeditious investigation and a fair trial, and to set down a rationalised procedure that protects the interests of the indigent sections of society. This is also another limb of Article 21. Presumption of Innocence is also inbuilt in this provision. An investigating agency has to expedite the process of investigation as a suspect is lanquishing under incarceration.

Thus, a duty is enjoined upon the agency to complete the investigation within the time prescribed and a failure would enable the release of the accused. The right enshrined is an absolute and indefeasible one, ensuring to the benefit of suspect. As a consequence of the right flowing from the said provision, courts will have to give due effect to it, and thus any detention beyond this period would certainly be illegal, being an affront to the liberty of the person concerned. Therefore, it is not only the duty of the investigating agency but also the courts to see to it that an accused gets the benefit of Section 167(2)."

23. It is also to be noted that as per the scheme of Cr.PC, an investigation of a cognizable case commences with the recording of an FIR under Section 154 Cr.PC. If a person is arrested and the investigation of the case cannot be completed within 24 hours, he has to be produced before the magistrate to seek his remand under Section 167(2) of the Cr.PC during continued investigation.

There is a statutory time frame then prescribed for remand of the accused for the purposes of investigation, however, the same cannot extend beyond 90 days, as provided under Section 167(2)(a) (i) in cases where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than 10 years and 60 days, as provided under Section 167(2)(a)(ii), where the investigation relates to any other offence. The relevant section further provides that on expiry of the period of 90 days or 60 days, as the case may be, the accused has a right to be released on default bail in case he is prepared to and furnishes bail.

24. This right of statutory bail, however, is extinguished, if the charge sheet is filed within the stipulated period. The question of resorting to a supplementary charge-sheet u/s 173(8) of the Cr.PC only arises after the main charges-heet has been filed, and as such, a supplementary charge-sheet, wherein it is explicitly stated that the investigation is still pending, cannot under any circumstance, be used to scuttle the right of default bail, for then, the entire purpose of default bail is defeated, and the filing of a charge-sheet or a supplementary charge-sheet

becomes a mere formality, and a tool, to ensue that the right of default bail is scuttled.

25. It is thus axiomatic that first investigation is to be completed, and only then can a charge-sheet or a complaint be filed within the stipulated period, and failure to do so would trigger the statutory right of default bail under Section 167(2) of Cr.PC.

In the case of Union Of India vs Thamisharasi & Ors. 9, which was a case under the Narcotic Drugs and Psychotropic Substances Act, 1985, on finding that the investigation was not complete and a charge-sheet was not filed within the prescribed period, denial of default bail was held to be in violation of Article 21 of the Constitution of India, and it was further held that even the twin limitation on grant of bail would not apply.

26. Further, in the case of Ashok Munilal Jain & Anr. Vs. Assistant Director, Directorate of Enforcement 10, it was held that the right of default bail under section 167(2) CrPC was held to be an indefeasible right of the accused even in matters under PMLA.

27. Therefore, in light of the abovementioned discussions, it can be seen that the practice of filing preliminary reports before the enactment of the present CrPC has now taken the form of filing charge-sheets without actually completing the investigation, only to scuttle the right of default bail. If we were to hold that charge-sheets can be filed without completing the investigation, and the same can be used for prolonging remand, it would in effect negate the purpose of introducing section 167(2) of the CrPC and ensure that the fundamental rights guaranteed to accused persons is violated.

28. We have carefully perused the judgments relied upon by the learned counsel for the respondent, however, none of the judgments relied upon permit the abuse of remand under Section 309(2) of the CrPC by permitting the filing of incomplete charge-sheets only to scuttle the right of statutory bail.

29. The judgment in State of West Bengal vs. Salap Service Station & Ors. 11 relied upon by the respondent was rendered, not in the context of default bail, but only in the context of entitlement u/s. 173(8) of the CrPC to place on record further evidence in support of the charge-sheet already filed.

30. Further, the judgment of Dharam Pal vs. State Of Haryana & Ors. 12, relied upon by the respondent, refers to the power of Constitutional Courts to transfer investigation. In Para 21 of the said judgment, it has been stated that Section 173 empowers the police officer to conduct an investigation to file a report on the

completion of the investigation and section 173(8) CrPC allows the conduct of further investigation.

However, this judgment also does not talk about default bail and the misuse of the filing of supplementary charge-sheets. It is also important to note that the judgment of Ram Narain Popli vs. CBI 13 and Rajesh Ranjan Yadav vs. CBI 14 have also not dealt with the issues being considered by us in the present matter.

31. In light of the abovementioned discussion, the judgments relied upon by the learned counsel for the respondent are clearly distinguishable as issues being considered herein were not considered therein and reliance placed by the learned counsel for the respondents on the said pronouncements is totally misfounded.

32. In view of the above mentioned discussions, the issues framed by us stand answered as under:-

I. Without completing the investigation of a case, a charge-sheet or prosecution complaint cannot be filed by an investigating agency only to deprive an arrested accused of his right to default bail under Section 167(2) of the CrPC.

II. Such a charge-sheet, if filed by an investigating authority without first completing the investigation, would not extinguish the right to default bail under Section 167(2) CrPC.

III. The trial court, in such cases, cannot continue to remand an arrested person beyond the maximum stipulated time without offering the arrested person default bail.

Conclusion

33. In the instant case, it is clear from the facts that during the pendency of the investigation, supplementary charge-sheets were filed by the Investigation Agency just before the expiry of 60 days, with the purpose of scuttling the right to default bail accrued in favour the accused.

This factual position was missed by the trial court, and instead of offering default bail to the accused, the trial court mechanically accepted the incomplete charge-sheets filed by the Investigating Agency, and further continued the remand of the accused beyond the maximum period specified. The Investigating Agency and the trial court, thus, failed to observe the mandate of law, and acted in a manner which was manifestly arbitrary and violative of the fundamental rights guaranteed to the accused.

34. Even at the cost of repetition, we find it pertinent to mention that the right of default bail under Section 167(2) of the CrPC is not merely a statutory right, but a fundamental right that flows from Article 21 of the Constitution of India. The reason for such importance being given to a seemingly insignificant procedural formality is to ensure that no accused person is subject to unfettered and arbitrary power of the state. The process of remand and custody, in their practical manifestations, create a huge disparity of power between the investigating authority and the accused.

While there is no doubt in our minds that arrest and remand are extremely crucial for the smooth functioning of the investigation authority for the purpose of attaining justice, however, it is also extremely important to be cognizant of a power imbalance. Therefore, it becomes essential to place certain checks and balances upon the Investigation Agency in order to prevent the harassment of accused persons at their hands.

35. With the above findings and conclusions, the interim order of bail passed in favor of the accused is made absolute, and the present writ petition is, accordingly, disposed of.

.....J. (Krishna Murari)

.....J. (C. T. Ravikumar)

New Delhi;

26th April, 2023

1 (2021) 2 SCC 485

2 (1980) 1 SCC 554.

3 (2017) 10 SCC 1

4 1959 Supp (2) SCR 316

5 Law Commission of India in Report No. 14, Vol.-I (1958).

6 Law Commission in its Report No. 41 (September,1969), Para. 14.19.

7 Law Commission in its Report No. 41 (September,1969), Para. 14.19.

8 (2021) 10 SCC 773

9 (1995) 4 SCC 190

10 (2018) 16 SCC 158

11 1994 Supp (3) SCC 318

12 2016 (4) SCC 160

13 (2003) 3 SCC 641

14 (2007) 1 SCC 70

IN THE SUPREME COURT OF INDIA

G. Nagaraj
Vs.
B.P. Mruthunjayanna

CIVIL APPEAL NO.2737 OF 2023
(Arising out of SLP (Civil) No. 19944 of 2019)

HEADNOTE – A plaint cannot be rejected under Order VII Rule 11 CPC merely because there are some inconsistent averments in the plaint. The documents produced along with the plaint are required to be seen.

JUDGMENT

Abhay S. Oka, J

Leave granted

2. Heard the learned senior counsel appearing for the appellants and the learned counsel appearing for the second and third respondents.

3. The appellants are the original plaintiffs. The appellants filed a suit in the City Civil Court at Bangalore claiming a declaration of title in favour of the first appellant in respect of the suit property. The second prayer was for grant of permanent injunction restraining the respondents from interfering with the possession of the first appellant. In the alternative, a prayer was made that in the event the Court comes to the conclusion that the first appellant was not in possession of the suit property, a decree for possession be passed against the second respondent.

4. On an application made by the respondent Nos. 2 and 3, the Trial Court rejected the plaint by exercising power under Rule 11 (a) of Order VII of the Code of Civil Procedure, 1908 (for short 'CPC') on the ground that the plaint does not disclose the cause of action.

5. After having heard the learned counsel appearing for the appellants and the learned counsel counsel appearing for the second and third respondents, we find that the entire approach of the Trial Court as well as the High Court in dealing with the prayer made under Rule 11 of Order VII of CPC was erroneous. The ground on which rejection of the plaint was sought was that the plaint does not disclose any cause of action. We are surprised to note that while dealing with the application under Rule 11 (a) of Order VII of CPC, the Trial Court even framed

an issue “whether there exists any cause of action on 20th February, 2016 for the plaintiffs to file a suit”.

6. The law is well settled. For dealing with an application under Rule 11 of Order VII of CPC, only the averments made in the plaint and the documents produced along with the plaint are required to be seen. The defence of the defendants cannot be even looked into. When the ground pleaded for rejection of the plaint is the absence of cause of action, the Court has to examine the plaint and see whether any cause of action has been disclosed in the plaint.

7. A perusal of the judgments of the Trial Court and the High Court will show that the Courts have gone into the question of correctness of the averments made in the plaint by pointing out inconsistent statements made in the plaint. The Courts have referred to the earlier suits filed by the appellants and have come to the conclusion that the plaint does not disclose cause of action.

8. The learned counsel appearing for the second and third respondents vehemently submitted that on a plain reading of the plaint, it is crystal clear that cause of action is not disclosed. Therefore, we have perused the plaint. After having perused the plaint and in particular paragraphs 16 and 17, we find that the cause of action for filing the suit has been pleaded in some detail. It is pleaded how the first appellant acquired title to the property. The facts constituting alleged cause of action have been also incorporated in paragraph 17.

9. We are of the view that merely because there were some inconsistent averments in the plaint, that was not sufficient to come to a conclusion that the cause of action was not disclosed in the plaint. The question was whether the plaint discloses cause of action. As observed earlier, the plaint does disclose cause of action. Whether the appellants will ultimately succeed or not is another matter.

10. Hence, we set aside both the impugned orders and restore Original Suit No.4252 of 2016 to the file of the City Civil Court. We direct that the suit shall be decided in accordance with law. We make it clear that we have dealt with averments made in the plaint only for the purposes of ascertaining whether any cause of action is disclosed in the plaint. Therefore, all issues on merits are left open. The appeal is accordingly allowed.

.....J. (Abhay S. Oka)
.....J. (Rajesh Bindal)
New Delhi;
April 11, 2023.

IN THE SUPREME COURT OF INDIA

Surendra Singh
Vs.
State of Rajasthan and Anr.

Criminal Appeal No. 1059 of 2023 (@ SLP (Crl.) No.4241 of 2019)

HEADNOTE – Section 149 of the Indian Penal Code will be attracted even if the specifically named five or more persons are facing trial separately.

JUDGMENT

M. R. Shah, J.

1. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 20.11.2018 passed by the High Court of Judicature for Rajasthan Bench at Jaipur passed in D.B. Criminal Appeal No.818 of 2013 by which the Division Bench of the High Court has partly allowed the said appeal preferred by the respondent accused - Vijendra Singh and has set aside the conviction for the offence punishable under Section 302/149 IPC but has convicted for the offence punishable under Section 323 IPC, the original complainant/informant has preferred the present appeal.

2. The facts leading to the present appeal in nutshell are as under:

2.1 An FIR was lodged by the police on 01.12.2010 for an incident which took place on 28.11.2010. In the FIR it was alleged that on 28.11.2010, while complainant's younger brother Narendra Singh was filling water from hand-pump at around 9.30 a.m. accused Bhupendra Singh, Vijendra Singh and Bhawani Singh, Sangeeta and Gulab Kanwar caused lathi blows to Narendra Singh. In the said incident Narendra Singh and Bhawani Singh became unconscious.

Both of them were taken to the hospital. Bhawani Singh died. The FIR was registered as FIR bearing no.445/2010. Though the five persons were named in the FIR the police filed charge-sheet only against two persons namely Bhupendra Singh and Vijendra Singh for the offence under Sections 341, 323, 325/34, 308/34 and 302 and alternatively, Section 302/34 IPC.

Both the aforesaid accused came to be tried for the aforesaid offence. To prove the charge against the accused the prosecution examined ten witnesses and brought on record seven documentary evidences. The statements of the accused under Section 313 Cr.P.C. were recorded.

2.2 During the trial, the accused Bhupendra Singh died. Thus, the proceedings against him stood abated. The prosecution submitted an application under Section 319 Cr.P.C. against the remaining three accused persons so left out by the prosecution. The said application was dismissed by the learned Trial Court.

However, on a challenge before the High Court and on remand, the learned Trial Court directed to try the remaining three accused as accused and passed a summoning order of additional accused. However, as the remaining three accused absconded for number of years pursuant to the order passed by the High Court, the trial against the respondent herein accused Vijendra Singh came to be separated. Charge came to be reframed and the accused Vijendra Singh came to be charged for the offence under Section 302/149 IPC also.

Thereafter on conclusion of the trial, the learned Trial Court convicted the accused Vijendra Singh for the offence punishable under Sections 147, 323, 302/149 IPC and sentenced him to undergo life imprisonment for the offence punishable under Sections 302 read with Section 149 IPC, one year R.I. for the offence under Section 323 IPC and two years R.I. for the offence under Section 147 IPC.

2.3 The respondent herein - accused preferred the present appeal before the High Court. By the impugned judgment and order the High Court has set aside the conviction of the accused Vijendra Singh for offence under Section 302 read with Section 149 IPC by observing that no case is made out for conviction with the aid of Section 149 IPC.

That thereafter the High Court has considered the individual act of the accused and thereafter after taking into consideration the fact that the fatal blow on the head was given by accused Bhupendra Singh (who died during the trial) and the weapon used by the accused was lathi, the High Court by the impugned judgment and order has convicted the accused for the offence under Section 323 IPC.

2.4 Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the High Court convicting the accused for the offence under Section 302 read with Section 149 IPC, the original complainant/informant Surendra Singh has preferred the present appeal.

3. Shri Siddhartha Dave, learned Senior Advocate has appeared as Amicus Curiae on behalf of the appellant, Shri Vishal Meghwal, learned counsel has appeared on behalf of the respondent - State and Shri Abhishek Gupta, learned counsel has appeared on behalf of respondent no.2.

4. Shri Siddhartha Dave, learned Senior Counsel appearing on behalf of the appellant has vehemently submitted that in the facts and circumstances of the case the Division Bench of the High Court has materially erred in observing that no case was made out for conviction with the aid of Section 149 IPC.

4.1 It is vehemently submitted by Shri Dave, learned Senior Counsel that the High Court has materially erred in observing that after the registration of the FIR, even the police found the case only against the two accused and the cognizance of the offence against the other accused are taken subsequently on the remand of the case by the High Court after rejection of application under Section 319 Cr.P.C. and the learned trial Court took cognizance against the accused later on and therefore no case is made out for conviction with the aid of Section 149 IPC.

4.2 It is vehemently submitted by Shri Dave learned Senior Counsel appearing on behalf of the appellant that the High Court has not properly appreciated and/or considered the fact that as such in the FIR the allegations were specific against five accused persons.

However, at the relevant time the investigating officer filed the charge-sheet only against the two accused persons and the remaining three persons were arrayed as accused subsequently pursuant to the order passed by the learned Magistrate allowing the application under Section 319 Cr.P.C. It is submitted that therefore when all the five persons came to be tried may be separately there was an involvement of five persons who form the unlawful assembly and therefore Section 149 IPC would be attracted.

4.3 Heavy reliance is placed on the decision of this Court in the case of **Bharwad Mepa Dana & Anr. Vs. State of Bombay 1960 (2) SCR 172 as well as Mizaji and Anr. Vs. The State of U.P. (1959) Supp. (1) SCR 940.**

5. Learned counsel appearing on behalf of the State has supported the appellant.

6. Shri Abhishek Gupta, learned counsel appearing on behalf of accused no.2 relying upon the decision of this Court in the case of **Roy Fernandes Vs. State of Goa and others, (2012) 3 SCC 221,** has vehemently submitted that as such on facts no case is made out to convict the accused with the aid of Section 149 IPC.

6.1 It is submitted that merely because the accused might have been present at the time of commission of the offence and in fact might have participated in commission of the offence but has not played a vital role unless it is proved that the other accused knew that in prosecution of the common object any one of

them is likely to commit the murder of the deceased, Section 149 IPC shall not be attracted.

6.2 Now so far as the conviction of the accused for the offence under Section 323 IPC, it is vehemently submitted by learned counsel appearing on behalf of the accused that though the respondent no.2 has not preferred the appeal challenging the conviction under Section 323 IPC, still in an appeal preferred by the State against the acquittal, the accused can submit that he could not have been convicted for other offence. Reliance is placed upon the decision of this Court in the case of **State of Rajasthan vs. Ramanand (2017) 5 SCC 695.**

6.3 In support of his submission that even the respondent - accused could not have been convicted even for the offence under Section 323 IPC, learned counsel appearing on behalf of the respondent - accused has made the following submissions:

(i) That there was a delay of 3 ½ days in lodging the FIR;

(ii) That the injury on the neck has not been established and proved;

(iii) That there are material contradictions on the injuries caused by the accused persons. He has taken us to the deposition of doctor examined as PW7 and the injury report.

7. Making above submissions it is prayed to acquit the accused even for the offence under Section 323 IPC.

8. We have heard learned counsel appearing on behalf of the respective parties at length.

9. At the outset, it is required to be noted that the learned trial Court convicted the respondent - accused for the offence under Section 302 IPC with the aid of Section 149 IPC. However, the High Court has observed and held that as the initial charge-sheet was filed only against two persons /accused and further three persons were subsequently arrayed as the accused and they are being tried separately, Section 149 IPC shall not be attracted. The High Court has also observed that even as per the FIR three accused came at the place of occurrence when they saw Narendra Singh was filling water and it was thus not assembly of five accused.

10. However, the High Court has not properly and considered the fact that in the report/FIR there were specific allegations against five accused persons and five accused persons were named in the FIR. However, the investigating officer charge- sheeted only two persons. The remaining three accused persons came to

be added as accused by the learned trial Court while allowing the application under Section 319 Cr.P.C.

As they absconded and therefore their trial came to be ordered to be separated and it is reported that the trial against the remaining accused is still pending who are also facing the charges for the offence under Section 302/149 IPC. In that view of the matter when five persons were specifically named in the FIR and five persons are facing the trial may be separately, Section 149 IPC would be attracted. At this stage the decision of this Court in the case of Bharwad Mepa Dana (supra) on applicability of Section 149 IPC is required to be referred to.

Before this Court it was the case on behalf of the prosecution that thirteen named persons formed an unlawful assembly and the common object of which was to kill the three brothers. Twelve of them were tried by the Sessions Court who acquitted seven and the High Court acquitted one more. This brought the number to four. It was the case on behalf of the accused that as the High Court convicted only four persons falling below the required number of five, they could not have been convicted with the aid of Section 149 IPC.

The aforesaid contention was negated by this Court. This Court observed that merely because two other persons forming part of the unlawful assembly were not convicted as their identity was not established, the accused cannot be permitted to say that they are not forming part of the unlawful assembly and they cannot be convicted with the aid of Section 149 IPC. In the said decision it is specifically observed and held that the essential question in a case under Section 147 is whether there was an unlawful assembly as defined under 141, I. P. C., of five or more than five persons.

The identity of the persons comprising the assembly is a matter relating to the determination of the guilt of the individual accused, and even when it is possible to convict less than five persons only, Section 147 still applies, if upon the evidence in the case the Court is able to hold that the person or persons who have been found guilty were members of an assembly of five or more persons, known or unknown, identified or unidentified.

10.1 In view of the above facts and circumstances of the case the High Court has seriously erred in observing that no case is made out to invoke Section 149 IPC.

10.2 Now once the respondent - accused was found to be member of the unlawful assembly of more than five persons and he actually participated in commission of the offence may be the fatal blow might have been given by the another accused, in the present case Bhupendra Singh, still with the aid of Section 149 IPC, Respondent Accused can be convicted for the offence under Section 302 IPC with the aid of Section 149 IPC.

The case would certainly fall within first part of Section 149 IPC. As per first part of Section 149 IPC if an offence is committed by any member of unlawful assembly in prosecution of the common object of that assembly, every person who, at the time of that offence, is a member of the same assembly, is guilty of that offence. In the case of Mizaji and Anr. (supra), this Court had occasion to consider Section 149 of the IPC and the distinction between two parts of Section 149 IPC. It is observed and held as under:

"This section has been the subject matter of interpretation in the various High Court of India, but every case has to be decided on its own facts.- The first part of the section means that the offence committed in prosecution of the common object must be one which is committed with a view to accomplish the common object. It is not necessary that there should be a preconcert in the sense of a meeting of the members of the unlawful assembly as to the common object; it is enough if it is adopted by all the members and is shared by all of them.

In order that the case may fall under the first part the offence committed must be connected immediately with the common object of the unlawful assembly of which the accused were members. Even if the offence committed is not in direct prosecution of the common object of the assembly, it may yet fall under s. 149 if it can be held that the offence was such as the members knew was likely to be committed. The expression I know' does not mean a mere possibility, such as might or might not happen.

For instance, it is a. matter of common knowledge that when in a village a body of heavily armed men set out to take a woman by force, someone is likely to be killed and all the members of the unlawful assembly must be aware of that likelihood and would be guilty under the second part 'of s.149 . Similarly, if a body of persons go armed to take forcible possession of the land, it would be equally right to say that they have the knowledge that murder is likely to be committed if the circumstances as to the weapons carried and other conduct of the members of the unlawful assembly clearly point to such knowledge on the part of them all.

There is a great deal to be said for the opinion of Couch, C. J., in Sabid Ali's case (1) that when an offence is committed in prosecution of the common object, it would generally be an offence which the members of the unlawful assembly knew was likely to be committed in prosecution of the common object. That, however, does not make the converse proposition true; there may be cases which would come within the second part, but not within the first.

The distinction between the two parts of s.149, Indian Pena l Code cannot be ignored or obliterated. In every case it would be an issue to be determined whether the offence committed falls within the first part of s. 149 as explained

above or it was an offence such as the members of the assembly know to be likely to be committed in prosecution of the common object and falls within the second part."

10.3 Now so far as the reliance placed upon the decision of this Court in the case of Roy Fernandes (supra), relied upon on behalf of the respondent - accused is concerned, on facts the said decision shall not be applicable. In the said decision this Court had considered the second part of Section 149 IPC. This Court did not consider the first part of Section 149 IPC and the distinction between the first part and the second part of Section 149 which has been considered by this Court in the case of Mizaji and Anr. (supra).

11. Now, so far as the submission on behalf of the accused that he ought not to have been convicted for the offence under Section 323 IPC is concerned, though the accused has not challenged the impugned judgment and order passed by the High Court challenging the offence under Section 323 IPC we have heard the learned counsel appearing on behalf of the accused on merits on his conviction under Section 323 IPC.

11.1 The submission on behalf of the accused that there was a delay of 3 ½ days has been elaborately dealt with and considered by the learned trial Court in detail. A proper explanation has been given by the complainant - Surendra Singh. Immediately after the occurrence the injured were taken to the hospital for treatment.

The condition of Bhawani Singh was serious. Complainant concentrated on his treatment. Another injured Narendra Singh was also remained busy for the treatment. Thus, when the delay has been sufficiently and properly explained, we see no reason to give benefit of doubt to the accused on the aforesaid ground that there was a delay of 3 ½ days in lodging the FIR.

11.2 Now so far as the submission on behalf of the accused on the injuries and the contradictions in the injuries, at the outset, it is required to be noted that the deposition of the eye-witness PW1 and PW4 and the deposition of the doctor - PW7 are relevant material/deposition against the accused. The deceased sustained following injuries:

1. 2xl/2 cm scratched injury in the middle of head with red color soft clotting and hematoma beneath the skin of the head

2. Blue colored swelling on right head measuring 2.SxL INTERNAL hematoma in frontal head lobe.

3. 2cm stitch wound on occipital region of head. Blood clotting a parietal region of right side of head.

4. 3x2 cm scratched injury in front parietal part.

5. lxl/2 cm injury over nose.

6. 2xl/2 cm scratched I injury over right knee.

7. 5X0.5 cm scratched injury on the lower part of left leg.

8. 0.5X0.5 cm scratched injury on the middle part of left leg.

9. 6xl.5 cm blue colored wound on the back of neck. While further dissecting it was found that on left muscles there is hematoma and fourth and fifth cervical ribs were broken. There was swelling on it.

10. On front of stomach 2.5xl.5 cm Blue coloured wound on naval side.

All these wounds and injuries lead to death as per the opinion of the doctor. As per the medical opinion and the deposition of doctor the death occurred due to injury no.9 from the shock of wound at spinal bone of neck. Though the injury no.9 was caused by the accused Bhupendra Singh as observed and held hereinabove the respondent accused being a part of the unlawful assembly and who also participated in commission of the offence, he shall also be liable to be convicted for the offence under Section 302 IPC with the aid of Section 149 IPC, even for the act of the accused Bhupendra Singh who gave the vital blow.

12. Under the circumstances the impugned judgment and order passed by the High Court acquitting the accused for the offence under Section 302 read with Section 149 IPC is unsustainable and the same deserves to be quashed and set aside. In view of the above and for the reason stated above the present appeal succeeds.

The impugned judgment and order passed by the High Court acquitting the respondent - accused for the offence under Section 302 under Section 149 IPC is hereby quashed and set aside. The judgment and order passed by the learned Trial Court convicting the respondent - accused for the offence under Sections 427, 323 and 302/149 IPC is hereby restored. The respondent no.2 - accused to undergo life imprisonment for the offence under Section 302/149 IPC.

The respondent no.2 now to surrender before the concerned authority/court to undergo the remaining sentence of life imprisonment within a period of three weeks from today, failing which, he shall be taken into custody forthwith.

Present appeal is accordingly allowed.

.....J. (M. R. Shah)

.....J. (C.T. Ravikumar)

New Delhi,

April 11, 2023.

C. Legal Article

Media Trial within Indian Jurisdiction

Introduction

The term "media trial" refers to the influence of television and print media coverage on a case, in which the media attempts to convict the accused even before the trial begins. The Constitution's Article 19(1)(a) guarantees people freedom of speech and expression. Article 19(2), however, says that this freedom is subject to reasonable limitations "in the interests of India's sovereignty and integrity, state security, international relations, public order, morality, or contempt of court, defamation, or incitement to a crime."

The media has now morphed into a Janta Adalats, or 'public court,' and has begun interfering in judicial procedures. The media fully ignores the crucial difference between the convict and the accused by upholding the core concepts of "presumption of innocence unless proven guilty" and "guilt beyond a reasonable doubt." It entails establishing public opinion against the suspect or accused even before the court takes notice of the matter, in addition to inquiry. As a result, the public is prejudiced, and the accused, who should have been deemed innocent, is presumed guilty, with all of his rights and liberties unrestricted.

In recent years, there have been several cases in which the media has presided over an accused's trial and rendered a ruling before the court. Priyadarshini Mattoo, Jessica Lal, Nitish Katara murder case, and Bijal Joshi rape case are some well-known criminal instances that may have gone unpunished if not for the involvement of the media. The media, on the other hand, faced criticism for pre-empting the court and stating that Aarushi Talwar's own father, Dr. Rajesh Talwar, and maybe her mother, Nupur Talwar, were implicated in her murder; the CBI later determined that Rajesh wasn't the culprit. Media trials are a procedure that has become more common in recent years. Something that started as a way to expose the general public to the truth about cases has now turned into a harmful behavior that is interfering with the legal system. It also emphasises the critical need of 'responsible journalism.'

History of Media Trial

Certainly, the idea that the media may influence the judicial process dates back to the invention of the printing press. One of the first prosecutions pursued by the media in the twentieth century was Roscoe 'Fatty' Arbuckle, who was

convicted by the courts but lost his career and reputation as a result of the media coverage. **Attorney General vs Frail & Anr., [2011] ACD 89** was another case in which Joanne Fraill was convicted to eight months in prison for contempt of court in 2011 by London's High Court for sharing Facebook messages with the accused in a drug trial while she was on the jury. After asking her Facebook friends to assist her decide on the judgement, a UK jury was removed from a court for child abduction and sexual harassment. When it was found that juries had acquired material on the Internet that had not been provided in court, convictions were reversed and mistrials were proclaimed.

The impact of social media has recently been utilized by families and relatives of those accused of crimes to restart proceedings. Media impact was evident in the incidents of Jessica Lall, Priyadarshini Mattoo's murder, Nitish Katera's murder, BMW's murder, and Aarushi's murder. Jasleen Kaur, a Delhi lady, accused a guy, Sarvjeet Singh, of sexual harassment after posting a photo of him on Facebook in 2015. After uploading a photo of him on Facebook in 2015, Jasleen Kaur, a Delhi woman, accused a man, Sarvjeet Singh, of sexual harassment. The man was labelled a "pervert" and dubbed "Delhi ka darinda" (Delhi's Predator) by the media after his Facebook post went viral. Four years later, a Delhi court found the man to be innocent, and he was cleared of all charges.

Impact

Individuals do their own inquiry and establish public opinion against the accused before the court takes cognizance of the matter, which is known as a media trial. It instills bias in the public and, in some cases, judges. As a result, rather than being deemed innocent, the accused is presumed guilty. It not only obstructs the "administration of justice," but it also sends out a deceptive message to the public. Rather of relying on the judges, society begins to generate views based on their own ideas.

Freedom of speech is critical in shaping public opinion on social, political, and economic issues. Similarly, those in positions of authority should be allowed to keep the public informed about their plans and goals; hence, freedom of expression might be considered the mother of all rights. Keeping this in mind, in **Indian Express Newspapers (Bombay) (P) Ltd. v. Union of India (1985) 1 SCC 641** Justice Venkataramaiah of the Supreme Court of India stated: "[f]reedom of press is the heart of social and political intercourse. The press has now assumed the role of the public educator making formal and non-formal education possible in large scale particularly in the developing world, where television and other kinds of modern communication are not still available for all sections of society. The purpose of the press is to advance the public interest by publishing facts and opinions without which a democratic electorate

[Government] cannot make responsible judgments. Newspapers being purveyors of news and views having a bearing on public administration very often carry material which would not be palatable to Governments and other authorities." The Supreme Court's comment above demonstrates that press freedom is critical to the democratic process's proper functioning. Democracy means government of the people, by the people, and for the people; it is self-evident that every citizen must have the right to participate in the democratic process, and that free and open discussion of public issues is absolutely necessary to enable him to intelligently exercise his right to vote. **[Maneka Gandhi vs Union of India, (1978) 1 SCC 248]**

This clarifies India's constitutional perspective on press freedom. The Supreme Court emphasised in ***Printers (Mysore) Ltd. v. CTO*** **(1994) 2 SCC 434** that, while freedom of the press is not specifically protected as a fundamental right, it is implied in freedom of speech and expression. Press freedom has long been a prized privilege in all democratic countries, and the press is rightfully referred to as the fourth chamber of government. As a result, it has received widespread support from those who believe in the free flow of information and citizen participation in government; it is the primary responsibility of all national courts to uphold this freedom and to invalidate any laws or administrative actions that infringe on it or are contrary to the constitutional mandate. The Supreme Court of India stated in ***R. Rajagopal v. State of Tamil Nadu (1994) 6 SCC 632,*** that freedom of the press includes engaging in uninhabited discussion regarding public people' engagement in public problems and events. However, in terms of their private lives, a fair balance of press freedom, privacy rights, and sustained defamation must be achieved in accordance with the Constitution's democratic way of life.

The media, particularly social media, has enormous influence in shaping and influencing public opinion. The media attracts the judge's attention to elements that are not to be addressed in adjudicating the case and may unconsciously affect the judge's verdict by publicizing inadmissible material and making it public. Then there's the issue of organizational equity. The court's decision is based on prejudices and difficulties in the pursuit of justice and fairness. A suspect/accused has the right to a fair trial under our laws, and is deemed innocent unless proven guilty in court. As a result, these biases become a social sin that affects public opinion. The most famous example is the ***KM Nanavati Case*** **AIR 1962 SC 605,** in which public opinion influenced the accused's conviction.

In light of the Supreme Court's findings in different cases and the opinions of numerous jurists, it is obvious that press freedom is inextricably linked to the

freedom of speech granted to all citizens by Article 19(1). (a). The press is no more important than any other citizen, and it cannot claim any special privileges (unless explicitly granted by law) that are not available to any other citizen. No specific limitations can be placed on the press that cannot be imposed on any other citizen of the country.

How Media Trials Affect the Right to privacy?

There has always been a basic debate concerning the relative weight of privacy vs public interest when evaluating the contradiction between freedom of the press to broadcast information and the right to privacy. Despite the fact that India lacks codified legislation on the right to privacy, it has gained constitutional legitimacy, prompting the preparation of the Personal Data Protection Bill in 2019. One topic to consider is if the PDPB, which will shortly become India's privacy legislation, has a provision to protect individuals against media intrusion into their privacy.

Unfortunately, no, because the PDPB has permitted exemptions for processing personal data for journalistic purposes under Article 36(e). Journalists have been granted the freedom to publish their views and opinions on any information that they, as data fiduciaries, believe the general public will be interested in. The purpose behind such unfettered freedom, according to the Indian government, is to guarantee that the press and media outlets are free of extraneous limitations and are not prevented from doing their jobs. However, Article 36(e) creates the sense that the government should have given it more attention before exempting journalists from the PDPB's duties to safeguard privacy. In reality, the government has not only been unconcerned about media privacy concerns, but has actually oversupplied media intervention and bolstered their authority through this statute. First, the data fiduciary's role to select which information the masses are interested in does not strike a perfect balance between the basic right to privacy and the need for discretion. Instead of presenting "what the public is interested in," media outlets should be required to illustrate "what is in the public interest." Second, the PDPB does not require journalists to meet requirements of need and proportionality before intruding on the right to privacy. The sole stipulation for the media to claim this exemption is that they follow the code of ethics set out by media self-regulatory bodies.

Constitutionality of Media Trial

Press's Freedom

The right to freedom of speech is enshrined in Article 19 of the 1966 International Covenant on Civil and Political Rights, which states that "everyone shall have the right to hold opinions without interference" and that "everyone shall have the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Nonetheless, this liberty comes with the caveat that using it entails "particular obligations and responsibilities" and is susceptible to "other people's rights or reputations." Article 19(1) (a) of the Indian Constitution guarantees the right to freedom of speech and expression. Despite the fact that, unlike the United States of America, freedom of the press is not a separately guaranteed right in India, the Supreme Court of India has recognized freedom of the press under the umbrella right of freedom of speech and expression as envisaged under Article 19(1)(a) of the Indian Constitution.

The Supreme Court had the opportunity to deliberate on the extent of press freedom in ***In Re: Harijai Singh and Anr. and In Re: Vijay Kumar, (1996) 6 SCC 466*** and acknowledged it as "an essential requirement of a democratic system of government" and "the mother of all other rights in a democratic society." The right to information and the right to disseminate through all sorts of media, whether print, electronic, or audio-visual, is included in Art 19(1) (a). The right includes the right to acquire and disseminate ideas and information regarding topics of common interest, according to ***Hamdard Dawakhana v. Union of India, AIR 1960 SC 554.***

The Supreme Court has ruled that trials by press, electronic media, or public agitation are cases that are at best the antithesis of the rule of law since they might result in a miscarriage of justice. A Judge, in the view of the honorable court, must protect himself from such pressure **State of Maharashtra v. Rajendra Jawanmal Gandhi, (1997) 8 SCC 386.**

"No occasion should arise for the impression that the publicity attached to these matters (the hawala transactions) has tended to dilute the emphasis on the essentials of a fair trial and the basic principles of jurisprudence, including the presumption of innocence of the accused unless found guilty at the end of the trial," the Supreme Court said in ***Anukul Chandra Pradhan v. Union of India, (1996)6 SCC 354***.

Immunity under Contempt of Court Act, 1971

Pre-trial publications are protected from contempt charges under the 1971 Contempt of Court Act. Contempt of court is defined as any publication that interferes with, obstructs, or seeks to obstruct the process of justice in connection with any civil or criminal case that is genuinely 'pending.' Certain actions, such as pre-trial media appearances, might jeopardise the accused's right to fair trial. Such articles may be on the accused's past convictions, his general character, or his supposed confessions to the police. Media reportage, as seen during the Aarushi Talwar case, where the press went berserk, speculating and pointing fingers even before any arrests were made, is granted immunity under the existing framework of the Contempt of Court Act, 1971, despite the grave threat such publications pose to the administration of justice.

If there is no legislative action, such as broadening the term 'pending' to include 'from the moment the arrest is made' under the Contempt of Court Act, 1971, or judicial control through gag orders, as used in the United States of America, such publications may proceed unchecked. Because of these flaws, the press is allowed to report colorful stories without fear of repercussions. It feeds on the crime's brutality and public anger without any accountability, like a parasite.

Right of the Public to know

The essential basis of press freedom, according to the Supreme Court, is the public's right to know. "The basic purpose, therefore, of the press is to offer full and impartial knowledge about all elements of the country's political, social, economic, and cultural life," the Supreme Court explained. It serves an educational and mobilizing purpose. It has a significant influence on popular opinion." "Freedom of the press" entails "people's right to receive the true news," according to India's Chief Justice, but he also acknowledges that newspapers cannot read like an official gazette and must have a tint of "sensationalism, amusement, and worry."

"Those who know about the incident may come forward with information, it prevents perjury by placing witnesses under public scrutiny, it reduces crime through the public expression of disapproval for crime, and last but not least, it promotes the public discussion of important issues," the Supreme Court wrote in the Bofors Case. Two crucial basic parts of investigative journalism are that:

- the issue should be of public interest for the reader to be aware of, and
- an attempt should be made to conceal the facts from the public.

Regulatory Measures

When we talk about the constraints that need to be imposed on the media, it's important to remember that the restrictions that need to be put on the media must be reasonable and should not hinder or limit the media's ability to communicate in a significant way. Whereas Article 19 of the constitution allows the media to express itself through the freedom of speech, it's also worth noting that this language also imposes fair constraints on how one expresses oneself, similar to the restrictions imposed by Article 19 (2) of the constitution. As a result, it is the constitutional obligation of the courts to ensure that such limits do not go beyond the scope of the Constitution of India's reasonable constraints. The formation of the Press Council of India has had a significant impact on the fact that it has controlled the press's ability to disseminate biased content. This manner, the material that reaches the viewers stays under control, and anything that violates the law will be considered contemptuous. Punishing individuals who breach this basic norm of court contempt would be the most suitable way to govern the press.**[23]**

Ineffective legal norms governing journalistic conduct

Under the Press Council Act, 1978, the Press Council of India is established, with the objectives to "preserve the liberty of the Press and to take care of and improve the standards of newspapers and news agencies in India". To achieve these objectives, it must "ensure on a part of newspapers, news agencies and journalists, the upkeep of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship" and "encourage the expansion of a way of responsibility and public service among all those engaged within the profession of journalism". The Council, also, enjoys powers to censure. If someone believes that a press agency has committed any professional misconduct, the Council can, if they accept as true with the complainant, "warn, admonish or censure the newspaper", or direct the newspaper to, "publish the contradiction of the complainant in its forthcoming issue" under Section 14(1) of the Press Council Act, 1978. The formation of the Press Council of India has had a significant impact on the fact that it has controlled the press's ability to disseminate biased content. This manner, the material that reaches the viewers stays under control, and anything that violates the law will be considered contemptuous. Punishing individuals who breach this basic norm of court contempt would be the most suitable way to govern the press.

Given that these safeguards may only be implemented after the story materials have been published, and because they do not entail especially severe penalties, their usefulness in preventing the publishing of prejudiced reports appears to be limited

The inadequacies of the Press Council's authority were emphasised in ***Ajay Goswami v. Union of India (2007) 1 SCC 143:-***

The Press Council is only empowered to warn, admonish, or censure newspapers or news agencies, and it has no jurisdiction over electronic media. The Press Council only has declaratory adjudication authority, and its power is limited to giving directions to the answering respondents arraigned before it to publish particulars concerning its investigation and adjudication.

It, on the other hand, has no additional jurisdiction to ensure that its instructions are followed and that its observations are applied by the wrongdoers. The Press Council of India's lack of punitive powers has limited its ability to manage errant publications. Along with these powers, the Press Council of India28 has established a group of suggested norms for journalistic conduct. These norms emphasise the importance of accuracy and fairness and encourage the press to "eschew publication of inaccurate, baseless, graceless, misleading or distorted material." The norms urge that any criticism of the judiciary should be published with great caution. These norms further recommend that reporters should avoid one-sided inferences, and plan to maintain an impartial and sober tone in the least times.

However, because these standards cannot be legally enforced, they are frequently broken. Finally, the PCI has contempt of court powers to prevent unfavourable media stories from being published. The PCI, on the other hand, can only use its contempt powers in relation to pending civil or criminal matters. This limitation ignores the potential influence of pre-trial reporting on the administration of justice.

Media Trial: A necessary evil?

We have a long history of fiercely independent reporting. In reality, the press exposed the majority of the major frauds. The cops simply followed them around. The low-paid journalist deserves credit for obtaining material that appeared to be unreachable to the country's elite vigilance squads. That's how the naval case of HDW (Howaldtswerke) and Bofors made the news. That's how we learned that Narasimha Rao paid MPs from the Jharkhand Mukti Morcha, and Satish Sharma and Buta Singh facilitated the arrangement. At every stage of

our political journey, the media has done us proud. The public's attention is increasingly focused on courts and the lawsuits that are filed there. The Courts are likely to stay under the media's scrutiny indefinitely now that they have come under scrutiny. More Indians are aware of their constitutional rights than ever before as a result of developments sparked by the media and handled by the courts. The media despises the sub judice rule and says that during a hearing, courts prefer to interpret it very rigidly, prohibiting any discussion of the problems before the Court, even if they are attracting public interest. As a result, there is an urgent need to liberalize the sub judice rule, allowing it to be invoked only in circumstances where there is a clear purpose to sway the outcome of the trial, rather than any conduct that could have a remote chance of doing so. The public interest is another key restraint on media stings and trials. The media loses its footing and attracts the wrath of the court if public interest is absent and ego or manipulative interests emerge.

Conclusion

The value of freedom of expression in a real democracy cannot be overstated. Without an effective forum for expressing one's views, no democracy can function. Social media has enormous power, and if it is mishandled, it may cause serious harm to a country. Individuals bear the duty for checking and ensuring that no harm is done, and the general people should be more media literate and able to distinguish between reality and fiction. Though social media serves as a forum for bringing people's voices to the attention of society and legislators, it now has a harmful rather than a beneficial impact. The current incidents, such as the boys locker room incident, demonstrate this. The third and fourth pillars of a democratic system, respectively, are the judiciary and the media. They are necessary for the system to work properly. While the former must respect the latter's freedom and right to cover and disseminate news of court proceedings in an open justice system, the latter must also exercise due diligence and extreme caution when reporting the former in order to protect the former's sanctity and ensure a free and fair trial. The best method to regulate the media is to use the Court's contempt power to penalize those who violate the fundamental code of behaviour.

The media's freedom of speech and expression cannot be permitted to sway the outcome of the trial. At this point, it would be great to prohibit the trial from being broadcast on social media. Requiring controlled media coverage of cases until the media is expected to profit from financial and sensational factors is an excellent concept. Rather than tipping the scales in favor of one side or the other, social media should serve as a facilitator. The extensive use of social media in

the community, common beliefs that social media debates are less ‘official’ than conventional press, and easy access to jurors’ internet information all provide unique problems to the judicial system in the twenty-first century.

2. Study Material-G.K.

Important Books and Authors in Modern India

Editor /Author	Book Name
Aurobindo Ghosh	➢ Kalmayogi ➢ New Lamp for Old ➢ Bhawani Mandir
Bankim Chandra Chatterjee	➢ Anand Math ➢ Durgesh Nandini
B. R. Ambedkar	➢ Mook Nayak ➢ Bahishkrit Bharat
Dadabhai Naoroji	➢ Rast Goftar ➢ Voice of India ➢ Poverty and Un-British Rule in India
Dayanand Saraswati	➢ Veda Bhasya Bhumika ➢ Satyartha Prakash
Gopal Krishna Gokhale	➢ Nation ➢ Sudharak
Jawahar Lal Nehru	➢ Discovery of India ➢ Glimpses of World History
M.K. Gandhi	➢ Navjeevan ➢ Young India ➢ Harijan ➢ Indian Opinion
Madan Mohan Maliviya	➢ Hindustan ➢ Leader
R.N. Tagore	➢ Letters form Russia, Gora
Raja Ram Mohan Roy	➢ Samvad Kamaudi, Mirat – ul Akhbar, Barga Dutta
Swami Vivekananda	➢ Prabhudha Bharat Udbodhana ➢ Prachya Acir Pashchaya

3. Study Material-Language

Synonyms

Synonyms are words or phrases which have the same or nearly the same meaning as other words or phrases in the same language:

Amazing	incredible, unbelievable, improbable, fabulous, wonderful, fantastic, astonishing, astounding, extraordinary
Anger	enrage, infuriate, arouse, nettle, exasperate, inflame, madden
Angry	mad, furious, enraged, excited, wrathful, indignant, exasperated, aroused, inflamed
Answer	reply, respond, retort, acknowledge
Ask	question, inquire of, seek information from, put a question to, demand, request, expect, inquire, query, interrogate, examine, quiz
Awful	dreadful, terrible, abominable, bad, poor, unpleasant
Bad	evil, immoral, wicked, corrupt, sinful, depraved, rotten, contaminated, spoiled, tainted, harmful, injurious, unfavorable, defective, inferior, imperfect, substandard, faulty, improper, inappropriate, unsuitable, disagreeable, unpleasant, cross, nasty, unfriendly, irascible, horrible, atrocious, outrageous, scandalous, infamous, wrong, noxious, sinister, putrid, snide, deplorable, dismal, gross, heinous, nefarious, base, obnoxious, detestable, despicable, contemptible, foul, rank, ghastly, execrable
Beautiful	pretty, lovely, handsome, attractive, gorgeous, dazzling, splendid, magnificent, comely, fair, ravishing, graceful, elegant, fine, exquisite, aesthetic, pleasing, shapely, delicate, stunning, glorious, heavenly, resplendent, radiant, glowing, blooming, sparkling
Begin	start, open, launch, initiate, commence, inaugurate, originate
Big	enormous, huge, immense, gigantic, vast, colossal, gargantuan, large, sizable, grand, great, tall, substantial, mammoth, astronomical, ample, broad, expansive, spacious, stout, tremendous, titanic, mountainous
Brave	courageous, fearless, dauntless, intrepid, plucky, daring, heroic, valorous, audacious, bold, gallant, valiant, doughty, mettlesome
Break	fracture, rupture, shatter, smash, wreck, crash, demolish, atomize
Bright	shining, shiny, gleaming, brilliant, sparkling, shimmering, radiant, vivid, colorful, lustrous, luminous, incandescent, intelligent, knowing, quick-witted, smart, intellectual
Calm	quiet, peaceful, still, tranquil, mild, serene, smooth, composed,

	collected, unruffled, level-headed, unexcited, detached, aloof
Come	approach, advance, near, arrive, reach
Cool	chilly, cold, frosty, wintry, icy, frigid
Crooked—	bent, twisted, curved, hooked, zigzag
Cry	shout, yell, yowl, scream, roar, bellow, weep, wail, sob, bawl
Cut	gash, slash, prick, nick, sever, slice, carve, cleave, slit, chop, crop, lop, reduce
Dangerous	perilous, hazardous, risky, uncertain, unsafe
Dark	shadowy, unlit, murky, gloomy, dim, dusky, shaded, sunless, black, dismal, sad
Decide	determine, settle, choose, resolve
Definite	certain, sure, positive, determined, clear, distinct, obvious
Delicious	savory, delectable, appetizing, luscious, scrumptious, palatable, delightful, enjoyable, toothsome, exquisite
Describe	portray, characterize, picture, narrate, relate, recount, represent, report, record
Destroy	ruin, demolish, raze, waste, kill, slay, end, extinguish
Difference	disagreement, inequity, contrast, dissimilarity, incompatibility
Do	execute, enact, carry out, finish, conclude, effect, accomplish, achieve, attain
Dull	boring, tiring,, tiresome, uninteresting, slow, dumb, stupid, unimaginative, lifeless, dead, insensible, tedious, wearisome, listless, expressionless, plain, monotonous, humdrum, dreary
Eager	keen, fervent, enthusiastic, involved, interested, alive to
End	stop, finish, terminate, conclude, close, halt, cessation, discontinuance
Enjoy	appreciate, delight in, be pleased, indulge in, luxuriate in, bask in, relish, devour, savor, like
Explain	elaborate, clarify, define, interpret, justify, account for
Fair	just, impartial, unbiased, objective, unprejudiced, honest
Fall	drop, descend, plunge, topple, tumble
False	fake, fraudulent, counterfeit, spurious, untrue, unfounded, erroneous, deceptive, groundless, fallacious
Famous	well-known, renowned, celebrated, famed, eminent, illustrious, distinguished, noted, notorious
Fast	quick, rapid, speedy, fleet, hasty, snappy, mercurial, swiftly, rapidly, quickly, snappily, speedily, lickety-split, posthaste, hastily, expeditiously, like a flash
Fat	stout, corpulent, fleshy, beefy, paunchy, plump, full, rotund, tubby, pudgy, chubby, chunky, burly, bulky, elephantine
Fear	fright, dread, terror, alarm, dismay, anxiety, scare, awe, horror,

	panic, apprehension
Fly	soar, hover, flit, wing, flee, waft, glide, coast, skim, sail, cruise
Funny	humorous, amusing, droll, comic, comical, laughable, silly
Get	acquire, obtain, secure, procure, gain, fetch, find, score, accumulate, win, earn, rep, catch, net, bag, derive, collect, gather, glean, pick up, accept, come by, regain, salvage
Go	recede, depart, fade, disappear, move, travel, proceed
Good	excellent, fine, superior, wonderful, marvelous, qualified, suited, suitable, apt, proper, capable, generous, kindly, friendly, gracious, obliging, pleasant, agreeable, pleasurable, satisfactory, well-behaved, obedient, honorable, reliable, trustworthy, safe, favorable, profitable, advantageous, righteous, expedient, helpful, valid, genuine, ample, salubrious, estimable, beneficial, splendid, great, noble, worthy, first-rate, top-notch, grand, sterling, superb, respectable, edifying
Great	noteworthy, worthy, distinguished, remarkable, grand, considerable, powerful, much, mighty
Gross	improper, rude, coarse, indecent, crude, vulgar, outrageous, extreme, grievous, shameful, uncouth, obscene, low
Happy	pleased, contented, satisfied, delighted, elated, joyful, cheerful, ecstatic, jubilant, gay, tickled, gratified, glad, blissful, overjoyed
Hate	despise, loathe, detest, abhor, disfavor, dislike, disapprove, abominate
Have	hold, possess, own, contain, acquire, gain, maintain, believe, bear, beget, occupy, absorb, fill, enjoy
Help	aid, assist, support, encourage, back, wait on, attend, serve, relieve, succor, benefit, befriend, abet
Hide	— conceal, cover, mask, cloak, camouflage, screen, shroud, veil
Hurry	rush, run, speed, race, hasten, urge, accelerate, bustle
Hurt	damage, harm, injure, wound, distress, afflict, pain
Idea	thought, concept, conception, notion, understanding, opinion, plan, view, belief
Important	necessary, vital, critical, indispensable, valuable, essential, significant, primary, principal, considerable, famous, distinguished, notable, well-known
Interesting	fascinating, engaging, sharp, keen, bright, intelligent, animated, spirited, attractive, inviting, intriguing, provocative, though-provoking, challenging, inspiring, involving, moving, titillating, tantalizing, exciting, entertaining, piquant, lively, racy, spicy, engrossing, absorbing, consuming, gripping, arresting, enthralling, spellbinding, curious, captivating, enchanting, bewitching, appealing

Keep	hold, retain, withhold, preserve, maintain, sustain, support
Kill	slay, execute, assassinate, murder, destroy, cancel, abolish
Lazy	indolent, slothful, idle, inactive, sluggish
Little	tiny, small, diminutive, shrimp, runt, miniature, puny, exiguous, dinky, cramped, limited, itsy-bitsy, microscopic, slight, petite, minute
Look	gaze, see, glance, watch, survey, study, seek, search for, peek, peep, glimpse, stare, contemplate, examine, gape, ogle, scrutinize, inspect, leer, behold, observe, view, witness, perceive, spy, sight, discover, notice, recognize, peer, eye, gawk, peruse, explore
Love	like, admire, esteem, fancy, care for, cherish, adore, treasure, worship, appreciate, savor
Make	create, originate, invent, beget, form, construct, design, fabricate, manufacture, produce, build, develop, do, effect, execute, compose, perform, accomplish, earn, gain, obtain, acquire, get
Mark	label, tag, price, ticket, impress, effect, trace, imprint, stamp, brand, sign, note, heed, notice, designate
Mischievous	prankish, playful, naughty, roguish, waggish, impish, sportive
Move	plod, go, creep, crawl, inch, poke, drag, toddle, shuffle, trot, dawdle, walk, traipse, mosey, jog, plug, trudge, slump, lumber, trail, lag, run, sprint, trip, bound, hotfoot, high-tail, streak, stride, tear, breeze, whisk, rush, dash, dart, bolt, fling, scamper, scurry, skedaddle, scoot, scuttle, scramble, race, chase, hasten, hurry, hump, gallop, lope, accelerate, stir, budge, travel, wander, roam, journey, trek, ride, spin, slip, glide, slide, slither, coast, flow, sail, saunter, hobble, amble, stagger, paddle, slouch, prance, straggle, meander, perambulate, waddle, wobble, pace, swagger, promenade, lunge
Moody	temperamental, changeable, short-tempered, glum, morose, sullen, mopish, irritable, testy, peevish, fretful, spiteful, sulky, touchy
Neat	clean, orderly, tidy, trim, dapper, natty, smart, elegant, well-organized, super, desirable, spruce, shipshape, well-kept, shapely
New	fresh, unique, original, unusual, novel, modern, current, recent
Old	feeble, frail, ancient, weak, aged, used, worn, dilapidated, ragged, faded, broken-down, former, old-fashioned, outmoded, passe, veteran, mature, venerable, primitive, traditional, archaic, conventional, customary, stale, musty, obsolete, extinct
Part	portion, share, piece, allotment, section, fraction, fragment
Place	space, area, spot, plot, region, location, situation, position,

	residence, dwelling, set, site, station, status, state
Plan	plot, scheme, design, draw, map, diagram, procedure, arrangement, intention, device, contrivance, method, way, blueprint
Popular	well-liked, approved, accepted, favorite, celebrated, common, current
Predicament	quandary, dilemma, pickle, problem, plight, spot, scrape, jam
Put	— place, set, attach, establish, assign, keep, save, set aside, effect, achieve, do, build
Quiet	silent, still, soundless, mute, tranquil, peaceful, calm, restful
Right	correct, accurate, factual, true, good, just, honest, upright, lawful, moral, proper, suitable, apt, legal, fair
Run	race, speed, hurry, hasten, sprint, dash, rush, escape, elope, flee
Say/Tell	inform, notify, advise, relate, recount, narrate, explain, reveal, disclose, divulge, declare, command, order, bid, enlighten, instruct, insist, teach, train, direct, issue, remark, converse, speak, affirm, suppose, utter, negate, express, verbalize, voice, articulate, pronounce, deliver, convey, impart, assert, state, allege, mutter, mumble, whisper, sigh, exclaim, yell, sing, yelp, snarl, hiss, grunt, snort, roar, bellow, thunder, boom, scream, shriek, screech, squawk, whine, philosophize, stammer, stutter, lisp, drawl, jabber, protest, announce, swear, vow, content, assure, deny, dispute
Scared	afraid, frightened, alarmed, terrified, panicked, fearful, unnerved, insecure, timid, shy, skittish, jumpy, disquieted, worried, vexed, troubled, disturbed, horrified, terrorized, shocked, petrified, haunted, timorous, shrinking, tremulous, stupefied, paralyzed, stunned, apprehensive
Show	display, exhibit, present, note, point to, indicate, explain, reveal, prove, demonstrate, expose
Slow	unhurried, gradual, leisurely, late, behind, tedious, slack
Stop	— cease, halt, stay, pause, discontinue, conclude, end, finish, quit
Story	tale, myth, legend, fable, yarn, account, narrative, chronicle, epic, sage, anecdote, record, memoir
Strange	odd, peculiar, unusual, unfamiliar, uncommon, queer, weird, outlandish, curious, unique, exclusive, irregular
Take	hold, catch, seize, grasp, win, capture, acquire, pick, choose, select, prefer, remove, steal, lift, rob, engage, bewitch, purchase, buy, retract, recall, assume, occupy, consume
Tell	disclose, reveal, show, expose, uncover, relate, narrate, inform,

	advise, explain, divulge, declare, command, order, bid, recount, repeat
Think	judge, deem, assume, believe, consider, contemplate, reflect, mediate
Trouble —	distress, anguish, anxiety, worry, wretchedness, pain, danger, peril, disaster, grief, misfortune, difficulty, concern, pains, inconvenience, exertion, effort
Ugly	hideous, frightful, frightening, shocking, horrible, unpleasant, monstrous, terrifying, gross, grisly, ghastly, horrid, unsightly, plain, homely, evil, repulsive, repugnant, gruesome
Unhappy	miserable, uncomfortable, wretched, heart-broken, unfortunate, poor, downhearted, sorrowful, depressed, dejected, melancholy, glum, gloomy, dismal, discouraged, sad
Use	employ, utilize, exhaust, spend, expend, consume, exercise

4. Current Affairs

APRIL 2023

1. Which African country is going to launch its first operational Earth observation satellite?
(a) Kenya
(b) Namibia
(c) Morocco
(d) Zimbabwe

2. Who has been appointed as the new Executive Director of the Reserve Bank of India?
(a) Neeraj Nigam
(b) Ajay Maken
(c) Ashok Sinha
(d) Amit Anand

3. Which company has recently acquired Karaikal Port?
(a) Reliance Group
(b) Adani Group
(c) Hinduja Group
(d) Tata Group

4. With which country India is participating in the SLINEX-2023 Maritime Exercise?
(a) Singapore
(b) Sri Lanka
(c) Seychelles
(d) Bhutan

5. Who has recently taken over as the Director General of Naval Operations?
(a) Mahesh Singh
(b) Atul Anand
(c) Ajit Kumar
(d) Sanjay Jasjit Singh

6. Which country has become the 31st member of NATO?
(a) Finland
(b) Sweden
(c) Japan

(d) Brazil

7. Which product of Varanasi has recently been given GI tag?
(a) Banarasi Paan
(b) Banarasi Langda Mango
(c) Both (a) & (b) are correct
(d) None of these

8. Which Indian space start-up successfully tested a 3D-printed cryogenic engine?
(a) Dhruva Space
(b) Skyroot Aerospace
(c) Astrom Technologies
(d) Vesta Space Technology

9. Which woman weightlifter has been banned for 4 years for failing a dope test?
(a) Sanjita Chanu
(b) Renu Bala Chanu
(c) Sakina Khatoon
(d) Kavita Devi

10. Which state has topped the India Justice Report 2022?
(a) Karnataka
(b) Uttar Pradesh
(c) Maharashtra
(d) Tamil Nadu

11. Under the G20 Dialogue Forum, the B20 conference is being organized in which city?
(a) Jaipur
(b) Mumbai
(c) Chennai
(d) Kohima

12. Which country has been elected as a member of the Supreme Statistical Commission of the United Nations?
(a) Japan
(b) Argentina
(c) India
(d) Pakistan

13. Which Indian-American mathematician has been awarded the 2023 International Prize in Statistics?
(a) PC Mahalanobis
(b) C. Radhakrishna Rao
(c) Harish Chandra
(d) D.R. Kaprekar

14. Which Indian has won the title of World Chess Armageddon Asia and Oceania event?
(a) Debasish Das
(b) Saptarshi Roy Chowdhury
(c) D Gukesh
(d) Ankit Rajpara

15. Which state has recently declared a public holiday on the birth anniversary of Mahatma Jyotiba Phule?
(a) Himachal Pradesh
(b) Haryana
(c) Assam
(d) Rajasthan

16. According to the Tiger Census, how much population of tigers in India increase by the year 2022?
(a) 3167
(b) 3100
(c) 3267
(d) 3334

17. When is World Homeopathy Day celebrated every year?
(a) 08 April
(b) 09 April
(c) 10 April
(d) 11 April

18. What is the name given to India's first semi-high-speed regional rail service?
(a) NCR Mail
(b) RapidX
(c) Rapido Fast
(d) NCRX

19. Which Indian player won the silver medal in the 68 kg category in the Asian Wrestling Championships?
(a) Babita Kumari
(b) Sakshi Malik
(c) Vinesh Phogat
(d) Nisha Dahiya

20. Where is the three-day International Conference on Defense Finance and Economics being organized?
(a) New Delhi
(b) Washington DC
(c) Paris
(d) Berlin

21. In which city of India is the first 3D-printed post office being constructed?
(a) Mumbai
(b) Chennai
(c) Bengaluru
(d) Ahmedabad

22. The tallest Ambedkar statue in India has been unveiled in which state?
(a) Uttar Pradesh
(b) Telangana
(c) Bihar
(d) Rajasthan

23. Which country has recently shut down its last three nuclear reactors?
(a) Russia
(b) Germany
(c) France
(d) China

24. Apple company has launched its first store in India in which city?
(a) Bengaluru
(b) New Delhi
(c) Kolkata
(d) Mumbai

25. Who has become the first woman Air Force officer to receive the 'Gallantry Award'?
(a) Bhawana Kanth
(b) Deepika Mishra

(c) Avni Chaturvedi
(d) Shalija Dhami

26. Who launched the world's largest and most powerful rocket 'Starship' which resulted in massive failure?
(a) ISRO
(b) European Space Agency
(c) NASA
(d) SpaceX

27. When is National Civil Services Day celebrated every year in India?
(a) 20 April
(b) 21 April
(c) 22 April
(d) 23 April

28. Which state won the National Award for best implementation of 'Pradhan Mantri Fasal Bima Yojana'?
(a) Karnataka
(b) Uttar Pradesh
(c) Madhya Pradesh
(d) Haryana

29. When is National Panchayati Raj Day celebrated every year?
(a) 23 April
(b) 24 April
(c) 20 April
(d) 25 April

30. When is World Intellectual Property Day observed annually?
(a) 24 April
(b) 25 April
(c) 26 April
(d) 27 April

31. India's first water metro service was inaugurated in which state?
(a) Gujarat
(b) Maharashtra
(c) Kerala
(d) Karnataka

32. Which country has recently honoured Ratan Tata with its highest civilian honour?
(a) USA
(b) France
(c) UK
(d) Australia

33. Where was the North Sea summit organized by European countries?
(a) Belgium
(b) France
(c) Portugal
(d) Germany

34. Who was honoured with the Best Actress Award at the Filmfare Awards 2023?
(a) Kriti Sanon
(b) Kiara Advani
(c) Sheeba Chadha
(d) Alia Bhatt

5. Prelims and Mains Notes Preparation Scheme

V.S. DREAM COACHING
FOR
HJS, PCS (J.) AND CLAT

Prelims and Mains Notes Preparation Scheme is going on. Prepare your own excellent study notes to crack HJS, PCS (J) and CLAT on the subjects mentioned below under the able guidance of Hon'ble Mr. Justice Vedpal (Former Judge), High Court of Judicature at Allahabad, Ex-Director of Judicial Training and Research Institute, U.P., Lucknow and resource person of various legal academies and institutions. Seek prior appointment to avoid despair. Subjects;-

1.General Knowledge	2.Law
1. Current Affairs 2. G.K.MCQs 3. History of India and Indian Culture 4. Geography of India 5. Indian Polity 6. Current National Issues 7. Topic of Social Relevance with special reference to newly added 9 Social Acts 8. India and the World 9. Indian Economy 10.International Affairs and Institutions 11. Development in the field of: (a) Science and Technology (b) Communications and Space	1. Constitutional Law 2. Law of Evidence 3. Criminal Procedure Code 4. Code of Civil Procedure, 5. Indian Panel Code 6. Law of Contract 7. Partnership Act 8. Easements Act 9. Law of Torts 10. Transfer of Property Act 11. Principles of Equity , 12. Law of Trust 13. Specific Relief Act 14. Hindu Law 15. Muslim Law 16. U.P. Revenue Code. 17. U.P. Municipalities Act 1916 18. U.P. Panchayat Raj Act 1947 19. U.P. Consolidation of Holdings Act, 1953 20. U.P. Urban (Planning and Development) Act, 1973
3.CLAT 1. General Knowledge 2. A Guide for CLAT	

6. About Coaching

V.S. Dream coaching is one of the premiere law institute that offers coaching for Judicial Services Examinations at all the three levels – Preliminary Test, Main Examination and Personality Test.

We started our journey the month of Sept. 2022 with a vision driven by the socialist ideology. Since its inception, the coaching is successfully conducting courses for Judicial Services Exams and has always worked by aligning itself to the best interest of its students. The coaching Institute is focused on providing comprehensive and reliable training and support to all its students, who plan to appear for the Judicial Services Exam and are in the search of highly qualified targeted and dedicated faculty to crack examinations successfully.

The teaching faculty of the Institute has been drawn from highly qualified persons having experience. We also guide the aspirant in preparing his own notes and quality study Material

Teaching pedagogy

Our faculty uses a teaching pedagogy which is easily understandable and is aspirant friendly. Our patron Hon'ble Mr. Justice Vedpal former Judge High Court Allahabad had been a Trainer of Trainers. Director of Judicial Training and Research institute U.P., Resource person of several Judicial Institutes and member of Law commission U.P. The faculty of the coaching Institutes consists of those who have several decade experience in teaching in the field of law.

7. About Director and faculty

Ms. Anshu Singh B.A., LL.B is the director of the coaching who remained associated with the law for more than two decades. The director of the coaching possess self-awareness, garner credibility, focus on relationship-building, exhibit humility, empower others, stay authentic, present themselves as constant and consistent, become role models and are fully present

The director aims to improve performance and focuses on the 'here and now' rather than on the distant past or future. The director is subject expert. And focuse on helping the individual to unlock their own potential

Regular Faculty

1. Ms. Anshu Singh, B.A. (English Literature) LL.B. The Director, herself
2. Shri Shantanu Baliyan, B.A. LL.B who is a Law graduate from C.C.S. University Campus. He has also received Certificate of Excellency from the

University. He has started teaching at a very young age and now with his teaching experience, he has developed innovative ways of teaching Law and general knowledge, which suites to the need of a law student, as well as an Judicial service aspirant. He has conducted many online and offline Courses. His notes on Law subjects as well as on general knowledge are masterly work

8. Resource persons/Guest Speakers

1. Hon'ble Mr. Justice Vedpal, Former Judge, High Court Allahabad -Mentor
2. Shri Soraj Singh, Ex-Director (Ag.), U.P. Government- Guest Speakers
3. Mrs. Kalpana Malik, B.Sc., LL.B., LL.M. (P) - Guest Speakers
4. Dr. Venu Agarwal M.A.(English), M.Com. M.Ed., PhD - Guest Speakers

9. Library with Research wing

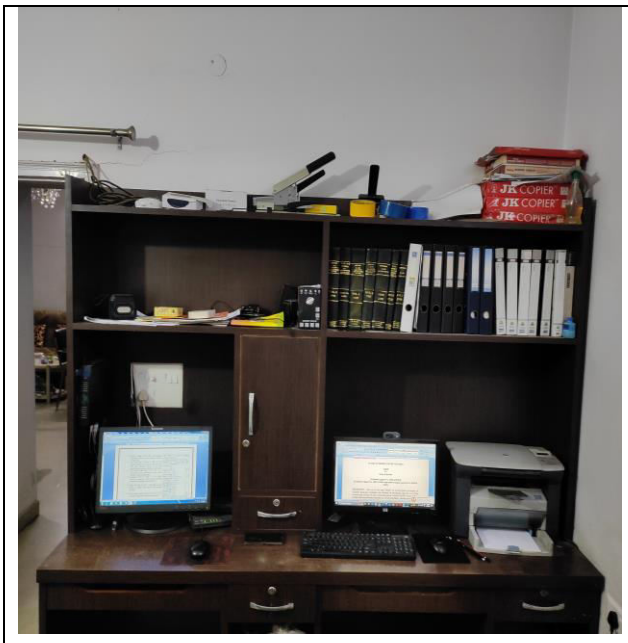
V.S. Dream Coaching has an excellent Library containing **about five thousand books, Journals, brochures, notes and guides**. The library in a coaching institute plays an important role in the life of students by serving as the store house of knowledge. It facilitates the work of the resource person and faculty also. The students have also access to library, after coaching hours. Our library changes as technology changes and remains updated in Course subjects. The coaching itself prepares study excellent and qualitative reading material.

Preparing a study material on a subject on Law and General Knowledge, is a herculean task. There is always a debatable question to be asked regarding what, and what not to include and how to differentiate the books and brochures from the ones already available in the market.

There should be a system for the verification of facts, data, etc. While preparing study material, we always keep in the mind the quality, so we hope that the book, brochures prove beneficial to all the aspirants taking examinations with law and General Knowledge..

A coaching should provide students with the fundamental knowledge base or foundation needed in order to be successful in their exam. Aspirants were surveyed to determine how they should be taught. The survey was developed based on course content. We encourage accredited programs to regularly evaluate current curricula for and develop new curricula that reflect changing construction technologies and management trends.

Library



Research wing