

Facts and Background:

Respondent No.2, who claimed to be a newspaper reporter for 'The Pioneer,' lodged a complaint. He was accused of looking into allegations of malpractice against 'Kalpana Indane Service.' He had also requested information under the Right to Information Act of 2005 in order to launch an investigation into the aforementioned agency's alleged black marketing of gas cylinders. On July 21, 2012, the appellant was charged under Sections 504 and 506 of the Indian Penal Code (IPC) based on the complainant's claims and the affidavits of two witnesses. The appellant requested his discharge under Section 239 of the Criminal Procedure Code, claiming that the complainant had wrongly accused him and that the accusation of telephonic threats did not constitute a crime under Sections 504 and 506 of the IPC. The CJM dismissed the appellant's discharge application because he did not comply with his plea. The appellant filed a Criminal Revision Petition in the High Court, requesting that the CJM's order be reversed. The High Court stated that intervening in the order framing charges or refusing to discharge is only necessary for the rarest of circumstances to correct the jurisdiction's patent error. The appellant had filed a Special Leave Petition with the Supreme Court after being dissatisfied with the questioned order.

Court's observation:

Earlier the High Court stated that it lacked authority to intervene with the CJM order under Section 397 of the CrPC. It cited Asian Resurfacing of Road Agency Pvt. Ltd. v. Central Bureau of Investigation (2018) 16 SCC 299 to hold that intervention in the order framing charges or refusing to discharge is required only in the most exceptional of circumstances to correct a patent jurisdictional error. The Supreme Court concluded that the High Court had rejected the Criminal Revision on the grounds of lack of jurisdiction under Section 397 of the CrPC. based on the facts and arguments presented. The question was not thoroughly examined by the High Court. The Asian Resurfacing decision was undervalued by the High Court. For the efficient and timely implementation of the criminal justice system, the High Court's authority must be used cautiously and judiciously. Interference can only be made under extraordinary circumstances, as failing to do so would be a significant violation of a citizen's rights. The facts must be filtered through by the Court to determine if there are appropriate grounds to prosecute the suspect. It was pointed out that the High Court, in this case, did not go through the merits of the case and did not analyze it in light of established law.

Held:

The Supreme Court determined that the High Court erred in law by ignoring the fact that "discharge" is a precious right granted to the accused and by refusing to hear the revision petition on the merits. The Supreme Court ruled that the High Court should review the whole matter and decide the revision petition anew since the High Court and the lower court had not investigated the fairness of the criminal investigation in this case and other relevant issues concerning the enhancement of witness statements. The case was remanded to the High Court for further review in accordance with the rules.