

Topic: Ex-Post-Facto Law Under Article 20

Name of the Case: Rattan Lal v. State of Punjab, AIR 1965 SC 1194

Bench: Justice K. Subba Rao, Justice KC Dasgupta, Justice Raghubar Dayal

Fact of the case: A boy of 16 years of age was found guilty of an offence and was ordered a rigorous imprisonment of six months and also imposed a fine on 31 May 1962. His appeal was dismissed by session judge on 22 September 1962 and by the High Court on 27 September 1962. The Probation of Offenders Act came into force on 1 September 1962. No plea was taken before High Court that the boy should be given the benefit of the Act. Later, he filed an appeal in Supreme Court by special leave and it was argued that he should be given the benefit of the Act. The government argued, on the other hand, that the Act is not retrospective and offence was committed much before the Act came into force.

Ratio: The Supreme Court while setting aside the order of government observed that an ex-post facto law which only mollifies the rigour of a criminal law does not fall within the said prohibition under Article 20 (1). If a particular law makes a provision to that effect, the retrospective in operation, it will be valid.

The court, therefore, ruled that the rule of beneficial construction required that even an ex-post facto law ought to be applied to reduce the punishment of the young offender.