

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.606-607/2017

RANA SINGH

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

O R D E R

1. The appellant who was respondent No.5 in W.P. No. 3130 of 2010 before the High Court of Madhya Pradesh at Jabalpur is before this Court in this appeal assailing the judgment dated 29.04.2016. In a matter where the petitioner before the High Court had sought for issue of writ in the nature of Habeas Corpus to secure one Kamlesh, the Court having taken note of all aspects and keeping in view the fact that the alleged detinue could not be traced, has ultimately awarded the compensation of Rs.5,80,000/- holding the respondent Nos. 1,2,3 & 5 to the writ petition jointly and severally liable to pay the same. The appellant herein is the respondent No.5 in the said writ petition.

2. The allegation against the appellant was that he had taken away Kamlesh and thereafter, alleged detinue has not been traced. On that score, the High Court while arriving at its conclusion has adverted to the factual situation that has arisen in the case ever since 29.11.2009 when Kamlesh was found

missing and in that view taking into consideration the sequence of the events has arrived at the conclusion that the liability in that regard is to be fixed on the appellant as well. Hence, taking into consideration that the appellant, at that point was working as a head constable, the State was also made jointly and severally liable alongwith the appellant herein.

3. Though we have heard learned counsel for the appellant as also learned counsel for the State at length, we find that in a matter of the present nature, where the High Court has adverted to the factual aspects taking into consideration the sequence of events that had occurred from the alleged detinue went missing and has thereafter arrived at its conclusion, we see no reason to interfere with the conclusion reached therein.

4. However, at this stage, learned counsel for the appellant would contend that the appellant herein has also been proceeded in the criminal proceedings where he is facing trial and the observations contained in the order passed by the High Court is likely to affect him in the said proceedings. On that aspect of the matter, there can be no doubt that as we have noted above, the High Court has referred to the sequence of events and based on the preponderance of probabilities has arrived at its conclusion.

5. In a criminal trial it is needless to mention that the Court below before which the matter is pending, will have to take into consideration the evidence brought before it and on analyzing the same will have to reach the conclusion, which has to be beyond reasonable doubt when the person is to be held guilty and convicted.

6. Therefore, in the instant facts, to allay the apprehension of the appellant, we make it clear that the judgment impugned in this appeal shall alone not form the basis to ultimately conclude with regard to the offence alleged against the appellant but the trial court shall take note of the evidence brought before it and decide the case in accordance with law and any of the observations contained in the impugned order shall weigh with the court.

7. Insofar as the compensation awarded by the High Court, since there is a joint liability, needless to mention so as to enable the beneficiaries of the compensation to receive the same, the respondent No.1/State shall pay the same. In that regard, if ultimately any recovery proceedings are initiated by the State against the appellant herein, an opportunity shall be provided to the appellant, who may have a say in the matter before a conclusion is reached in that regard.

8 In terms of the above observations, the appeals stand disposed of.

.....J.
[A.S. BOPANNA]

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
NOVEMBER 30, 2022

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos.606-607/2017

RANA SINGH

Appellant(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

Date : 30-11-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Appellant(s) Mr. Vikas Upadhyay, AOR
Mr. Anshuman Ashok, Adv.
Mr. Alok Tiwari, Adv.For Respondent(s) Mr. Rishabh Sancheti, Adv.
Ms. Padma Priya, Adv.
Mr. Anchit Bhandari, Adv.
Dr. P. V. Saravanaraja, AORMr. Saurabh Mishra, AAG
Mr. Sunny Choudhary, AOR
Mr. Sushil Tomar, Adv.
Mr. Sandeep Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeals stand disposed of in terms of the signed
order.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)(DIPTI KHURANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)