



MAJESTY LEGAL

Advocates & Solicitors

STATE LIABLE TO PAY COMPENSATION FOR WRONGFUL DETENTION

(AJIT KUMAR V/S STATE & ORS.¹)

The Jharkhand High Court has ordered the state government to pay a man Rs. 5 lakh in compensation after the man was falsely implicated in a murder and rape case and was held in custody for four months.

FINDINGS OF THE CASE:

- In the particular case mentioned above, the counsel for the petitioner emphasised the harsh torture undergone by the petitioner and his co-accused in order to elicit a confession. The counsel further emphasised that the victim was discovered to be alive and that there was no evidence found against the petitioner. The police provided a final report recognising their error in apprehending the petitioner for a crime he did not commit. The petitioner was thus dismissed by the court.
- The Hon'ble Jharkhand High Court determined that there was a legitimate claim for compensation due to petitioner's wrongful arrest and imprisonment. The court emphasized by citing the case of **Vishwanath Agrawal v/s Sarla Vishwanath Agrawal²**, the necessity for public law remedies to preserve the petitioner's fundamental rights, notably the right to liberty and dignity provided under Article 21 of the Indian Constitution. The State was required by the court to pay the compensation and was given permission to deduct it from the salary of the negligent police personnel.

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¹ W.P.(Cr.) No. 226 of 2014

² (2012) 7 SCC 288

³ Majesty legal is a LAW FIRM established in 2013 by Ms. Mahi Yadav. Objective of this legal update is to provide insights on law, statutes and is personal in nature, not to be deemed as legal advice.