

Legal Case Reference Report

Query: Rights of accused under Article 21

Key Sections / Acts

Not available

Top Matching / Landmark Cases

1. Maneka Gandhi v. Union of India (AIR 1978 SC 597)

Year: 1978

Court: Supreme Court of India

Facts: Challenge to the impounding of the petitioner's passport.

Principle: Expanded the scope of Article 21 to include procedural fairness and due process.

Verdict: Passport impounding was held to be violation of Article 21 unless justified.

Reasoning: Right to life and personal liberty includes the right to move freely.

Relevance: Established the broad ambit of Article 21's protection.

2. D.K. Basu v. State of West Bengal (AIR 1997 SC 610)

Year: 1997

Court: Supreme Court of India

Facts: Concerned custodial deaths and police brutality.

Principle: Outlined guidelines for ensuring the safety and well-being of arrested persons.

Verdict: Issued guidelines to prevent custodial violence and ensure fair treatment of arrested individuals.

Reasoning: Custodial violence violates Article 21.

Relevance: Significant for protecting the rights of accused during police custody.

3. State of Bombay v. Kathi Kalu Oghad (AIR 1961 SC 1808)

Year: 1961

Court: Supreme Court of India

Facts: Dealt with the right to speedy trial.

Principle: Right to speedy trial is an essential component of Article 21.

Verdict: Unreasonable delay in trial can violate Article 21.

Reasoning: Prolonged detention without trial infringes personal liberty.

Relevance: Highlights the importance of a speedy trial for the protection of the accused's rights.

4. A.K. Gopalan v. State of Madras (AIR 1950 SC 27)

Year: 1950

Court: Supreme Court of India

Facts: Early interpretation of Article 21.

Principle: Initial narrow interpretation of Article 21.

Verdict: Limited the scope of Article 21.

Reasoning: Article 21 related primarily to physical liberty.

Relevance: Provides historical context to the evolution of the interpretation of Article 21.

Summary

Article 21 of the Indian Constitution guarantees the right to life and personal liberty. This right encompasses a wide range of protections for the accused, ensuring fair trial and humane treatment.

Pros of Filing

- Protects fundamental rights of individuals.
- Ensures fair trial and prevents abuse of power.
- Promotes justice and human dignity.

Cons / Risks

- Interpretation and application can be complex.
- Balancing individual rights with state interests can be challenging.

Procedure Flow

Not available

Practical Next Steps

Not available

Estimated Costs

Not available

Points to Know

- Right to be presumed innocent until proven guilty.
- Right to legal representation.
- Right against self-incrimination.
- Right to a speedy trial.
- Right to be informed of the charges against oneself.

For personalised legal assistance, contact **Kamal Singh** (Advocate, 25+ years experience) at **9782085181**.