

IN THE HIGH COURT OF JHARKHAND, RANCHI
W.P. (Cr.) No. 06 of 2024

Banshi Dhar Shukla, aged about 63 years, son of Late Ramesh Kumar Shukla, Resident of Village – Atia, P.O. – Pelawal, P.S. – Katkamsandi, (OP-Pelawal), District – Hazaribagh, Jharkhand

.... Petitioners

-- Versus --

- 1.** Union of India through CBI
- 2.** State of Jharkhand through I.G. Prison, Resident of Dhurwa, P.O. and P.S. – Dhurwa, District – Ranchi

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner	:-	In person
For the CBI	:-	Mr. Anil Kumar, ASGI
		Ms. Chandana Kumar, AC to ASGI
For the State	:-	Mr. Ravi Prakash Mishra, AC to AAG-II

07/30.08.2024 This matter was taken up out of turn on mention of the petitioner, who is appearing in person.

2. Heard the petitioner appearing in person, learned counsel appearing for the CBI and learned counsel appearing for the State.

3. The prayer in the writ petition is made for direction for payment of appropriate compensation to the petitioner.

4. The petitioner appearing in person submits that the C.B.I. has lodged an FIR vide R.C. 30 (s) / 93-Pat. Dated 16.08.1993 under Sections 120(B), 417, 466, 468, 471, 192, 193, 196 and 511 of the Indian Penal Code on the basis of Order dated 03.08.1993 passed in Criminal Misc. No.6853 of 1993 by Hon'ble High Court of

Judicature at Patna through the Joint Registrar of Ranchi Bench, Patna High Court. He submits that by Order dated 03.08.1993, the CBI was directed to investigate the allegation mentioned in the Joint Registrar note dated 15.04.1993, 05.03.1993 and one Advocate letter dated 08.04.1993. He further submits that CBI has lodged the FIR and mentioned the Joint Registrar Note dated 14.03.1993 and 05.03.1993 related to the forgery of the bail order and CBI has never mentioned in his investigation in which circumstances they have changed the FIR in place of Joint Registrar Note dated 15.04.1993 as 14.03.1993 and registered the said R/C Case No.30 (S) of 1993. He then submits that the charge sheet was subsequently submitted which was tried and the petitioner was convicted by order dated 04.06.2004 by the learned Special Judicial Magistrate CBI, Ranchi which was challenged in appeal before the Judicial Commissioner in Criminal Appeal No.144 of 2004 and the appeal was dismissed on 26.06.2006 affirming the Judgment of trial Court. The appellate judgment was challenged in Criminal Revision No.994 of 2006 which was allowed by order dated 19.04.2023 and the petitioner was acquitted. He submits that in view of the acquittal by the revisional court, the petitioner is entitled for proper compensation and the appropriate direction may kindly be issued.

5. On the other hand, learned counsel appearing for the CBI and learned counsel appearing for the respondent State jointly submits that the petitioner before two courts was found guilty,

however the revisional court has acquitted him but that cannot be a ground for compensation.

6. It is an admitted position that pursuant to direction of the High Court, the FIR was registered through the Joint Registrar of Ranchi Bench, Patna High Court which was investigated by the CBI, subsequently the charge-sheet was submitted and the petitioner was chargesheeted. The petitioner faced the trial and the learned trial Court has convicted the petitioner by judgment dated 04.06.2004 which was challenged before the appellate court and the appellate court has been pleased to dismiss the appeal affirming the order of the learned trial court by judgment dated 26.06.2006, subsequently the petitioner filed the revision petition which was allowed by judgment dated 19.04.2023.

7. The major human rights treaties do not provide an explicit right to compensation for the acquitted accused, an acquitted accused in a criminal case cannot claim compensation as human rights remedy because detention before or during a trial does not violate their human rights. A criminal case accused is entitled to an acquittal, if the prosecution's evidence is too weak to support a conviction. More importantly, there is no indication that states compensate the acquitted accused because they are under a legal obligation to do so. The Court has no discretion in this matter.

8. It is well known that if any person is convicted and subsequently acquitted that cannot be a ground for compensation

and if a case of compensation is made out, the learned Court who is passing the judgment can pass such order at the time of judgment.

No case of interference is made out, this petition is dismissed.

(Sanjay Kumar Dwivedi, J.)

Sangam/

A.F.R.