

Supreme Court of India

Yogesh K. Bhatia vs State Of U.P. on 15 July, 1994

Equivalent citations: 1995 (1) SCALE 213, 1995 Supp (3) SCC 741

Bench: M Venkatachaliah, S Mohan

ORDER

1. We have heard Sri Ranjit Kumar, learned Counsel for the petitioner and Sri Yogeshwar Prasad, learned senior Counsel for the respondent.

2. The Crime Branch of the C.I.D. of the State of Uttar Pradesh has submitted its report. The report establishes in a substantial measure, the allegations in the writ petition of illegal detention of Ram Chander and Sher Pal. The report also recommends that the concerned officers should be prosecuted and that one Deputy Superintendent of Police be proceeded against departmentally.

3. This is yet another instance of brazen high handedness of the police and of arbitrary exercise of authority. It is quite possible - and we do not rule out such possibility - that the two persons concerned might have been privy to or guilty of criminal acts, though we are told that no prosecution for any offence is yet under contemplation, but the fact remains that during the investigation police have totally abandoned the rules of the game and have resorted to the impermissible and illegal methods of arbitrary custodial detention. If the State - whose physical might the police represent - itself sets an example of violence and lawlessness, it becomes addictive and encourages the citizen to resort to lawless methods. As it is said, "it is not admissible to do a great right by doing a little wrong". It is not permissible to obtain a proper result by irregular or improper means. It has been said:

Our Government is the potent, the omni-present teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

4. These cautions have, it is complained, remained mere words and pious precautions so far as the day to day working of the police is concerned. It is not enough if the laws prohibiting and condemning such methods exist, it is important that these laws must strictly be enforced so that a proper legal and constitutional culture informs the working of those who wield enormous powers over the person and property of the citizenry.

5. In these cases - it is immaterial whether they are guilty of any offence or not - they were detained illegally in police custody for several days. The police is of course entitled to investigate offences against them within the limits prescribed by the Constitution of the country and the laws; but they cannot be law unto themselves and resort to these impermissible methods. In order that proper lesson goes home, we direct the Government to pay a compensation of Rs. 5000/- to each of these two persons - Ram Chander and Sher Pal - within two weeks from today. We also direct the State Government to recover these sums from the guilty officers after holding an inquiry and as to the apportionment amongst those guilty. The amount shall be tendered by a cheque to Supreme Court Legal Aid Committee which will ensure its due disbursement to the beneficiaries.

6. The State Government will also report to this Court that due prosecutions and disciplinary proceedings, as the case may be, have been launched as per the report of the Crime Branch.

7. With these observations the writ petition is disposed of.