

Umesh Kumar v. State of A.P., (2013) 10 SCC 591

Constitution of India

Arts. 21 and 19(1)(a) - Right to life - Meaning and scope - Right to one's reputation - Freedom from defamation vis--vis freedom of expression - Liability for criminal proceedings - Right to one's reputation, held, is a personal right protected under Art. 21 - Right to freedom of expression under Art. 19 is subject to right to reputation of others - Allegations against any person if found to be false or made forging someone else's signature may affect his reputation and would invite criminal as well as civil liability for defamation, forgery, etc. - In present case, appellant U allegedly making a complaint against one V [the then DG (Vigilance and Enforcement Department)] to Central Government in fictitious name vide a letter containing forged signature of one M who was a Member of Parliament - Matter against appellant being of grave nature, held, required investigation - Held, there is no fault with criminal action initiated against appellant in respect thereof - Hence, trial court to continue with trial against appellant U - It would be open to the trial court to add or alter the charges according to the evidence produced before it, even though High Court had quashed only the charge under S. 468 IPC, while not interfering with the rest of the charges, under S. 482 CrPC, (2013) 10 SCC 591-A

Criminal Law

Criminal Procedure Code, 1973

Ss. 482, 173, 190, 216, 228, 240 and 323, 386, 397, 399 & 401 - Partial quashment of charge-sheet (in present case in respect of one of the several offences), by High Court - Non-finality of such order - Subsequent power of trial court to try the accused for those offence(s) in relation to which charge-sheet quashed - Held, under S. 216 CrPC, trial court at any stage before pronouncement of judgment can add or alter charges according to evidence produced before it - Hence, order as to partial quashment of charge-sheet in relation to offence(s) concerned passed by High Court on basis of material available before it at that stage, which could not be termed as substantive evidence, held, is not final and the same is subject to further orders which could be passed by trial court under S. 216 CrPC - Holding otherwise would render the provisions of S. 216 CrPC otiose/nugatory, (2013) 10 SCC 591-B

Criminal Law

Criminal Procedure Code, 1973

Ss. 482, 173, 228 and 240 - Quashment of charges/charge-sheet - Appreciation of evidence - Impermissibility of - Extent to which documents on record to be evaluated while exercising power under S. 482, restated, (2013) 10 SCC 591-C

Criminal Law

Criminal Procedure Code, 1973

Ss. 482, 173, 227, 228 and 240 - Quashment of charge-sheet - Petition for, before charges are framed or application of discharge is filed or even during pendency of such application - Permissibility of - Held, is permissible - High Court cannot reject said petition merely on ground that accused can argue legal and factual issues at the time of framing of charge - However held, inherent power should not be exercised to stifle legitimate prosecution but can be exercised to save accused from undergoing agony of criminal trial, (2013) 10 SCC 591-D

Constitution of India

Arts. 136, 32, 226 and 14 - Investigation by CBI - Direction for - When warranted - Appellant allegedly making a complaint against one V [the then DG (Vigilance and Enforcement Department) later appointed as DGP of State] to Central Government in fictitious name vide a letter containing forged signature of one M who was Member of Parliament - Allegations against V that he acquired huge assets disproportionate to his known sources of income - Said complaint forwarded by Central Government to State Government concerned for enquiry - State Government not looking into contents of said complaint and instead directing enquiry only against appellant for making complaint in fictitious name forging signature of M - Held, facts of the case warranted some enquiry in respect of allegations against V - Hence,

investigation into matter against V i.e. Respondent 2, directed to be made by CBI, (2013) 10 SCC 591-E

Criminal Law

Criminal Procedure Code, 1973

Ss. 482, 154, 190(1) and 173 - Quashment of criminal complaint - Grounds - Complaint moved with malice or based on documents procured by improper or illegal means - Effect of - If there is substance in allegations made in such complaint and material exists to substantiate the culpability of the person concerned, held, issue of mala fides or illegal/improper procurement of the evidence loses its significance - Proceedings in such a case should not be quashed merely on the ground that the same had been initiated with mala fides to wreak vengeance or to achieve an ulterior goal, (2013) 10 SCC 591-F

Evidence Act, 1872

Ss. 5 and 3 - Evidence - Illegally obtained evidence - Admissibility of, (2013) 10 SCC 591-G

Practice and Procedure

Affidavit/Oath

Affidavit - Essential requirements of - Duty to state on oath on the part of deponent is sacrosanct - Undated affidavit though attested - Filing of by Chief Secretary to State Government - Value and effect - Such an affidavit being in utter disregard to provisions of S. 139 CPC, held, cannot be taken on record - Act of officer concerned stringently deprecated, (2013) 10 SCC 591-H