Landmark Judgement

RS Nayak v. AR Antulay (1988)



A significant ruling in the history of the Indian judiciary was made in the case of AR Antulay v. RS Nayak, which established that corruption matters that could be heard by a special court could not be moved to a High Court judge. Despite much criticism, the court firmly believed that justice had been done. Following this decision, a number of legal scholars pointed out

that human foresight is limited.

The petitioner, Mr. Nayak, had political ties, whereas the respondent in this historic case, Mr. Antulay, the chief minister of Maharashtra at the time, resigned and left office on January 20, 1982.

The respondent's assertion that his fundamental rights were violated is at the center of the dispute. In a landmark ruling, the Supreme Court declared that the court's findings violated both the fundamental rights of the appealing party under Articles 14 and 21 of the Constitution and Section 7(1) of the Criminal Law (Amendment) Act, 1952.

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Citation: AIR 1988 SC 1531

Quorum: Sabyasachi Mukherjee, G.L. Oza, M.N. Venkatachaliah, Ranganath Misra, JJ., B.C. Ray, S. Natarajan, S. Ranganathan

Court: Supreme Court of India

The main points of the case

After being found guilty of compulsion by the Bombay High Court on January 13, 1982, Mr. Antulay (Barrister Abdul Rahman Antulay) resigned as Chief Minister of Maharashtra. The court determined that Antulay had obtained developers in the Bombay region illegally in order to give presents to the Indira Gandhi Pratibha Pratishthan Trust, one of several trusts he had

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established and managed, in exchange for receiving more concrete than the government had given them. The judge later granted him bail. But later on, the Supreme Court cleared him of the accusation.

Facts

Beginning in June 1980, the appellant served as **Maharashtra's chief minister**. On September 1st, 1981, a member of the Bharatiya Janata Party requested permission to file a lawsuit against the appellant from the state's governor in accordance with Section 197 of the Criminal Procedure Code of 1973 and Section 6 of the Prevention of Corruption Act of 1947.
Additionally, the respondent filed a complaint against the appealing party and others for violations of Sections 161, 165, 384, and 420 read with Sections 109 and 120 B of the Indian Penal Code and Section 5 of the Prevention of Corruption Act with the Additional Metropolitan Magistrate, Bombay.

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Without the consent for arraignment, the magistrate did not accept any legal notification for the offenses. Additionally, a modification was submitted to the Bombay High Court.
Meanwhile, Mr. P.B. Samanth and a number of individuals filed a similar protest in the shape of a writ suit no. 1165 of 1981 in the Bombay High Court contesting the state's emergency allocation of concrete to the Indira Gandhi Pratibha Pratishthan Trust. But in this instance, the accused was the second respondent rather than the first.

The learned Single Judge granted the nisi rue and made it returnable on November 23, 1981, by a comprehensive spoken order. The order was eventually made absolute at a subsequent hearing.
In 1982, he resigned as chief minister due to accusations of power abuse.
The Governor's dismissal of the claim was included in a new complaint that was filed before the Special Judge with numerous additional accusations.
Without depending on the Governor's plea for consent, the Special Judge, Shri P.S. Bhutta, issued a process to the appellant. The appellant's jurisdictional complaint was dismissed by **Shri P.S. Bhutta on October 28**, 1982, and three Special Judges were appointed to hear similar matters. R.B. Sule was chosen by the State Government to serve as the Special Judge.

The appellant was released by the Special Judge, who stated that a member of the Legislative Assembly is a public servant and that there was insufficient authorization to pursue legal action against him.

After an appeal under Article 136 was filed on February 16, 1984, the Supreme Court's constitution bench ruled that a member of the legislative assembly is not always a public worker and overturned the earlier ruling.

The Supreme Court suo moto removed the case from the Special Judge's court and transferred it to the Bombay High Court instead of sending it back to a Special Judge for legal resolution.

Issuess

Does the court's directive violate Section 7(1) of the Criminal Law Amendment Act of 1952?
Does the ruling **violate the Constitution's Articles 14 and 21?**
Arguments made by the side making the appeal
It was argued that the appealing party's Fundamental Right under Article 14 of the Constitution was violated since he was treated unfairly and was not given the opportunity to present any pleadings or arguments in front of the court.
Additionally, it was argued that the litigant's Fundamental Right to a trial by a Special Judge under Article 21 of the Constitution

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It was argued that there was egregious abuse of the fundamental rights to equality and justice, which envisioned that no man should be burdened by technical flaws.
It was further stated that the appealing party had lost two important rights: the ability to petition the Supreme Court under Article 136 of the Constitution and the right of revision to the High Court under Section 9 of the Criminal Law Amendment Act.

Arguments for the Respondent Party
It was argued that under Section 407 of the Criminal Procedure Code, the High Court could withdraw the matter from Special Judge under the Criminal Law Amendment Act under appropriate circumstances.

It was contended that the matter was transferred without providing the appellant with a chance to make his case, which is unacceptable.

The higher court's jurisdiction was contested. Unless the court has acted Coram non-judice, it cannot be held accountable for such accusations.

Evaluation
A seven-judge Supreme Court court rendered the decision in this case. The appellant received a 4:3 favorable ruling. Because Antulay's ability to pursue an appeal was restricted,

the Supreme Court's seven-judge bench in 1988 deemed its 1984 ruling in the matter to be unfair, unlawful, and unconstitutional under Article 21 of the constitution.

The court stated that Section 406 of the Criminal Procedure Code allows the Supreme Court to transfer criminal cases and make petitions. According to the law, the court may coordinate a particular case or allure from one High Court to the next High Court, from a subordinate Criminal Court to a High Court, or from a subordinate Criminal Court to one High Court to another Criminal Court with comparable or higher-level jurisdiction to another High Court.

Similarly, Section 407 of the Criminal Procedure Code controls the High Court's authority to transfer cases.
The State Government may appoint as many Special Judges as necessary for a certain area for a predetermined offense under Section 6 of the Criminal Law (Amendment) Act, 1952.
The crime committed by Special Judges is highlighted in **Section 7 of the Criminal Law (Amendment) Act, 1952**. The question at hand is whether or not the court's transfer is significant. A requirement for the trial of wrongdoers under Section 6(1) of the Criminal Law (Amendment) Act, 1952 is provided by Section 7(1).

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In this way, the Indian Penal Code and Prevention of Corruption Act, 1947, punishes offenses under Section 6(1) of the Act. The law did not permit the court to transfer matters to the top court. Through its actions, the Supreme Court cannot persuade the High Court to hear cases outside of its jurisdiction.
The Supreme Court lacks the authority to transfer cases to itself. No other court has the authority to create or expand jurisdiction; only the parliament can do so by law.

Additionally, it was noted that the appellant has the fundamental right under Article 21 of the Constitution to be tried by a Special Judge in accordance with Section 7(1) of the Criminal Law (Amendment) Act, 1952, and that the appellant has the right not to suffer as a result of any judgment rendered by the Court that violates natural justice.
According to Section 6 of the Criminal Law (Amendment) Act, 1952, the High Court is not permitted to transfer such matters. Because of the court's rulings, the arrangement under Section 7(2) of the Criminal Law (Amendment) Act, 1952, as well as Articles 14 and 21 of the constitution, has been ignored and is therefore legally incorrect.

The case's maxims
The idea that the court should correct significant mistakes at any time was supported in the case by two legal maxims. The first was ex debito justitiae, which allows an applicant to

request a remedy based on a right that the court cannot reject. The second was actus curiae neminem gravabit, which aims to prevent any unintentional or inevitable court action or omission from harming any party.

conclusion

Ibi jus ubi remedium means that if someone's legal rights are infringed, they have the right to seek redress in court. Judges and their decisions are important, and they shouldn't be influenced in any manner. The rulings shouldn't take into account ideological disagreements or technical mistakes as doing so would violate our fundamental rights.

Legal expert Upendra Baxi, who believed that India's anti-corruption legislation protected the accused, was among the observers who expressed disapproval of the Supreme Court's 1988 ruling. However, the court believed that "justice is better, but finality is a good thing."

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