

Prittam Kumar Vs. State

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Court : Rajasthan Jodhpur

Decided On : Dec-02-2014

Appellant : Prittam Kumar

Respondent : State

Judgement :

S.B. CIVIL FIRST APPEAL No.157/1992. Prittam Kumar Vs. State of Rajasthan through the Collector, Bhilwara Judgment dated 02/12/2014 1/3 IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR. ::

JUDGMENT

:: S.B. CIVIL FIRST APPEAL No.157/1992. Prittam Kumar Vs. State of Rajasthan through the Collector, Bhilwara & Ors. Date of Judgment :::

02. d December, 2014. PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: Mr. Arvind Samdariya, for the appellant/plaintiff. -- BY THE COURT:

1. The appellant/plaintiff has preferred the present appeal assailing the impugned judgment and decree dated 18.09.1992 passed by learned District Judge, Bhilwara in Civil Original Suit No.30/1987- Prittam Kumar Vs. State & Ors., claiming compensation to the extent of Rs.2 lacs for the malicious prosecution and defamation of the plaintiff about the alleged wrongful arrest of the plaintiff/appellant, who was the Member of Bhilwara Kraya Vikray Sahkari Samiti,

Bhilwara on 13.09.1972 in pursuance of F.I.R. No.312/1972 u/s 408, 420 and S.B. CIVIL FIRST APPEAL No.157/1992. Pryttam Kumar Vs. State of Rajasthan through the Collector, Bhilwara Judgment dated 02/12/2014 2/3 120B of IPC, in which according to plaintiff/appellant, his name was not even included in the FIR, however, he was arrested in the year 1977 and ultimately he was discharged from the said criminal case.

2. The suit filed by the appellant/plaintiff has been partly decreed by the learned court below to the extent of Rs.25,000/- with interest @ 12% per annum instead of claimed compensation of Rs.2,00,000/-. The names of private defendants No.2 and 3, namely, Pyarelal S/o Damodar Lalji and Gauri Shanker Sharma, the then Inspector CID, Crime Branch, Jaipur, have been deleted on the application of the appellant himself vide order dated 04.10.1993 by this Court, who had expired during the pendency of the present appeal.

3. Mr. Arvind Samdariya, learned counsel appearing on behalf of appellant/plaintiff urged that the learned trial court has wrongly observed in its penultimate para of the said judgment that the suit was not filed for defamation, mental and physical loss on account of such wrongful imprisonment/arrest, but this was the precise ground of the plaintiff, therefore, the compensation deserves to be enhanced as per the claim by the plaintiff in the suit.

4. None has appeared on behalf of respondent- State (District Collector, Bhilwara) despite service. S.B. CIVIL FIRST APPEAL No.157/1992. Pryttam Kumar Vs. State of Rajasthan through the Collector, Bhilwara Judgment dated 02/12/2014 3/3

5. Having heard the learned counsel for the appellant/plaintiff and upon perusal of reasons given by the learned court below in the judgment and decree, this court is satisfied that the decree granted to the extent of Rs.25,000/- is just in fair exercise of discretion vested with the court below since the exact amount of compensation has not been established to be on account of any particular loss caused to the plaintiff/appellant and the estimated amount of claim made by the plaintiff has been reasonably reduced to Rs.25,000/- by the learned trial court.

6. In this view of the matter, the present appeal filed by the appellant/defendant is found to be devoid of any merit and the same hereby dismissed. A copy of this

judgment be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

DJ/- 17

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