

Illustration (d) is very important as it indicates that a Magistrate, who has power to try and determine cases, is a Court of Justice, but is not a Court of Justice when sitting in committal proceedings.

27. Rep. by the Madras Civil Courts Act, 1873 (3 of 1873).

28. *Surendra Kumar Bhatia v Kanhaiya Lal*, [AIR 2009 SC 1961](#) [[LNIND 2009 SC 209](#)] : (2009)12 SCC 184 [[LNIND 2009 SC 209](#)] .

29. *E S Sanjeeva Rao v CBI, Mumbai*, [2012 Cr LJ 4053](#) (Bom) : 2013 (1) RCR (Criminal) 284.

30. *Brajnandan Sinha v Jyoti Narain*, [AIR 1956 SC 66](#) [[LNIND 1955 SC 98](#)] : 1956 SCJ 155 .

THE INDIAN PENAL CODE

CHAPTER II GENERAL EXPLANATIONS

THIS Chapter is for the most part an elaborate interpretation clause. It is a key to the interpretation of the whole Code. The leading terms used are here defined and explained and the meanings thus, announced are steadily adhered to throughout the subsequent chapters.

[s 20] "Court of Justice."

The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judges which is empowered by law to act judicially as a body, when such Judge or body of Judges is acting judicially.

ILLUSTRATION

A panchayat acting under ³¹ Regulation VII, 1816, of the Madras Code, having power to try and determine suits, is a Court of Justice.

COMMENT—

The word 'court' is a generic term and embraces a Judge but the *vice versa* is not true. Therefore, the words 'court' and 'Judge' are frequently used interchangeably because a Judge is an essential constituent of a court since there can be no dispensation of justice without a Judge. But that is not to say that when a Judge demits office the court ceases to exist *Supreme Court Legal Aid Committee v UOI*. ³²

³¹. Rep. by the Madras Civil Courts Act, 1873 (3 of 1873).

³². *Supreme Court Legal Aid Committee v UOI*, (1994) 6 SCC 731 [LNIND 1994 SC 955] : JT 1994 (6) SC 544 [LNIND 1989 SC 165] .

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THIS Chapter is for the most part an elaborate interpretation clause. It is a key to the interpretation of the whole Code. The leading terms used are here defined and explained and the meanings thus, announced are steadily adhered to throughout the subsequent chapters.

[s 21] "Public servant."

The words "public servant" denote a person falling under any of the descriptions hereinafter following; namely:—

33. [***]

34. Second.—Every Commissioned Officer in the Military, 35. [Naval or Air] Forces 36. [37. [***] of India];

38. [Third.—Every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;]

Fourth.—Every officer of a Court of Justice 39. [(including a liquidator, receiver or commissioner)] whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorized by a Court of Justice to perform any of such duties;

Fifth.—Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public servant;

Sixth.—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court of Justice, or by any other competent public authority;

Seventh.—Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.—Every officer of 40. [the Government] whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth.—Every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of 41. [the Government], or to make any survey, assessment or contract on behalf of 42. [the Government], or to execute any revenue process, or to investigate, or to report, on any matter affecting the pecuniary interests of 43. [the Government], or to make, authenticate or keep any document relating to the pecuniary interests of 44. [the Government], or to prevent the infraction of any law for the protection of the pecuniary interests of 45. [the Government] 46. [***];

Tenth.—Every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any

secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

^{47.} [Eleventh.—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;]

^{48.} [Twelfth.—Every person—

- (a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;
- (b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in [section 617 of the Companies Act, 1956](#) (Act 1 of 1956).]

ILLUSTRATION

A Municipal Commissioner is a public servant.

Explanation 1.—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

Explanation 2.—Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

^{49.} [Explanation 3.—The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law prescribed as by election.]

^{50.} [***]

STATE AMENDMENT

Rajasthan.—In section 21, after clause twelfth, add the following clause, namely:
— "Thirteenth.—Every person employed or engaged by any public body in the conduct and supervision of any examination recognised or approved under any law.

Explanation.—The The expression 'Public Body' includes—

- (a) a University, Board of Education or other body, either established by or under a Central or State Act or under the provisions of the [Constitution of India](#) or constituted by the Government; and
- (b) a local authority."

[Vide Rajasthan Act, 4 of 1993, sec. 2 (w.e.f. 11-2-1993)].

Public Servant.—A line is drawn between the great mass of the community and certain classes of persons in the service and pay of Government, or exercising various public functions, who are here included in the words "public servant." There are several offences which can only be committed by public servants and, on the other hand, public servants in the discharge of their duties have many privileges peculiar to themselves.^{51.}

The test to determine whether a person is a public servant is (1) whether he is in the service or pay of the Government and (2) whether he is entrusted with the performance of any public duty.^{52.} The definition is not exhaustive. A person may be a public servant in terms of another statute.^{53.}

Illustration.—The illustration at the end of the section relates to clause (10). The word "Commissioner" is used in the sense of a Municipal Councillor or member and not merely an officer designated as "Commissioner."^{54.}

The definition of the term "public servant" cannot be extended to the provisions of the [Representation of the People Act](#) where this Act makes reference to persons in the service of the Government.^{55.}

[s 21.1] Enlargement of concept under [Prevention of Corruption Act 1988](#).—

Section 2(i) of the [Prevention of Corruption Act 1988](#) has enlarged the concept of public servant wider than that contained in [section 21 IPC, 1860](#). A comparison of the definition of 'public servant' contained in [section 21 of IPC, 1860](#) and that contained in section 2(c) of the 1988 Act would show that [section 21 of IPC, 1860](#) did not include persons falling under sub-clause (ix), (x), (xi) and (xii) of section 2(c). Sub-clause (viii) of section 2(c) is also wider in amplitude than clause (12)(a) of [section 21 of IPC, 1860](#).^{56.} Definition of 'public servant' is of no relevance under the [PC Act 1988](#).^{57.}

[s 21.2] Definition not exhaustive.—

The definition under the section has been held to be not exhaustive. A person may be a public servant in terms of some other statute.^{58.}

[s 21.3] Judges [clause "Third"].—

Examining the scope of clause "third", the Supreme Court has laid down in *K Veeraswami v UOI*,^{59.} that this category of public servants would include judges of the High Courts and Supreme Court. The words "every judge", as used in the clause, the Court said, indicates "all judges and judges of all courts". "It is a general term... and should not be narrowly construed. It must receive comprehensive meaning. A judge of the superior court cannot ... be excluded from the definition of "public servant". It is not necessary that there should be master and servant relationship to constitute a person as a "public servant". The court noted that [section 21 IPC, 1860](#) does not define the expression "public servant" as a concept. It enumerates only the categories of public servants. Each category is different from the other and in some of the categories there is hardly any relationship of master and servant. In the view of the Andhra Pradesh High Court the Central Government is not a competent authority for sanctioning the prosecution of a High Court Judge.^{60.}

[s 21.4] Explanation 2.—

The person who in fact discharges the duties of the office which brings him under some one of the descriptions of public servant, is for all the purposes of the Code rightfully a public servant, whatever legal defect there may be in his right to hold the office.^{61.} But even if a person is in actual possession of the situation of a public servant, he is not a public servant unless he has a right to hold that situation, although in determining that right the legal defect, if any, has to be ignored.^{62.} A public servant under suspension does not cease to be a public servant within the meaning of this section.^{63.}

[s 21.5] CASES.—

^{64.}

The following persons are held to be Public Servants:

- (1) Member of Parliament (MP)^{65.}
- (2) Chief Minister and Ministers^{66.}
- (3) Judges of Superior Courts^{67.}
- (4) Speaker of Legislative Assembly^{68.}
- (5) Employee of a Nationalised Bank^{69.}
- (6) All Railway Servants^{70.}
- (7) Teacher in a Government school^{71.}
- (8) Chairman of Managing Committee of a Municipality^{72.}
- (9) Employees of Life Insurance Corporation^{73.}
- (10) Member of Auxiliary Air Force^{74.}
- (11) Employee of Bharat Heavy Electricals (India) Limited^{75.}
- (12) Employees of Government Company^{76.}
- (13) Officers of State Electricity Board^{77.}
- (14) An employee of a Co-operative Society which is controlled or aided by the government, is a public servant covered under [section 2\(c\) of the IPC Act 1988](#)^{78.} as also the manager for the commission of offence under [section 409 of the IPC, 1860](#)^{79.}
- (15) Secretary, Health Supervisor of Municipality^{80.}
- (16) Drug Inspector^{81.}
- (17) Any surveyor while performing his legitimate function under any of the Revenue Civil Court^{82.}
- (18) Government Pleaders^{83.}

(19) An IAS officer posted as the managing director of a State Financial Corporation⁸⁴.

(20) The sarpanch of a Gram Panchayat.⁸⁵

The following persons are not Public Servants:

(1) University Examiner⁸⁶.

(2) Elected office bearers with President and Secretary of a registered Co-operative Society.⁸⁷

(3) A Chartered Accountant who had been appointed as an Investigator by the Central Government under the [Insurance Act 1938](#).⁸⁸

(4) Municipal Councillor⁸⁹.

(5) Laboratory Officer in Municipal Corporation⁹⁰.

(6) Member of IAS whose service placed at the disposal of Co-operative Society.⁹¹

(7) A Government Company is not a public servant though its employees are public servants Government Company.⁹²

(8) Chairperson and Standing Committee Chairman of Municipality.⁹³

(9) Leader of Opposition.⁹⁴

(10) Hospital or the Authorization Committee constituted by the Government under [section 9\(4\) of the Transplantation of Human Organs Act 1994](#).⁹⁵

(11) Branch Manager under the Assam State Warehousing Corporation.⁹⁶

(12) Commissioner appointed by Civil Court to seize account book.⁹⁷

(13) A panel doctor under the ESI Scheme.⁹⁸

33. Clause First omitted by the A.O. 1950.

34. Clause *First* omitted by the A.O. 1950.

35. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Naval".

36. The original words "of the Queen while serving under the Government of India, or any Government" have successively been amended by the A.O. 1937, the A.O. 1948 and the A.O.1950 to read as above.

37. The words "of the Dominion" omitted by the A.O. 1950.

38. Subs. by Act 40 of 1964, section 2, for clause *Third* (w.e.f. 18-12-1964).

39. Ins. by Act 40 of 1964, section 2 (w.e.f. 18-12-1964).

40. Subs. by the A.O. 1950, for "the Crown". Earlier the words "the Crown" were substituted by the A.O. 1937, for the word "Government".

41. Subs. by the A.O. 1950, for "the Crown". Earlier the words "the Crown" were substituted by the A.O. 1937, for the word "Government".
42. Subs. by the A.O. 1950, for "the Crown". Earlier the words "the Crown" were substituted by the A.O. 1937, for the word "Government".
43. Subs. by the A.O. 1950, for "the Crown". Earlier the words "the Crown" were substituted by the A.O. 1937, for the word "Government".
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45. Subs. by the A.O. 1950, for "the Crown". Earlier the words "the Crown" were substituted by the A.O. 1937, for "the word Government".
46. Certain words omitted by Act 40 of 1964, section 2 (w.e.f. 18-12-1964).
47. Ins. by Act 39 of 1920, section 2.
48. Subs. by Act 40 of 1964, section 2, for clause *Twelfth* (w.e.f. 18-12-1964).
49. Ins. by Act 39 of 1920, section 2.
50. *Explanation 4* omitted by Act 40 of 1964, section 2 (w.e.f. 18-12-1964). Earlier *Explanation 4* was inserted by Act 2 of 1958, section 2 (w.e.f. 12-2-1958).
51. M&M 20.
52. *GA Monterio*, [AIR 1957 SC 13](#) [[LNIND 1956 SC 66](#)] : [1957 Cr LJ 1956](#) . See further *Lakshmimansingh (Dr.) v Naresh KC Jah*, [1990 Cr LJ 1921](#) : [AIR 1990 SC 1976](#) [[LNIND 1990 SC 370](#)] : [\(1990\) 4 SCC 169](#) [[LNIND 1990 SC 370](#)] ; where a municipal officer working on deputation on a Government post (public analyst) committed an act entailing his removal and it was held that his removal would have to be effected by the Municipality and there he was not a public servant and hence, permission of the State under [s 197\(1\) of Cr PC, 1973](#) was not necessary. *Mohinder Singh v State of Punjab*, [2001 Cr LJ 2329](#) (P&H), sanction is necessary only when the offence occurs in the course of the performance of official duty. For offences connected with cheating, preparing false records, misappropriation of public funds, including criminal conspiracy against a public servant, no prior sanction is necessary.
53. *Naresh Kumar Madan v State of MP* [AIR 2008 SC 385](#) [[LNIND 2007 SC 452](#)] : [\(2007\) 4 SCC 766](#) [[LNIND 2007 SC 452](#)] .
54. *Banshilal Luhadia*, [AIR 1962 Raj 250](#) [[LNIND 1962 RAJ 124](#)] .
55. *Abdul Rehman v State of Kerala*, [1999 Cr LJ 4801](#) (Ker).
56. *PV Narsimha Rao v State (CBI/SPE)*, [AIR 1998 SC 2120](#) [[LNIND 1998 SC 1259](#)] : [1998 Cr LJ 2930](#) .
57. *State of Maharashtra v Prabhakar Rao*, [\(2002\) 7 SCC 636](#) : JT 2002 (Supp1) SC 5.
58. *Naresh Kumar Madan v State of MP*, [\(2007\) 4 SCC 766](#) [[LNIND 2007 SC 452](#)] : [AIR 2008 SC 385](#) [[LNIND 2007 SC 452](#)] : [\(2007\) 2 KLT 539](#) : [\(2007\) 54 AIC 87](#) .
59. *K. Veeraswami v Union of India*, [\(1991\) 3 SCC 655](#) [[LNIND 1991 SC 320](#)] : 1991 SCC (Cr) 734 : [1991 Cr LR \(SC\) 677](#) .
60. *Advocate General, AP v Rachapudi Subba Rao*, [1991 Cr LJ 613](#) AP.
61. *Ramkrishna Das*, (1871) 7 Beng LR 446, 448.
62. *Bira Kishore*, [AIR 1964 Orissa 202](#) .
63. *Dhanpal Singh*, AIR 1970 Punj & Haryana 514.
64. *M Karunanidhi v UOI*, [1979 Cr LJ 773](#) : [AIR 1979 SC 598](#) ; See also *Shiv Bahadur*, [1954 Cr LJ 910](#) : [AIR 1954 SC 322](#) [[LNIND 1954 SC 30](#)] ; *AR Antulay*, [\(1984\) Cr LJ 613](#) : AIR 1984; *Rajendra Kumar Singh v State of MP*, [1999 Cr LJ 2807](#) (MP).
65. *PV Narasimha Rao v State (CBI/SPE)*, [AIR 1998 SC 2120](#) [[LNIND 1998 SC 1259](#)] : [\(1998\) 4 SCC 626](#) [[LNIND 1998 SC 1259](#)] (CB) Though another [Constitution Bench](#) in *RS Nayak v AR*

Antulay, AIR 1984 SC 684 [LNIND 1984 SC 43] : (1984) 2 SCC 183 [LNIND 1984 SC 43] that MLA is not a public servant within the meaning of Section 21 IPC, 1860, in view of the Narasimha Rao case (Supra) MLA and MPs are public servant within the meaning of Section 2 (i) of PC Act. See also *Habibulla Khan v State of Orissa*, 1993 Cr LJ 3604 ; *L. K. Advani v Central Bureau of Investigation*, 1997 Cr LJ 2559 (Del) : 1997 (4) Crimes 1 [LNIND 1997 DEL 319] .

66. *M Karunanidhi v UOI*, AIR 1979 SC 898 [LNIND 1979 SC 135] : (1979) 3 SCC 431 [LNIND 1979 SC 135] ; *R Sai Bharathi v J Jayalalitha*, AIR 2004 SC 692 [LNIND 2003 SC 1023] : (2004) 2 SCC 9 [LNIND 2003 SC 1023] , Minister is a Public Servant -*R Balakrishna Pillai v State of Kerala*, AIR 1996 SC 901 [LNIND 1995 SC 1239] : (1996) 1 SCC 478 [LNIND 1995 SC 1239] , *Dattatraya Narayan Patil v State of Maharashtra*, AIR 1975 SC 1685 [LNIND 1975 SC 157] : (1976) 1 SCC 11 [LNIND 1975 SC 157] ; *Rajendra Kumar Singh and etc. v State of MP*, 1999 Cr LJ 2807 (MP).

67. *K Veeraswami v UOI*, (1991) 3 SCC 655 [LNIND 1991 SC 320] : (1991) 1 SCC (Cr) 734.

68. *P Nallammal v State*, 1999 Cr LJ 1591 (Mad).

69. *UOI v Ashok Kumar Mitra*, AIR 1995 SC 1976 [LNIND 1995 SC 295] : (1995) 2 SCC 768 [LNIND 1995 SC 295] ; *Mir Nagvi Askari v CBI*, AIR 2010 SC 528 [LNIND 2009 SC 1651] : (2009) 15 SCC 643 [LNIND 2009 SC 1651] ; *State (Delhi Administration) v S R Vij*, 1999 Cr LJ 4762 (Del).

70. *Ram Krishan v State of Delhi*, AIR 1956 SC 476 [LNIND 1956 SC 157] : 1956 Cr LJ 837 , *Shamrao Vishnu Parulekar v The District Magistrate*, AIR 1957 SC 23 [LNIND 1956 SC 60] : 1957 Cr LJ 5 ; *GA Monterio v State of Ajmer*, AIR 1957 SC 13 [LNIND 1956 SC 66] : 1957 Cr LJ 1 ; *Bajrang Lal v State of Rajasthan* AIR 1976 SC 1008 [LNIND 1976 SC 57] : (1976) 2 SCC 217 [LNIND 1976 SC 57] . But see *KN Shukla v Navnit Lal Manilal Bhatt*, AIR 1967 SC 1331 [LNIND 1966 SC 310] : 1967 Cr LJ 1200 .

71. *State of Ajmer v Shiv Lal*, AIR 1959 SC 847 [LNIND 1959 SC 67] : 1959 Cr LJ 1127 .

72. *Maharudrappa Danappa Kesarappanavar v The State of Mysore*, AIR 1961 SC 785 [LNIND 1961 SC 60] : 1961 Cr LJ 857 .

73. *State through Central Bureau of Investigation v D P Dogra*, AIR 1986 SC 312 : (1985) 4 SCC 319 .

74. *State (SPE, Hyderabad) v Air Commodore Kailash Chand*, AIR 1980 SC 522 [LNIND 1979 SC 504] : (1980) 1 SCC 667 [LNIND 1979 SC 504] .

75. *State of MP v M v Narasimhan*, AIR 1975 SC 1835 [LNIND 1975 SC 212] : (1975) 2 SCC 377 [LNIND 1975 SC 212] .

76. *National Small Industries Corporation Ltd v State* AIR 2009 SC 1284 [LNIND 2008 SC 2243] : (2009) 1 SCC 407 [LNIND 2008 SC 2243] .

77. *Bihar State Electricity Board v Nand Kishore Tamakhuwala*, AIR 1986 SC 1653 [LNIND 1986 SC 82] : (1986) 2 SCC 414 [LNIND 1986 SC 82] , *Naresh Kumar Madan v State of MP* AIR 2008 SC 385 [LNIND 2007 SC 452] : (2007) 4 SCC 766 [LNIND 2007 SC 452] .

78. *Govt. of AP v P Venken Reddy* AIR 2002 SC 3346 : (2002) 7 SCC 631 .

79. *Haridas Mondal v State of WB*, 2016 Cr LJ 4335 : 2016 (4) Crimes 530 (Cal).

80. *Chairperson, Kanhangad Municipality v State of Kerala*, 2012 Cr LJ 4366 (Ker); *G S K Janardhana Rao v Guntupalli Guru Prasad*, 2000 Cr LJ 2927 (A.P) - officers of Municipal Corporation.

81. *Laxmi Medical Distributors v State of AP*, 2005 Cr LJ 1601 (A.P).

82. *Ram Avtar Sah v State of Bihar*, 2002 Cr LJ 3899 (Pat).

83. *Appadurai v State*, Rep. By The Station House Officer, Cid Branch, Pondicherry 2001 Cr LJ 3129 (Mad).

84. *Girish Chandra Patra v Pinakee Enterprises Ltd*, 1989 Cr LJ 527 (Ori).

85. *Sarat Chandra Dehury v Sankirtan Behera*, 1989 Cr LJ (NOC) 162 Orissa; *Sukhdev Singh v State of Punjab*, 1988 Cr LJ 265 P&H.

86. *Dilaver Babu Khurana v State of Maharashtra*, AIR 2002 SC 564 [LNIND 2002 SC 1739] : (2002) 2 SCC 135 [LNIND 2002 SC 1739] ; *State of Gujarat v Manshanker Prabhashanker Dwivedi*, AIR 1973 SC 330 [LNIND 1972 SC 257] : (1972) 2 SCC 392 [LNIND 1972 SC 257] .
87. *Govt. of AP v P Venken Reddy*, AIR 2002 SC 3346 : (2002) 7 SCC 631 : *Rabindra Nath Bera v State Of WB*, 2012 Cr LJ 913 (Cal); *Haladhar Sasml v State Of WB*, 2012 Cr LJ 1726 (CAL) A 'public servant' within the meaning of Maharashtra [Co-operative Societies Act](#), 1960 is not a public servant under [Section 21 of IPC, 1860](#); *State of Maharashtra v Laljit Rajshi Shah*, AIR 2000 SC 937 [LNIND 2000 SC 387] : (2000) 2 SCC 699 [LNIND 2000 SC 387] .
88. *Ram Krishna Dalmia v Delhi Administration*, (1963 (1) SCR 253 [LNIND 1962 SC 146] : AIR 1962 SC 1821 [LNIND 1962 SC 146] ; Insurance surveyer is not public servant- 1988 Cr LJ 311 (Delhi).
89. *State of TN v T Thulasingham*, AIR 1995 SC 1314 [LNIND 1994 SC 1256] : (1994) Supp 2 SCC 405; *Ramesh Balkrishna Kulkarni v State of Maharashtra*, 1985 (3) SCC 606 [LNIND 1985 SC 235] : AIR 1985 SC 1655 [LNIND 1985 SC 235] .
90. *Lakshmansingh Himatsingh Vaghela v Naresh Kumar Chandrashanker Jha*, AIR 1990 SC 1976 [LNIND 1990 SC 370] : (1990) 4 SCC 169 [LNIND 1990 SC 370] .
91. *SS Dhanoa v Municipal Corporation Delhi*, AIR 1981 SC 1395 [LNIND 1981 SC 282] : (1981) 3 SCC 431 [LNIND 1981 SC 282] .
92. *National Small Industries Corporation Ltd v State*, AIR 2009 SC 1284 [LNIND 2008 SC 2243] : (2009) 1 SCC 407 [LNIND 2008 SC 2243] .
93. *Chairperson, Kanhangad Municipality v State of Kerala*, 2012 Cr LJ 4366 (Ker).
94. *Sushil Modi v Mohan Guruswamy*, 2008 Cr LJ 541 (Del).
95. *Santosh Hospitals Private Ltd Chennai v State Human Rights Commission, TN* AIR 2005 Mad. 348 [LNIND 2005 MAD 935] .
96. *Ghulam Rabbani v State of Assam*, 2001 Cr LJ 2331 : 2002 (1) Crimes 132 [LNIND 2001 GAU 403] (Gau).
97. *Padam Sen v State of UP* AIR 1961 SC 218 [LNIND 1960 SC 221] : 1961 Cr LJ 322 .
98. *State of Maharashtra v Dr. Rustom Franrose Hakim*, 2000 Cr LJ 3401 (Bom).