

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 4 | Issue 3

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Malicious Prosecution with Respect to the Case Law of Shiv Shankar Patel v. Phulki Bai

NIKITA D'LIMA¹

ABSTRACT

This paper deals with the tort of malicious prosecution with the help of the case law 'Shiv Shankar Patel v. Phulki Bai.' Other case laws that explore the tort of malicious prosecution will be highlighted throughout the paper as well. The technical terms and their definitions given by renowned jurists and legal thinkers in the country will be mentioned and the implications of the case law will also be discussed. The literature that has been written by scholars will be reviewed and analysed too. A broad conclusion on the basis of the facts of the case and the judgement of the Supreme Court will be given towards the end of the paper. Articles of the Constitution and Sections of the IPC that are applicable will be mentioned and cited in the paper. Any laws and acts formulated will be referenced, keeping in mind the case study and the tort of malicious prosecution.

Keywords: Malicious Prosecution, Tort, Innocent, Damage, False.

I. INTRODUCTION

The law of torts focuses around many aspects. It is not just limited to malicious prosecution, but it also extends to civil wrongs such as negligence, public and private nuisance, trespass to person, vicarious liability, fraud, absolute liability and even trespass to property. All of these have their own defences and remedies and can be proved in a court of law.

According to Ratanlal and Dhirajlal, a tort may be defined as “a civil wrong independent of contract, for which the appropriate remedy is an action for damages.”²

According to Salmond, a tort is “a civil wrong for which the remedy is a Common Law action for unliquidated damages, and which is not *exclusively* the breach of a contract or the breach of a trust or other merely equitable obligation.”³ His definition of a tort is widely approved and accepted in British cases where the courts agree with Salmond’s definition of a tort.

Even though there have been many attempts to fully cover the scope and meaning of torts, none of the definitions do justice to the actual scope of the nature of torts. Some definitions go

¹ Author is a student at NMIMS School of Law, Navi Mumbai, India.

² RATANLAL RANCHHODDAS ET. AL., THE LAW OF TORTS 52 (27th ed. 2016).

³ SIR JOHN WILLIAM SALMOND ET. AL., SALMOND ON THE LAW OF TORTS 155 (17th ed. 1977).

beyond the scope of torts and include other wrongs, while the others narrow down their definition to the point where not all torts are covered under that definition.

Malicious prosecution arises when one person is wrongfully accused of committing a crime, due to personal enmity or malicious spirit, and when a court of law holds that the said person was innocent, that person can initiate legal proceedings against the person who maliciously tried to cause damage the current plaintiff. There have been many instances in the country as well as other countries where the tort of malicious abuse of legal process have occurred.

This paper will highlight the case law *Shiv Shankar Patel v. Smt. Phulki Bai*, in which the tort of malicious prosecution was observed, and court proceedings were initiated against the current defendant. There are many essentials of malicious prosecution in which the onus lies on the current plaintiff to prove that the current defendant had earlier tried to take undue advantage of law and falsely prosecute them. The tort of malicious prosecution provides redress for those who are prosecuted without cause and with malice. The malice has to be proved and it is not actionable per se. In a claim for malicious prosecution, damage can be claimed on the basis of damage to one's property, person and even damage to their reputation. Generally in most other torts, it is not essential to establish the intention behind a person's action because it is mostly irrelevant. However, the tort of malicious prosecution is an exception to this rule.

(A) Research Methodology

For the purpose of this paper, analytical research methodology has been used. Secondary sources such as websites, journals, books and blogs have been referenced and analysed. Qualitative secondary data has been used in this paper. Conclusions have been drawn based on this existing which includes primary and secondary sources. Trusted secondary sources such as SCC Online and Manupatra have been used to scout for case laws that are applicable to the tort of malicious prosecution.

(B) Review of Literature

1. Private Security and the Law⁴

In this book, Charles Nemeth mentions the growth of the private security sector in the past four decades. He states that the tort of malicious prosecution along with other torts can be economically challenging for the defendant who has asked for remedies from the court. When this defendant is wrongly accused, most damages have to be paid in the form of money and this can be economically devastating for the defendant who has not committed any crime in

⁴ 5 CHARLES P. NEMETH, PRIVATE SECURITY AND THE LAW 191-204 (CRC Press, 2017).

the first place. He defines malicious prosecution as “an unjustified claim or charge of criminal conduct and the or the affirmative use of the justice system to unlawfully prosecute.” He further states that these accusations must not be made lightly because the outcome of this false accusation can be both legally and economically costly for the plaintiff as well as the defendant.

2. The Law Relating to Actions for Malicious Prosecution⁵

The author explores the Writ of Conspiracy which is a writ that is issued against two or more people that conspire together to prosecute another person criminally without any cause that is deemed lawful. He explains all the technical and legal aspects about the tort of malicious prosecution including the basics of prosecution, what is malice and its meaning, the need of a reasonable cause in the case, which person is liable to be sued in a proceeding of malicious prosecution and the damages or costs involved. This book can be useful to a new learner of the different types of torts centred in America and the judicial proceedings that take place with examples of US case laws related to malicious prosecution. It explains the essentials and the wrongs that are caused to the defendants against whom a case is filed.

3. Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals⁶

There is a deprivation of liberty when one person is falsely accused of committing a crime that they did not commit. The author states that compensation to persons who were wrongfully convicted or even those who were wrongfully detained raise concerns that need to be looked into. He notes one extreme case where the detainee was kept in isolation from the others in custody for one thousand days before being released. He also mentions the judicial basis for the establishment of a compensation scheme and the international laws that are made to ensure that false cases do not arise against innocent people due to malice or ill will. He concludes the paper by stating that the compensation should be awarded fully to the aggrieved in terms of money or other provisions that can be supplied to them.

4. Law of Defamation and Malicious Prosecution⁷

Mitter’s book covers the broad scope and implications of malicious prosecution along with the aspects of defamation. As a social being, man values his honour and prestige, and there is an almost instinctive resistance to any harm or infringement on these treasured possessions. In

⁵ 3 HERBERT STEPHEN, *THE LAW RELATING TO ACTIONS FOR MALICIOUS PROSECUTION* (Blackstone Publishing Company 1889).

⁶ Stuart Beresford, *Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals*, 96 AM. J. INT’L L. 628–646 (2002).

⁷ VISHNU MITTER, *THE LAW OF DEFAMATION AND MALICIOUS PROSECUTION: CIVIL AND CRIMINAL* 152-184 (7th ed. 1978).

addition, dignity and reputation are the pillars of a civilised society, and these qualities inspire individual members of society to fulfil their social duties and obligations. Therefore, this book is of great significance and relevance because it deals with a subject that is directly related to humanity's dignity and honour. It is required reading for the Bench and Bar, the media, publishers, politicians, authors, and all those involved in this field of law.

5. Setting in Motion Malicious Prosecutions: The Commonwealth Experience⁸

The author compares the legal proceedings of malicious prosecution in countries such as England, Canada, West Africa and India. He also includes that the tort of malicious prosecution is substantially the most litigated tort in India⁹ and explains what a prosecution is and who is a prosecutor. He also discusses the importance of magistrates and the role they play in the judicial system to ensure that the law is set in motion. The author also puts forward various questions such as “whether the court proceedings had reached a stage where damage was caused to the current plaintiff” and “if the defendant gives false information to the police or a judicial officer” in order to instigate them to arrest the current plaintiff. He concludes his journal article by saying that courts should strive to provide speedy recovery to the aggrieved and should ensure that justice is delivered to them.

II. MEANING OF MALICIOUS PROSECUTION

Malicious criminal prosecution may be defined as the institution against an innocent person, of unsuccessful criminal, bankruptcy or liquidation proceedings, without reasonable and probable cause and in a malicious spirit, that is, from an indirect and improper motive and not in furtherance of justice, and which causes damage to the plaintiff in person, pocket or reputation.¹⁰

To understand malicious prosecution, it is important to understand the terms “malice” and “prosecution” separately. In an American Supreme Court judgement in the case *Danby v. Beardsley*, Justice Lopes put into definition that a prosecutor is a man who is actively instrumental in putting the criminal law into force.¹¹ However, this definition is regarded as inadequate because the meaning of “actively instrumental” is not fully understood. Therefore, when a public prosecution is started by the police or a private prosecution is conducted by a private individual, this is when the real person who is prosecuting will be known.

⁸ Gilbert Kodilinye, *Setting in Motion Malicious Prosecutions: The Commonwealth Experience*, 36 INT'L & COMP. L.Q. 157, 157-168 (1987).

⁹ R. RAMAMOORTHY, *LAW OF MALICIOUS PROSECUTION AND DEFAMATION* 284 (N.M. Tripathi 1976).

¹⁰ 33 N.H. JHABVALA, *LAW OF TORTS* 229 (C. Jamnadas & Co. 2020).

¹¹ *Danby v. Beardsley*, 43 L. T. 603 (1880).

Malicious prosecution is defined, and the severity of punishment is also given in Section 211 of Indian Penal Code¹² as, “Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. If such criminal proceeding be instituted on a false charge of an offence punishable with death, [imprisonment for life], or imprisonment for seven years or upwards, shall be punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”¹³

Thus, the tort of malicious prosecution is explicitly stated in the Indian Penal Code and it is regarded as an important tort because the diligence of legal process cannot be taken for granted. One must approach the courts of justice only when they are genuinely aggrieved and should not baselessly waste the court’s time by initiating action against an innocent person due to their personal enmity.

There are certain essentials for the tort of malicious prosecution to be proved by the current plaintiff against the current defendant. If all these 5 essentials can be proved in a court of law, they will be able to claim damages in the form of money or otherwise. The 5 essentials are as follows:

1. Prosecution was initiated by the defendant

In the case law *Santokh Singh v. Izhar Hussain*,¹⁴ the court held that the words “falsely charges” have to align with “institution of criminal proceeding”. Identification at test parade cannot be considered to amount to a false charge within the meaning of Section 211.

2. There was no reasonable and probable cause

It is required that there is reasonable belief and honest intentions of the accused. The presence of suspicion is not enough to initiate legal proceedings against the current plaintiff. In the case *Sachindra Nath Choudhary v. Labangalata Sarkar and Others*,¹⁵ the Calcutta High Court stated that the onus of proving the absence of reasonable and probable cause lies on the plaintiff.

3. Prosecution was done due to malicious intent

¹² Indian Penal Code, 1860, § 211, No. 45, Acts of Imperial Legislative Council, 1860 (India).

¹³ 21 P.L. MALIK, *CRIMINAL COURT HANDBOOK* 805 (Eastern Book Company 2014).

¹⁴ *Santokh Singh v. Izhar Hussain*, (1973) 2 SCC 406 : 1973 SCC (Cri) 828.

¹⁵ *Sachindra Nath Choudhary v. Labangalata Sarkar & Ors.*, A.I.R. 1980 Cal. 121).

There should be an indirect and improper motive which is not in furtherance of justice. Malice cannot be inferred from the absence of reasonable cause. Both of them need to connect in order to substantiate the tort of malicious prosecution. In *State of Punjab v. Des Raj*,¹⁶ the High Court stated what malice is. Malicious prosecution is counted even when the continuation of a prosecution happens, when the plaintiff knows that the defendant is not liable. Malice doesn't always have to be present only at the beginning. Continuing the legal process with an aim to injure the defendant is also malicious.

4. Termination of proceedings was in plaintiff's favour

It is essential that the previous proceeding is terminated in the favour of the person complaining currently. It is not necessary that the current plaintiff was acquitted, but the older prosecution must have been discontinued or if they have been discharged.

5. Plaintiff suffered damage due to the prosecution by defendant

The plaintiff must also have sustained harm as a result of the action. When the proceedings are not criminal, such as bankruptcy proceedings, the plaintiff must show that he has suffered harm to his person, reputation, or finance.

III. CASE ANALYSIS OF SHIV SHANKAR PATEL V. PHULKI BAI

In the case of *Shiv Shankar Patel v. Phulki Bai*,¹⁷ the applicant Shiv Shankar Patel had lodged an F.I.R. against the respondent Smt. Phulki Bai on November 2, 1990. The applicant had complained about the theft of crops by the respondent in the field lands in the village of Chandibhauna, Chhattisgarh.

On October 7, 1998 the Criminal Court gave a judgement stating that the respondents i.e., Phulki Bai had sown crops which were collected and harvested by her and these crops were also returned back to her. Thus, the court gave acquittal to the respondent based on these facts that there was no liability to be imposed on her because the crops were not harvested dishonestly and they belonged to her.

Before the appellant filed this F.I.R. against the respondent, there was also a civil suit relating to title that was ongoing between the two parties. On 16 June, 2003 the Civil Judge Class-I, Saraipali gave an order stating that there was malicious prosecution initiated by Shiv Shankar Patel against Phulki Bai and thus instructed the applicant to pay Rs. 10,000/- in damages.

The applicant then filed for an appeal of the lower court's decision and approached the District

¹⁶ *State of Punjab v. Des Raj*, A.I.R. 2004 P H 113

¹⁷ *Shiv Shankar Patel v. Smt. Phulki Bai*, 2007 SCC OnLine Chh 134 : (2007) 56 AIC 296 (Chhatt).

Court where the Additional District Judge dismissed the appeal, stating that the lower court's order would continue and the appellant has to pay damages to the respondents. He affirmed the order of the Civil Judge on April 27, 2006 and agreed that there was malicious prosecution involved in the reasoning for the appellant's court proceedings against the respondent.

The Counsels for both the parties laid reliance on previous case laws to ensure that their client would not be held liable. The Counsels from the applicant's side argued that the acquittal from a police criminal prosecution does not automatically mean that the criminal prosecution was malicious unless the malice was established in the case. They also stated case laws in the past such as *Indra Bhan Singh v. Ram Milan*¹⁸; *Bharat Bhushan v. Chandra Mohan*¹⁹ and *Smt. Sovarani Dutta v. Debabrat Dutta*²⁰. The Counsels from the respondents side laid emphasis on the case *Ramsingh v. Gulabsingh*.

IV. JUDGEMENT OF THE COURT

The case was heard in the Chhattisgarh High Court before the coram of one judge. It was a single-judge bench.

The judgement was delivered on February 23, 2007 by Justice D.R. Deshmukh.

The judge heard both sides of the Counsel and gave a judgement in favour of the respondent and dismissed the appeal on many grounds after careful consideration. He stated that the revision petition is liable to be dismissed. In the judgement, he further explained the important essentials of malicious prosecution i.e.,

1. That he was prosecuted by the defendant.
2. That the proceedings complained of terminated in favour of the plaintiff.
3. That the prosecution was instituted against him without any reasonable or probable cause.
4. That the prosecution was instituted with a malicious intention, that is, not with the mere intention of camming the law into effect, but with an intention which was wrongful in point of fact.
5. That he has suffered damage to his reputation or to the safety of person, or to the security of person, or to the security of his property.

The judge confirmed that the respondent viz Smt. Phulki Bai was prosecuted in a court of law by the applicant by the F.I.R. lodged by the applicant to the police which was related to an

¹⁸ *Indra Bhan Singh v. Ram Milan*, 1984 MFWN 178.

¹⁹ *Bharat Bhushan v. Chandra Mohan*, 1982 JLJ 135.

²⁰ *Smt. Sovarani Dutta v. Debabrat Dutta*, AIR 1991 Calcutta 186.

issue about the stealing of food grains. In that criminal prosecution, the respondents were found to not be liable and they were free from all charges. The civil suit that was already pending before this matter was had the evidence which proved that the crops which were being disputed about, were sown by Smt. Phulki Bai and were returned to her too. There were also 5 witnesses called in by the plaintiff and they all testified in the favour of Phulki Bai. They also revealed to the court that the agricultural land in question was belonging to Jaikrishna, who was the husband of Phulki Bai. Therefore, the crop seeds that were sown by her were naturally also harvested for her. This evidence saw no rebuttals from the appellant's side and remained undisputed.

According to the court, essential numbers 3 and 4 were already proved due to the information provided above. Justice D.R. Deshmukh also held that the prosecution which was carried out by the applicant was not done by honest intentions to maintain the legality of the court, instead it was done with an intention which was wrongful in the point of fact. The applicant knew that the agricultural land belonged to Phulki Bai but he continued to initiate legal proceedings against her which caused her a loss of reputation in society as well as mental torture for the period of 9 years between 1991-1998. This substantiates essential number 5 and thus all the 5 essentials to prove malicious prosecution are met.

The court also held that the respondents had to occur heavy expenses over the years of this criminal prosecution and no amount of compensation would satisfy or be justified to pay as damages to Smt. Phulki Bai. The judge concluded that the lower courts remained in their jurisdiction and the judgements that they gave prior to this appeal were all done in the purview of the law. There were no costs imposed in this civil revision as it was devoid of any merit. Thus, the revision was dismissed.

V. CASE LAWS RELATED TO MALICIOUS PROSECUTION

In *Bank of India v. Laxmi Das*,²¹ the court put forward the definition of malice and held that the malice in a proceeding of malicious prosecution has to be proved by the defendant itself.

In *Ramjilal Sharma v. Meera Shivhare*,²² held in the High Court of Madhya Pradesh before Justice Alok Aradhe, the Counsel for the respondents had placed reliance on the case law of *Shiv Shankar Patel v. Phulki Bai*. They stated that the case amounted to the liability of the applicant and they had to pay costs amounting to Rs 2 lakh to the respondent. Order 7 Section

²¹ *Bank of India v. Laxmi Das*, (2000) 3 SCC 640.

²² *Ramjilal Sharma v. Meera Shivhare*, 2015 SCC OnLine MP 7357 : (2016) 1 MP LJ 441 : (2016) 161 AIC 359.

11 of the Code of Civil Procedure²³ which states the ground of malicious prosecution was also discussed.

In *West Bengal State Electricity Board v. Dilip Kumar Rai*,²⁴ the Supreme Court pointed out the infirmities of the High Court's order where they held that the plaintiff was not held liable to pay damages. The judgement given by Justices Arijit Pasayat and L.S. Pant was decided on November 24, 2006. The probable cause was not established in this case and this the Supreme Court permitted and granted an appeal to the plaintiffs.

In *Rajindra Kishore v. Durga Sahi*,²⁵ Justice S.S. Dhavan in the Allahabad High Court held that the Law of Torts is governed by the English Law on the ground of equity, justice and good conscience. He referenced Sir Charles Arnold White saying, "It seems monstrous that an accused person, just because he happens to occupy the position of an accused, should be entitled to utter any malicious untruths that may come into his head and so wantonly defame the complainant's character."

VI. CONCLUSION

Malicious prosecution is an unusual tort, in comparison to the others. This tort is one of the few torts that need to prove the intention of the person, as most other torts do not depend on intention. The essentials of malicious prosecution are very important, and all 5 essentials must be present in order to constitute this tort and ensure that costs and damages are paid. This tort can arise not only due to harm against a person but also towards their property, as seen in the case of *Shiv Shankar Patel v. Phulki Bai*. The findings of my paper aimed at explaining the basic concepts of malicious prosecution and how they can often be misunderstood for false imprisonment or defamation. The number of malicious prosecution cases are decreasing now and there is more practical awareness, even in judicial courts and among the common public too. The reviews of literature help in understanding the relevance and significance of this tort over the years, cited and documented by various scholars and jurists in various parts of the world. Misuse of law and tarnishing one's reputation purposely and dishonestly is a serious offence and prosecutors should be liable for the same. The research question of whether malicious prosecution ensures justice to the defendant is also answered. It is not necessary that every claim of malicious prosecution will be successful and in the favour of the aggrieved defendant. If one is unable to prove the 5 essentials, especially the malice in intent and the absence of reasonable and probable cause, their petition is likely to be dismissed by a court of

²³ The Code of Civil Procedure, 1908, § 11, No. 5, Acts of Imperial Legislative Council, 1908 (India).

²⁴ *West Bengal State Electricity Board v. Dilip Kumar Rai*, (2007) 14 SCC 568 : (2009) 1 SCC (L&S) 860.

²⁵ *Rajindra Kishore v. Durga Sahi*, 1966 SCC OnLine All 149 : 1967 All LJ 158 : AIR 1967 All 476.

law. As these accusations can be serious and heavy costs are liable to be paid if found guilty, the tort of malicious prosecution has seen a decrease over the years in Indian courts.

VII. RECOMMENDATIONS

The torts leading to malicious prosecution must be avoided as far as possible, as it imposes an unhealthy amount of stress on the appellant who has to face court proceedings for an act they did not commit. The courts of all hierarchies should ensure that the monetary charges for the appellant is ruled off or be extremely nominal, for the purpose of filing the malicious prosecution. It is important for wrongdoers to be nipped in the bud, as they try to hoodwink the judicial system of India.

VIII. REFERENCES

(A) BOOKS

- RATANLAL RANCHHODDAS ET. AL., THE LAW OF TORTS 52 (27th ed. 2016).
- SIR JOHN WILLIAM SALMOND ET. AL., SALMOND ON THE LAW OF TORTS 155 (17th ed. 1977).
- 5 CHARLES P. NEMETH, PRIVATE SECURITY AND THE LAW 191-204 (CRC Press, 2017).
- 3 HERBERT STEPHEN, THE LAW RELATING TO ACTIONS FOR MALICIOUS PROSECUTION (Blackstone Publishing Company 1889).
- VISHNU MITTER, THE LAW OF DEFAMATION AND MALICIOUS PROSECUTION: CIVIL AND CRIMINAL 152-184 (7th ed. 1978).
- R. RAMAMOORTHY, LAW OF MALICIOUS PROSECUTION AND DEFAMATION 284 (N.M. Tripathi 1976).
- 33 N.H. JHABVALA, LAW OF TORTS 229 (C. Jamnadas & Co. 2020).
- 21 P.L. MALIK, CRIMINAL COURT HANDBOOK 805 (Eastern Book Company 2014).

(B) Journal Articles

- Stuart Beresford, *Redressing the Wrongs of the International Justice System: Compensation for Persons Erroneously Detained, Prosecuted, or Convicted by the Ad Hoc Tribunals*, 96 AM. J. INT'L L. 628–646 (2002).
- Gilbert Kodilinye, *Setting in Motion Malicious Prosecutions: The Commonwealth Experience*, 36 INT'L & COMP. L.Q. 157, 157-168 (1987).

(C) Statutes/Acts

- Indian Penal Code, 1860, § 211, No. 45, Acts of Imperial Legislative Council, 1860 (India).
- The Code of Civil Procedure, 1908, § 11, No. 5, Acts of Imperial Legislative Council, 1908 (India).

(D) Case Laws

- Shiv Shankar Patel v. Smt. Phulki Bai, 2007 SCC OnLine Chh 134 : (2007) 56 AIC 296 (Chhatt).
- Danby v. Beardsley, 43 L. T. 603 (1880).
- Santokh Singh v. Izhar Hussain, (1973) 2 SCC 406 : 1973 SCC (Cri) 828.

- Sachindra Nath Choudhary v. Labangalata Sarkar & Ors., A.I.R. 1980 Cal. 121).
- State of Punjab v. Des Raj, A.I.R. 2004 P H 113
- Indra Bhan Singh v. Ram Milan, 1984 MFWN 178.
- Bharat Bhushan v. Chandra Mohan, 1982 JIJ 135.
- Smt. Sovarani Dutta v. Debabrat Dutta, AIR 1991 Calcutta 186.
- Bank of India v. Laxmi Das, (2000) 3 SCC 640.
- Ramjilal Sharma v. Meera Shivhare, 2015 SCC OnLine MP 7357 : (2016) 1 MP LJ 441 : (2016) 161 AIC 359.
- West Bengal State Electricity Board v. Dilip Kumar Rai, (2007) 14 SCC 568 : (2009) 1 SCC (L&S) 860.
- Rajindra Kishore v. Durga Sahi, 1966 SCC OnLine All 149 : 1967 All LJ 158 : AIR 1967 All 476.
