
(2003) 05 P&H CK 0078
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7032 of 2003

Sat Narain

APPELLANT

Vs

Punjab and Haryana High Court and Others

RESPONDENT

Date of Decision : 08-05-2003

Acts Referred:

Judges (Protection) Act, 1985 — Section 3

Citation : (2003) 135 PLR 507 : (2003) 3 RCR(Civil) 702

Hon'ble Judges : V.K. Bali, J

Bench : Single Bench

Advocate : Vijay Rana, for the Appellant;

Final Decision : Dismissed

Judgement

V.K. Bali, J.—This petition is nothing but an abuse of the process of Court. An incident of 1997 is now sought to be raked up and prayer made in this petition filed under Article 226 of the Constitution of India is that appropriate action may be taken against Sh. B.S. Mangat, who now occupies the post of Additional District & Sessions, Judge and is posted at Barnala, for his discharging duty as Sub Divisional Judicial Magistrate, Abohar, when in a criminal case that was registered against the petitioner, he remanded him to the police custody from 11.9.1997 to 15.9.1997.

2. Indeed, the petitioner made a complaint against the second respondent to the High Court which, according to his own showing was inquired into. Surely if petitioner heard nothing about his complaint, or no action having been taken against Shri B.S. Magat-second respondent, it ought to have been rejected. Despite the fact that petitioner had addressed a complaint to the competent authority and the same was looked into as well without, of course, any result, present petition has been filed after six years, if in the cases of the kind in hand, notices are issued to those, who are discharging their judicial functions and pertaining to matters which are exclusively judicial and in their domain, it would completely demoralise them. So that, those, who are entrusted with public

duties, carry their functions fearlessly, Central and State Government have made Acts protecting them under the various Acts, when allegations made against them, may pertain to something it is done in the discharge of their duties. The pertinent reference in this regard may be made to provisions contained in the Judges (Protection) Act, 1985. Section 3 of the Act of 1985 reads thus:-

"3. Additional protection to Judges.- (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Sub-section (2) no Court shall entertain or continue any civil or criminal proceeding against any person who is or was a Judge for any act, thing or word committed, done or spoken by him when, or in the course of acting or purporting to act in the discharge of his official or judicial duty or function.

(2) Nothing in this Sub-section (1) shall debar or affect in any manner the power of the Central Government or the State Government or the Supreme Court of India or any High Court or any other authority under any law for the time being in force to take such action whether by way of civil, criminal or departmental proceedings or otherwise against any person who is or was a Judge."

Demoralisation of the officers, discharging their duties, more particularly, those who are discharging judicial functions, needs to be avoided at all costs, as surely, public would not only lose faith but shall be imparted no justice if those, are demoralised. This writ petition deserves to be dismissed with costs, even though so far no notice has been issued to the respondents.

3. Dismissed with costs quantified at Rs. 5000/-. The petitioner is directed to deposit the costs with the Secretary, Punjab State Legal Services Authority, Chandigarh.