

Satish Kumar Ravi v. State of Jharkhand & Anr.



“If a charge sheet is filed by relying upon clause 3 of letter dated 15th April 2011 against an accused in whose favour there is an order directing not to take coercive action, the concerned officer will expose himself to contempt jurisdiction.”

—Justice Abhay Oka and Justice Augustine George Masih

Source: [Supreme Court](#)

Why in News?

Recently, the [Supreme Court](#) in the matter of **Satish Kumar Ravi v. State of Jharkhand & Anr.** has held that when a coercive action against the accused is restrained by interim order by the court then chargesheet cannot be filed.

What was the Background of the Satish Kumar Ravi v. State of Jharkhand & Anr. Case?

- The case involves a criminal matter involving Satish Kumar Ravi as the petitioner against the State of Jharkhand.
- The present case is a **landlord-tenant dispute** involving the wife of the then Jharkhand Director General of Police (DGP)
- The tenant filed a [First Information Report](#) (FIR) against the landlord's family alleging:
 - Forced entry
 - Property damage
 - Physical assault
- On 18th August 2023 the Supreme Court **passed an interim order barring police** from taking further action against the landlord
- On 30th September 2023 despite the interim order, **police filed a charge sheet**.
- Prior to this, in April 2023, a proclamation against the petitioner was published, which violated a 2017 High Court interim order restraining coercive action
- On 1st October 2024 the Supreme Court **issued contempt notices** to three officers involved.
- On 4th November 2024 the officers sought time to explain their conduct through affidavits.
- The case highlights potential systemic issues of law enforcement not fully respecting court-issued interim orders, even when those orders explicitly restrict certain actions against an individual.
- The legal proceedings originated from a previous case in the High Court of Jharkhand at Ranchi, which led to a Special Leave to Appeal petition being filed in the Supreme Court of India.

What were the Court's Observations?

- The Supreme Court made the following observations:
 - Three officers interpreted a previous court order differently. They viewed the court's direction not to take further action against the petitioner as merely preventing coercive action, **not a complete prohibition on legal proceedings**.
 - The Court found a problematic letter dated 15th April 2011, from the Additional Director General of Police, Jharkhand.
 - This letter stated that even if a court passes an order preventing coercive action, there is no prohibition on filing a charge sheet against an accused.
 - The Supreme Court explicitly declared that paragraph 3 of the 15th April 2011 letter is "**completely illegal**".
 - The Court directed the state's counsel to bring this observation to the attention of the Additional Director General of Police and expected the letter to be immediately modified.
 - Regarding the three officers who submitted an affidavit explaining their interpretation, the Court:
 - Accepted their apology
 - Discharged the notice of contempt against them
 - Decided no further action was necessary against them
 - The Court also **maintained the interim relief previously granted** to the petitioner and scheduled the next hearing for 17th January 2025.
 - The core observation seems to be a **criticism of the police department's approach to court orders**, emphasizing that an order preventing coercive action should be respected comprehensively, not narrowly interpreted.

What is a Police Report or a Chargesheet?

About:

- A chargesheet, as defined under Section 193 of [**Bharatiya Nagarik Suraksha Sanhita 2023, \(BNSS\).**](#)
- It is the final report prepared by a police officer or investigative agency after completing their investigation of a case.
- The evidentiary value of chargesheet is not substantive as it is made by the Police officer and charges framed are based on his opinion which are yet to be proved.

Contents of Chargesheet:

- The names of the parties.
- The nature of the information.
- The names of the persons who appear to be acquainted with the circumstances of the case.
- Whether any offence appears to have been committed and, if so, by whom.
- Whether the accused has been arrested.
- Whether he has been released on his bond and, if so, whether with or without sureties.

Landmark Judgements:

- **H.N. Rishbud and Inder Singh v. State of Delhi (1954):**
 - The Supreme Court noted that the process of investigation generally consists of:
 - Proceeding to the concerned spot.
 - Ascertainment of facts and circumstances.
 - Discovery and arrest.
 - Collection of evidence which includes examination of various persons, search of places and seizure of things.
 - Formation of an opinion on whether an offence is made out and filing the chargesheet accordingly.
- **Abhinandan Jha and Others v. Dinesh Mishra (1968):**
 - It was stated in this case that the submission of the final report/chargesheet depends on the nature of the opinion formed after the investigation.
- **Bhagwant Singh v. Commissioner of Police (1985):**
 - The Court discussed the three options available to a Magistrate on receiving a police report under Section 173(2):
 - Accept report and take cognizance.
 - Direct further investigation under Section 156(3).
 - Disagree with report and discharge accused.
- **K. Veeraswami v. Union of India (1991):**
 - The Court held that the chargesheet need not elaborate evaluating the evidence, as that is for the trial stage.
 - However, it should disclose/refer to facts as per requirements of Section 173(2) CrPC and state rules.
- **Zakia Ahsan Jafri v. State of Gujarat (2022):**
 - The Court explained that for forming an opinion under Section 173(2)(i)(d) CrPC, the investigating officer must collect corroborative evidence to support any information received during investigation.
 - Mere suspicion is not enough, there must be grave suspicion based on sufficient materials to presume the accused committed the alleged offence.
- **Dablu Kujur v. State of Jharkhand (2024):**
 - The Supreme Court gave the following guidelines regarding the details to be included in the police report/chargesheet under Section 173(2) CrPC:
 - Names of parties
 - Nature of information
 - Names of persons acquainted with circumstances
 - Whether any offence appears committed and by whom
 - Whether accused arrested
 - Whether accused released on bond, with or without sureties
 - Whether accused forwarded in custody under Section 170
 - Whether medical report attached in certain offences

What is Section 193 of BNSS?

- This Section deals with the **report of police officer on completion of investigation.**
- **Sub Section (1)** states that every investigation under this Chapter shall be completed without unnecessary delay.
- **Sub Section (2)** states that the investigation in relation to an offence under sections 64, 65, 66, 67, 68, 70, 71 of the Bharatiya Nyaya Sanhita, 2023 or under sections 4, 6, 8 or section 10 of the Protection of Children from Sexual Offences Act, 2012 shall be completed within two months from the date on which the information was recorded by the officer in charge of the police station.
- **Sub Section (3)** states that:
 - As soon as the investigation is completed, the officer in charge of the police station shall forward, including through electronic communication to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form as the State Government may, by rules provide, stating—
 - The names of the parties

- The nature of the information
- The names of the persons who appear to be acquainted with the circumstances of the case;
- Whether any offence appears to have been committed and, if so, by whom
- Whether the accused has been arrested
- Whether the accused has been released on his bond or bail bond;
- Whether the accused has been forwarded in custody under section 190; Whether the report of medical examination of the woman has been attached where investigation relates to an offence under sections 64, 65, 66, 67, 68, 70 or section 71 of the Bharatiya Nyaya Sanhita, 2023
- The sequence of custody in case of electronic device.

- The police officer shall, within a period of ninety days, inform the progress of the investigation by any means including through electronic communication to the informant or the victim.
- The officer shall also communicate, in such manner as the State Government may, by rules, provide, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

- **Sub Section (4)** states that where a superior officer of police has been appointed under Section 177, the report shall, in any case in which the State Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police station to make further investigation.
- **Sub Section (5)** states that whenever it appears from a report forwarded under this section that the accused has been released on his bond or bail bond, the Magistrate shall make such order for the discharge of such bond or bail bond or otherwise as he thinks fit.
- **Sub Section (6)** states that when such report is in respect of a case to which section 190 applies, the police officer shall forward to the Magistrate along with the report—
 - All documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation.
 - The statements recorded under section 180 of all the persons whom the prosecution proposes to examine as its witnesses.
- **Sub Section (7)** states that if the police officer is of opinion that any part of any such statement is not relevant to the subject matter of the proceedings or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interest, he shall indicate that part of the statement and append a note requesting the Magistrate to exclude that part from the copies to be granted to the accused and stating his reasons for making such request.
- **Sub Section (8)** states that subject to the provisions contained in sub-section (7), the police officer investigating the case shall also submit such number of copies of the police report along with other documents duly indexed to the Magistrate for supply to the accused as required under section 230: Provided that supply of report and other documents by electronic communication shall be considered as duly served.
- **Sub Section (9)** states that nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (3) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form as the State Government may, by rules, provide; and the provisions of sub-sections (3) to (8) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (3).
- Provided that further investigation during the trial may be conducted with the permission of the Court trying the case and the same shall be completed within a period of ninety days which may be extended with the permission of the Court.

Guidelines to Legal Aid Lawyers and Prosecutors | 04 Dec 2024



Ashok v. State of Uttar Pradesh

“Right to get Legal Aid is a fundamental right of the accused guaranteed under Article 21 of the Constitution.”

—Justice Abhay S Oka, Justice Ahsanuddin Amanullah and Justice Augustine George Masih

Source: [Supreme Court](#)

Why in News?

A bench of Justice Abhay S Oka, Justice Ahsanuddin Amanullah and Justice Augustine George Masih laid down directions regarding public prosecutors and legal aid lawyers.

- The **Supreme Court** held this in the case of **Ashok v. State of Uttar Pradesh**.

What was the Background of Ashok v. State of Uttar Pradesh Case?

- On the morning of 27th May 2009, a tragic incident unfolded in a rural pasture area involving a 10-year-old girl and a tubewell operator.
- The girl had gone to graze goats with her seven-year-old first cousin when she became thirsty and approached the tubewell cabin to **request drinking water from the appellant**, who was working as the tubewell operator.
- The prosecution **alleges that he raped the young girl** and subsequently murdered her.
- Her seven-year-old cousin reportedly witnessed the appellant forcibly taking her into the cabin.
- The young cousin narrated the account to the victim's father who immediately went to the scene from where the accused had fled.
- There was immediate registration of First Information Report (FIR).
- The Trial Court **convicted the accused** under Section 376, Section 302 and Section 201 of Indian Penal Code, 1860 (IPC) and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- The High Court **sentenced the appellant to life imprisonment** with provisions for potential remission or clemency by constitutional authorities.
- The Supreme Court **granted bail** to the appellant on 20th May 2022, after carefully noting that he had already undergone actual incarceration for approximately 13 years.
- Throughout the proceedings the court appointed experienced legal counsel to ensure proper representation and fair hearing of the case.

What were the Court's Observations?

- The Court observed that the evidence of the seven-year-old cousin cannot be said to be of sterling quality. Thus, the Court considered several circumstantial evidence as well.
- The following evidence were considered and analyzed by the Court:
 - The **recovery statement** under Section 27 of the Indian Evidence Act, 1872 (IEA) was not accepted in this case as it was doubtful.
 - There was a failure by the Court to put incriminating circumstances before the accused while examining him under Section 313 of the **Criminal Procedure Code, 1973 (CrPC)**. The Apex Court held that failure to put incriminating circumstances before the accused under Section 313 of CrPC **entitles him to acquittal**.
- The Court further observed that a public prosecutor has to play an active role in ensuring that every trial is conducted in a fair manner.
- The Court also observed that the accused for deprived of his right to proper legal aid.
- Thus, the Court **acquitted the appellants** of the offences alleged against him.

What are the Directions Given by the Court Regarding the Role of the Public Prosecutor and Appointment of Legal Aid Lawyers?

- The Court laid down the following directions in this case:
 - It is the duty of the Court to ensure that proper legal aid is provided to an accused.
 - It is the duty of the Public Prosecutor to ensure that the trial is conducted fairly and lawfully. Thus, if the accused is not represented by an advocate, it is the duty of every Public Prosecutor to point out to the Court the requirement of providing him free legal aid.
 - **Guarantee that the accused is not left without legal representation.**
 - Before framing charges or recording prosecution witness testimony, the court must ensure the accused has access to legal aid.
 - The Public Prosecutor is obligated to request the court to halt proceedings until legal representation is offered to the accused.
 - Even when the accused does not have legal representation, the Public Prosecutor has a mandatory duty to intervene.
 - **Duty to conduct proper examination under Section 313 of CrPC:**
 - The Public Prosecutor is obligated to assist the Trial Court in recording the accused's statement under Section 313 of CrPC.
 - If the Court fails to address any material circumstance presented against the accused, the Public Prosecutor must proactively bring this to the Court's attention during the accused's examination.
 - The Public Prosecutor must actively help the Court in formulating appropriate questions to be put to the accused during the examination.
 - It is the Public Prosecutor's duty to prevent any procedural irregularities or infirmities that might potentially prejudice the accused's legal standing or trial process.
 - An accused is entitled to free legal aid at **all stages**, even to file bail petitions.
 - **Duty of the Court to ensure that the accused has proper representation.**
 - It is the duty of the Court to make the accused aware of his right to get free legal aid at all material stages.
 - The Trial Court must ensure that a legal aid advocate is appointed to represent the accused.
 - **Quality of Legal aid.**

- **Eligibility for Serious Cases:** Advocates with a minimum of 10 years of criminal law practice should be appointed as *amicus curiae* or legal aid advocates in cases involving life sentences or the death penalty.
- **Competency Requirement:** In other criminal cases, accused persons are entitled to legal aid advocates who have strong legal knowledge and trial experience in criminal law.
- **Training for Legal Aid Advocates:** Legal Services Authorities should provide proper training for newly appointed legal aid advocates.
- **Mentorship and Practical Experience:** Training should include not only lectures but also opportunities for new legal aid advocates to work with senior lawyers in several criminal trials.
- **Duty of State Legal Services Authority.**
 - The State Legal Services Authorities shall issue directions to the Legal Services Authorities at all levels to monitor the work of the legal aid advocate.
 - It shall ensure that the legal aid advocates attend the court regularly and punctually when the cases entrusted to them are fixed.
- Same legal aid advocate must be continued throughout the process unless there are compelling reasons to not to do so.
- **In case of offences of serious nature.**
 - In cases involving very serious crimes with complex legal and factual issues, the court can appoint a senior and experienced lawyer, rather than a regular legal aid advocate, to ensure the accused receives the best possible legal representation.
- **Infringement of Article 21 of COI.**
 - The right of the accused to defend himself in a criminal trial is guaranteed by Article 21 of the [Constitution of India, 1950 \(COI\)](#).
 - But if effective legal aid is not made available to an accused who is unable to engage an advocate, it will amount to infringement of his fundamental rights guaranteed by Article 21
- **Legal aid provided must be effective.**
 - Legal aid is not just a formality but must be genuinely meaningful and substantive in protecting the accused's rights.
 - Lawyers appointed for legal aid must possess:
 - Comprehensive knowledge of criminal laws.
 - Strong understanding of evidence laws.
 - Thorough expertise in procedural laws.
 - Familiarity with other relevant legal statutes.
 - The constitutional guarantee of legal aid is meaningful only when the provided legal representation is of high quality and competence.
 - An ineffective or incompetent legal aid lawyer can fundamentally undermine the accused's legal rights and compromise their fair trial.
 - Merely appointing a lawyer is insufficient; the appointed advocate must be capable of:
 - Understanding the case intricacies.
 - Efficiently conducting the trial.
 - Effectively defending the accused's interests.
 - Quality legal aid goes beyond mere representation and requires genuine, skilled, and competent legal advocacy.

What are the Legal Provisions Relating to Legal Aid?

- **Constitutional Provisions:**
 - **Article 39A:**
 - Free Legal Aid can be found in the Constitution under Part IV i.e. Directive Principles of State Policy (DPSP).
 - This has been added by the 42nd Constitutional Amendment.
 - This provision states that the State shall in particular provide free legal aid by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
 - Thus, the above is the constitutional goal.
 - **Article 21:**
 - This is a fundamental right from which right to free legal aid emanates as interpreted by the Supreme Court in several judgments.
 - Article 21 of the COI provides that no person shall be deprived of his right to life and personal liberty except in accordance with procedure established by law.
- **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) / CrPC:**
 - **Section 303 of CrPC or Section 340 of BNSS:**
 - This provision provides for the rights of a person against whom proceedings are instituted to be defended.
 - It provides that any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code, may of right be defended by a pleader of his choice.
 - **Section 304 of CrPC or Section 341 of BNSS:**
 - Section 304 of CrPC and Section 341 of BNSS provides for grant of legal aid to an accused free of costs.

- Clause (1) of this provision provides that:
 - Where, in a trial or appeal before a Court.
 - The accused is not represented by an advocate.
 - Where it appears to the Court that the accused has not sufficient means to engage an advocate.
 - The Court shall assign an advocate for his defence at the expense of the State.

Denial of Arms License | 04 Dec 2024



Ranjan Kumar Mandal v. The State of Bihar and Others

“Patna High Court: Arms license cannot be denied solely for lack of specific security threat or imminent danger.”

—Justice Mohit Kumar Shah

Source: [Patna High Court](#)

Why in News?

The Patna High Court ruled that an arms license cannot be denied solely on the ground of the applicant lacking a specific security threat or imminent danger. The court set aside decisions by the District Magistrate, Khagaria, and Divisional Commissioner, Munger, which rejected a petitioner's application on this basis.

- Referring to past judgments, the court observed that such denials are contrary to the intent of the Arms Rules, 2016, which do not mandate a threat perception as a prerequisite for granting licenses.

What was the Background of Ranjan Kumar Mandal Vs. The State of Bihar and Others?

- Ranjan Kumar Mandal, an ex-military personnel who runs a petrol pump in Khagaria, Bihar, **applied for an arms license** in January 2013. Initially, his application looked promising - both the local Sub-Divisional Officer and the Police Station in-charge recommended granting him the license.
- Despite these recommendations, the District Magistrate of Khagaria **rejected Mandal's arms license application** in March 2018, citing a lack of threat perception or danger to his life. When Mandal appealed this decision to the Divisional Commissioner in Munger, his appeal was also dismissed in November 2019 on the same grounds.
- Feeling that the **rejection was unfair**, Mandal approached the Patna High Court through a writ petition. He argued that having a threat perception should not be the sole criteria for denying an arms license, especially given his background as a former military personnel and a small business owner.
- The case highlighted a broader legal question about the criteria for granting arms licenses in Bihar, specifically whether the absence of a direct threat to one's life should automatically disqualify an applicant from obtaining a license.
- The key contention was that the licensing authorities were applying too narrow an interpretation of the Arms Rules, 2016, by focusing exclusively on threat perception rather than considering other relevant factors like the applicant's profession, background, and potential need for personal protection.

What were the Court's Observations?

Observations:

- The High Court critically analyzed the administrative orders and found that the **rejection of the arms license was fundamentally flawed**, being predicated exclusively on the absence of a specific threat perception, which is contrary to the judicial interpretation of the Arms Rules, 2016.
- The court extensively referenced precedential judgments, particularly the Division Bench's ruling in Deepak Kumar, which unequivocally held that the **absence of an imminent threat cannot serve as a categorical ground for license rejection**, as such an approach would fundamentally undermine the legislative intent behind arms license provisions.
- The judicial reasoning emphasized that licensing authorities must conduct a comprehensive evaluation of an applicant's requirements, meticulously considering the nature of their profession, potential vulnerability, and the genuine necessity for personal protection beyond immediate threat parameters.
- Rule 12(3)(a) of the Arms Rules, 2016 was critically interpreted as a **mandatory provision requiring licensing authorities** to assess applications based on comprehensive police reports and their independent judicial evaluation, particularly for individuals whose professional circumstances might necessitate personal arms for protection.

- The court observed that the determination of arms license should be a nuanced, multi-dimensional assessment considering complex factors rather than a mechanical rejection based on a singular criterion of threat perception.
- The judicial interpretation stressed that an applicant's substantive ability to persuade the authority about the genuine requirement of arms, considering their professional background and potential systemic risks, **should be the primary consideration in license adjudication.**

Case Referred:

- **Deepak Kumar v. State of Bihar & Ors. (2019)z;**
 - A landmark Division Bench judgment (LPA No. 758 of 2018) that explicitly held that absence of specific security threat **cannot be grounds for rejecting an arms license application.**

What is Section 12 of Arms Rules, 2016?

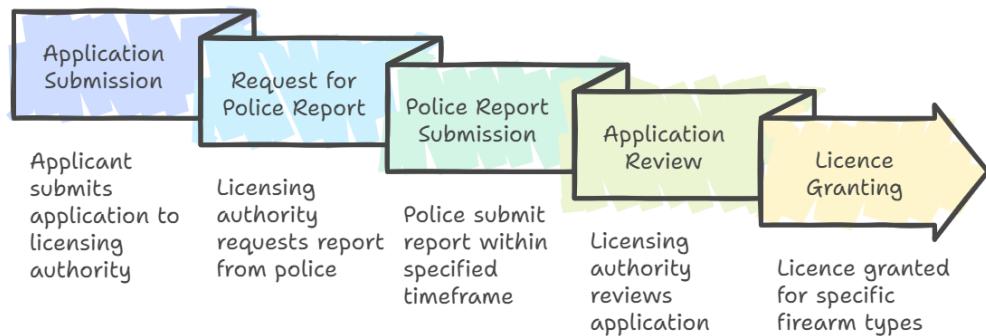
- Section 12 deals with the **obligations of licensing authority in certain cases.**
- **Subsection (1):** This introductory clause indicates that the licensing authority must follow specific norms when granting licenses for restricted or permissible arms and ammunition in certain categories.
- **Subsection (2):** Criteria for Granting Restricted Arms Licenses
- The licensing authority may consider applications from individuals in the following circumstances:
 - **Those facing grave and anticipated life threats**, specifically:
 - Residents of areas with high militant, terrorist, or extremist activity.
 - Individuals who are prime targets of militants, terrorists, or extremists.
 - People facing danger for opposing militant, terrorist, or extremist objectives.
 - **Government officials** who:
 - Face anticipated risks due to their office or nature of duty.
 - Are exposed to potential life threats while performing official responsibilities.
 - **Members of Parliament or Legislative Assemblies** who:
 - Have active associations with anti-militant, anti-terrorist, or anti-extremist government programs.
 - Are at risk due to their political views or stance.
 - **Family members or relatives of individuals** who:
 - Have past or present duties or positions that expose them to life risks
 - Are vulnerable due to known or unknown reasons
 - Any other person with a legitimate and genuine reason, as determined by the licensing authority through a detailed order.
 - **Important Proviso:** Before granting a license, the authority must:
 - Obtain recommendations from the district magistrate
 - Consult the State Government
 - Examine police reports
 - Conduct independent verification
 - Satisfy themselves that the applicant genuinely requires the license
 - **Subsection (3):** Criteria for Permissible Arms Licenses
 - The licensing authority may consider applications from:
 - **Individuals** with genuine requirements to **protect life or property** based on:
 - Nature of business
 - Professional needs
 - Job-related risks
 - **Dedicated sports persons** who:
 - Have been active members of a licensed shooting club or rifle association for at least two years.
 - Seek to pursue target practice through a structured learning process.
 - **Individuals with service backgrounds**, including:
 - Current or former Defense Forces personnel
 - Central Armed Police Forces members
 - State Police Force members
 - Who have genuine needs to protect their life or property

What Are the Conditions for Obtaining a Firearm License in India?

- **License for Acquisition and Possession of Firearms and Ammunition:**
 - **General Provisions:**
 - Section 3 of the Arms Act 1959.
 - No person shall acquire, possess, or carry any firearm or ammunition unless they hold a valid licence issued in accordance with this Act and the associated rules.
 - **Exception:** A person may carry a firearm or ammunition in the presence of, or under the written authority of, a licensed holder for purposes such as repair or renewal of the licence.
 - **Limitations on Possession:**
 - No individual, except those mentioned in subsection (3), shall possess more than two firearms at any time.

- **Transition Clause:** Individuals who possessed more than three firearms at the commencement of the Arms (Amendment) Act, 1983, may retain three firearms and must deposit any excess within ninety days.
- **Further Amendment:** Individuals with more than two firearms at the commencement of the Arms (Amendment) Act, 2019, may retain two firearms and must deposit any excess within one year.
- **Exceptions:**
 - The limitations in subsection (2) do not apply to:
 - Dealers in firearms.
 - Members of licensed or recognized rifle clubs or associations using specific types of rifles for target practice.
- **Deposit of Firearms:**
 - The provisions regarding the deposit of firearms under subsection (2) will apply similarly to any deposits made under the relevant sections of this Act.
- **Grant of Licences (Section 13):**

Firearms Licence Application Process



- **Refusal of Licences (Section 14):**

