

[2022] 7 S.C .R. 1048

A.G. PERARIVALAN

v.

STATE, THROUGH SUPRINTENDENT OF POLICE CBI/SIT/

MMDA, CHENNAI, TAMIL NADU AND ANR.

(Criminal Appeal Nos. 833-834 of 2022)

MAY 18,2022

[L. NAGESWARA RAO, B. R. GAVAI AMASUNG A. S. BOPANNA, JJ.]

Bharat Sangbidhan: Art. 161 - Governor da akaknaba case kharada phadok taduna cheirak phangliba sing bu ngakpiba amadi matam khara phangliba cheirak ado chatnahandaba , pirakliba cheirak ado remit natraga commute twba ngambagi shakti lei—Appeal twrakliba mi asi hannagi Bharat ki Pradhan Mantri – Shri Rajeev Gandhi hatpada chennaba mini – maral leire haina louthokhre amasung sibagi cheirak pikhre – Sibagi cheirak ado punsi chuppa keisum sangda phadok tabada oeina hanthare --- Matang asida, Appellant adugi phangliba cheirak ado remission (hanthannaba) twbagi matangda Governor na President da khanghankhi tarikh 25.01.2021 da State Cabinet Governor da thabak ado twnaba khaghallakhiba adugi matangdadi phirep amata loudana leiraga – Tasengnamakkii – hairabada: Commutation amadi remitation gi matang da State Cabinet na pirakpa paotak asi Governor aduna supsoi soidana inngdabani article 161 gi matung inna – Art. 161 na piba sakti ado sijinnadaba natraga maram pidabida matam kha henna louraga sakti ado sijinnadabida leiba taragadi Judicial Review twba yai maru oeina State Cabinet na keisum sanggda leiriba bandi ado thadoknaba phirep loukhraba amadi thadoknabagidamakta Governor da haikhraba oeiragadi – sangbidhan da yaoriba aien amatana natraga governor da piriba sakti amatada State Cabinet na pangthoknaba Governor da thangatlalkhiba thabak amata Bharat ki Pridennt da amuk thakhigadabani haina yaode – Lakliba case asida – State Cabinet na Governor da tounaba thangatlalkhiba wapham do Bharat ki President da tharoidabani – twriba thabak asi bharat sangbhidhan na piriba chatna-kanglon singa tai-onnei – State Cabinet na Governor da twnaba thangatlalkhiba thabak ado Chahi ani makhai henna

phirep amata loudana panduna leire –State Cabinet na appellant gi cheirak ado remission twbagi matangda Governor da thangatkhiba waphaam ado Court asina karigi thengthana matam louraga leiribano haidana hangba thiba hourakpa matamda khaktada Governor na Bharat ki President da amuk thagatkhiani – Makha tarakpada, Appellant aduna chahi 32 phadok oeina leirakpa, keisum sang manungda mahakki lamchat sajat ta wakat amata leitaba, masada leiriba kumleina, phadok oeina leirigeida mahakna tamkhiba mahei masing amasung Art. 161 gi makhada mahakna thaba petition ado State Cabinet na yadana tounaba thagatkharaba phouda toudana chahi ani makhai henna panduna leirakpa mayamse khangbiba amadi ekai khumnabigadabani, Governor na twrakpa adumak ngaiduna leiba habasi matang siga channadre twfam thoktre – Art. 142 na piriba power asi sijinnaraduna, appellant na phangkhiba cheirak ado mapung fakre haina loubu yare—Appellant asi khudaktagi maral singdo kokpire amadi thadokle –Penal Code 1860 – Arms Act, 1951 – Explosive Substance Act, 1908 – Passport Act 1967 – Foreigners Act, 1946 –Wireless Telegraphy Act, 1933 – Terrorist and Disruptive Activities (Prevention) Act, 1987.

Appeal asibu loisilladuna laduna, Court asina

Hairi: 1.1 State Cabinet ki paotak asi Governor na supsoi soidana makki thabak oeina pangthok kadabani commutation / remission gi matang asida article 161 makhada. Governor na state cabinet ki paotak asi Bharat ki President da amuk thagat khigadabani haina Constitution gi neeyam amatada pallaga yaode amasung mahakki President da thabagi sakti asigi hourakpham asi kadaidagino haiba sigi penni ngai oeiba paokhum phangde. Hujikki case asida, State Cabinet na Governor da tounaba thangatkhiba wapham do Bharat ki President da Governor na tharoidabani thapham thokte. Asigumba thouwong asi sangbhidhan da yaoriba mathakta pankhriba chatna pathap singga taionnei. Matang asida panba yabadi State Cabinet na tounabagi damakta thagatkhiba asi 09.09.2018 dani hairiba asi chahi ani makhai henna panduna phirep amata loudana leikhi. Court na phirep amata loudana panduna leibagi maram hangba hourakpa matamda khaktada , Governor na State Government na Appellant gi cheirak ki matam do remission twnaba tharakhibado mahakna amuk Bharat ki President da amuk thakhi. [Para 19][1059-E-G]

1.2 Governor na mahakki loisanggi makhada mahakna twkhiba thabak natraga twrakkadaba thabak singda magi shakti amadi mathou sing do pangthokpa amasung touthorakpada leiriba immunity ado court asina khangi. Article 161 gi makhada pikhiba mahakki yathang ado Court asina Judicial Review twbagi shakti lei, hairiba shakti ado karigumba hiram kharada singnaba yai. Article 161 gi makhada piriba shakti sing ado pangthoktana leiba haisi Judicial Review dagi immune oeide. Article 161 gi makhada thaba Petition haibasi meioeiba amagi ningkha tamna

hingjanabagi hak aduga mari leinei, maramsing pidana paldana thamlaga thengthahalba haibasi ngakpi pham thokte, masina maram oeiduna phadok aduda hakchang gi phibam soktha hallakpata nattana wakhalti awaba kayasu thengnahalli, maru oeina State ki Cabinet na Phadok adugi cheirak adubu remission / commutation gi kannaba piduna mahakpu thadoknaba phirep loukhraba matung dadi.[Para 20] [1060-A-C]

1.3 Appellant asi mahakpu phaba matamda mahakki chahi 19 khaktamak ngairi amasung keisum sangda leirakpa chahi 32 sure, asigi manungda chahi 16 amadi sibagi cheirak phanglaba ama oeina leirakhi amasung chahi 29 na matomtamak naitom tana thamlakhi. Keisum sangda mahakki lamchat-sajat ta karigumba wakat amata ngasifouda leiraktri. Matang anida Appellant asi parole da thadokhi, mahakki lamchat sajat natraga thadoklakpada piriba neeyam sing ado thugaibagi wakat amata leitri. Appellant asigi pijilak khiba ana ayekki paodam na mahak asi yamna sathiba anaba amana nare haina utli. Appellant asi masana hotnadjaduna mahei masing tamjiljei, +2 gi parikha, undergraduate degree ama, postgraduate degree ama, diploma ama amasung Certificate course 8 maipakna loijilkhre. Article 161 gi makha da thaba mahakki petition ado State cabinet na remission twabagi Governor da thagat khrabasu chani ani makhai henna panduna leire, Governor na amuk President da thakhraba matungdasu chahi ama henna hellabasu adumak panduna leiri, Governor da amuk khannanaba thadakhiba haibase matang asiga chunnadre. Matik chadaba attoppa maramsing leiltrabanina amasung case asigi thoidok hendokpa achumba asengba amadi matang matang da thokhraba sing asi yenglaga, sangbhidhan gi article 142 gi makhada piriba Shakti sing asi sijinnaraga, appellant asi mahakki Crime No. 329 Of 1991 asigi cheirakki matam mapung phakhre haina loubu yare. Bail da leiriba Appellant asi makhatana mahakki punsi asi ningkha tamna hingjanaba hak asi pire.[Para 28][1065-B-E]

1.4. State Cabinet na pirakpa paotak asi Governor na Bharat Sangbhidhan gi Article 161 gi makhada mahakki shakti sing pangthokpada supsoi soidana inngadabani. Art. 161 na piba sakti ado sijinnadaba natraga maram pidabida matam kha henna louraga sakti ado sijinnadabida leiba taragadi Judicial Review twba yai maru oeina State Cabinet na keisum sanggda leiriba bandi ado thadoknaba phirep loukhraba amadi thadoknabagidamakta Governor da haikhraba oeiragadi. Tamil Nadu gi cabinet na pangthoknabagi damakta Governor da thagatkhiba ado mahakna amuk Bharat ki President da amuk thaba haise sangbhidhan gi chatna kanglon amatana cheigak oeide amasung sangbhidhan da piriba wakhallon singaa taionnei, haibadi Governor asi state government gi atenba asemba mami amani haina phongdokli. State Cabinet ki wapham ado achan miran naibani haina utnaba natraga State Cabinet ki phirep ado makhoigi thoudang ga channa chunnadaba amani haiduna utnaba hotnaba amata leitaba asina Judgement asi sagatlakpagi mapung oeiba wa oeiri.

Sriharan case ki Judgement sijinnaduna IPC gi section 302 gi makhada piba cheirak sing bu Union Government na remit/ commute twba ngambagi sakti lei haina utnaba hotnaribasi lalli, maramdi Section 302 da haiirba executives ki shakti sing asi Union Government da pinaba sangbhidhan na natraga Parliament semba ailen amatana haide. Akaknana Hairamba amata leitaba asina , State ki executive singi sakti adunaa Section 302 gi matang asisu konjilli, Section 302 gi matang asi List III gi Entry 1 da ywee haina louee.Appellant aduna chahi 32 phadok oeina leirakpa, keisum sang manungda amadi mapalda parole da leibada mahakki lamchat sajat ta wakat amata leitaba, masada leiriba kumleina,phadok oeina leirigeida mahakna tamkhiba mahei masing amasung Art. 161 gi makhada mahakna thaba petition ado State Cabinet yaraduna tounaba thagatkharaba phouda toudana chahi ani makhai henna panduna leirakpa mayam sing yenglaba matungda Governor da amuk khannanaba thadakhiba haibase matang asiga chanadre.sangbhidhan gi artcle 142 gi makhda piriba Shakti sing asi sijinnaraga, appellant asi mahakki Crime No. 329 of 1991 asigi cheirakki phadokki matam mapung phakhre haina loubu yare. Bail da leiriba Appellant asi makhatana mahakkti punsi asi ningkha tamna hingjanaba hak asi pire. [Para 29][1065-F-F; 1066-A-G]

M.P Special Police Establishment v. State of M.P (2004) 8 SCC 788 : [2004] (5) Suppl. SCR 1020 - akhannaba

Union of India v. Sriharan (2016) 7 SCC 1 : [2015] (14) SCR 613; Rai Sahib Ram Jawaya Kapur v. State of Punjab (1955) 2 SCR 225; Samsher Singh v. State of Punjab (1974) 2 SCC 831 : [1975] (1) SCR 814; Nabam Rebia amasung Bamang Felix v. Deputy Speaker, Arunachal Legislative Assembly (2016) 8 SCC 1 : [2016] (6) SCR 1; Maru Ram v. Union of India (1981) 1 SCC 161 ; Samsher Singh v. State of Punjab (1974) 2 SCC 831 : [1975] (1) SCR 814; Epuru Sidhakar v. Govt. Of A.P. (2006) 8 SCC 161 : [2006] (7) Suppl. SCR 81-referred twba

<u>Case Law Reference</u>		
[2015] (14) SCR 613	referred twba	Para 3
[2004] (5) Suppl. SCR 1020	distinguished	Para 22
[1955] 2 SCR 814	referred twba	Para 14
[1975] (1) SCR 814	referred twba	Para 15
[2016] (6) SCR 1	referred twba	Para 16
[1981] 1 SCC 161	referred twba	Para 17
[1976] (1) SCR 814	referred twba	Para 18
{2006] (7) Suppl. SCR 81	referred twba	Para 20

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal Nos. 833-834 of 2022

Crl.O.P.S.R No. 4084/2015 amasung Crl. O.P. No. 5073/2015 ta Madras High Court na 06.03.2015 da pikhiba Judgement amadi Yathang dagi

Loinana

Criminal Appeal No.835 of 2022

Gopal Sankaranarayanan, Sr.Adv., Prabu Ramasubramaniam, K.Paari Vendhan, Raghunatha Sethupathy. B., Vishnu Unnikrishnan, Ms. Shivani Vij, Ms. Priya R., Advs na Appellant gi oeiri

Tushar Mehta, SG. K.M Natraj, ASG, V. Krishnamurthy, Amit Anand Tiwari,AAGs, Rakesh Dwivedi, Sr. Adv., Ms. Rekha Pandey, Kriti Dua, Arvind Kumar Sharma, Dr. Joseph Aristotle S., Eklavaya Dwivedi, Ms Mary Mitzy, Ms. Devyani Gupta, Ms.Tanvi Anand, Ms. Nupur Sharma, Shobhit Dwivedi, Sanjeev Kumar Mahara, Ms. Jessica Bhardwaj. B.V. Balaram Das, G. Ananda Selvem, S. Muthukrishnan, T. Thirumurugan, P. Soma Sundaram, Advs. na Respondent gi oeiri.

Court sigi Judgement asi pikhibana

L. NAGESWARA RAO, J.

Leave asi ayaba pire.

1.Appellant asi Sriperumbudur Police Station da pankhatpa hannagi Bharat ki Pradhan Mantri oeiramba Rajeev Gandhi bu 21.05.1991 da hatkhibagi case Crime No. 329 of 1991 gi accused no. 18 ni. Appellant asi maralgi matung inna Indian Penal Code,1860 (samjillaga IPC), the Arms Act, 1951, The Explosive Substance Act 1908, the Passport Act 1967, the Indian Wireless Telegraphy Act, 1933 amasung the Terrorist and Disruptive Activities(Prevention) Act,1987 (samjillaga TADA) makhada cheirak phangkhi. TADA Court amana sibagi cheirak pikhi. Court asina 11.05.1999 da pikhiba judgement amana Appellant da takhiba phadok amadi cheirak ado adumak yaduna chatnahankhi. Adubu TADA na pikhiba phadok amadi cheirak adudi chatnahankhide. Appellant na thakhiba review petition amabu 08.10.1999 da pikhiba yathang amana kakthatkhi.Bharat Sangbidhan gi article 161 gi makhada Appellant ga loinana mioei ahum naTamilNadu gi Governor gi mamang da Mercy Petition thakhi,adubu 27.10.1999 da petition adu yarakhide. Tamil Nadu gi High Court ki yathang amagi matung inna Appellant gi mercy petition ado Governor na amuk hanna yengsilkh, amuk hanna 25.04.2000 dasu yarakhide.Sangbhidhan gi Article 72 gi makhada Appellant na Bharat ki President da Mercy Petition ama thakhi, adusu 12.08.2011 da yarakhide. Matung tarakpada pendaduna High Court ta writ petition ama thakhi. Madras High Court ta Appellantna thakhiba hairiba writ petition adu tarikh 01.05.2012 ta pikhiba yathang amana Court asida tharakhi. Madugi matungda Appallent gi Sibagi cheirak ado punsi chuppa phadok tabadaoeina 18.02.2014ta court asina onthhokhi.

2. Appellant asina phadok oeina chahi 23 leirakpa asi yenglaga,Tamil Nadu State na punsi chuppa keisum sangda leibagi cheirak oeina remission pibianaba Bharat lei ngakta haijakhi amadi numit humni gi manungda makhoigi wakhallon phongdoraknaba khanghankhi. Hairiba propsal asi Criminal Procedure Code, 1973(samjillaga 'CrPC') gi Section 435 ki makhada yengalaga pibani , masigi matung inna Central Bureau of Investigation (CBI) na thigatpa case ama oeibana Central Government da tannaram pham thokey. Court asina loisilkhra case haibadi Appellant ki cheirak ado hanthahalladuna punsi chuppa phadok oeibada takhraba matung da Bharat lei ngakna khudakta Criminal miscellaneous petition ama 18.02.2014 da tharakhi,Hairiba petition sing asida Central Government na Tamil Nadu State ta Appellant ado thadok tanaba haibinaba haijarakhi. Hannagi phibamda hongdana leinaba Court asina 20.02.2014 da yathang ama hairiba Criminal Miscellaneous petition asida pikhi. Appellant da pikhiba cheirak ado hantha hannaba 18.02.2014 da pikhiba judgement adugi mayokta Union of India na tharakhiba Review Petition ado kakthatkhi.

3. Bharat Lei ngakna na 24.02.2014 da Tamil Nadu State na 19.02.2014 da tharakhiba warol sing amasung Appellant amadi attopa kharagi cheirak sing ado commutation / remission twanabagi lepkhiba phirep sing ado kakthatpinaba Writ petition ama tharrakki.Wahang taret khannabagi damakta semlaba matungda, 25.04.2014 ta takhiba yathang amana writ petition ado court asigi Constitutional Bench amada sinnakhi. Court asina khannabagi damakta semkhiba wahang sing adugi paokhumsing ado **Union of india v. Shriharan**¹ gi 02.12.2015 da loathokhiba judgement aduna pikhi.

4.Bharat Sangbhidhangi Article 161 gi makhada 30.12.2015 da Appellant na mahakki cheirak sing ado hanthahanbinaba petition ama thakhi. State lei ngakna Appellant aduda remission pibinaba twrakhiba proposal adubu kakthat pinaba Bharat lei ngakna tharakhiba writ petition ado Court asina 06.09.2018 da loijilkhi, Article 161 gi makhada Appellant na tharakhiba petition adubu yengladuna amasung hairiba petition adubu loisilgadaba authority na chanaba phirep ama lounaba maning tamba ado pire. Tamil Nadu gi Cabinet na 09.09.2018 da Appellant adubu thadoknaba resolution ama pass toukhi ,mado Governor da amuk thakhi.¹

5. Cheirakasida, Appellant na mihat adugi palduna leiriba thijin humjilbagi thabak asida check silna yengsilbinaba TADA Court, Chennai gi mamang da Criminal Miscellaneous petition ama tharakkhi. Hairiba petition asi TADA Court na 10.12.2013 da kakthatkhi,masibu singnaraduna Appellant na CrPC gi Section 482 gi makhada Criminal Original petition ama thaduna High Court ta amuk chatkhi. Criminal Original Petition amasu tharakhi paiduna leiriba thijil humjilbagi thabak sing ado yamna thuna loijilbinaba CBI da haibinaba amasung Kari

¹ (2016) 7 SCC

karamba matang youre haibagi paodam ama High Court ta tha ani khudinngi pibinaba haikhi . High Court na Petition animak tongan tonganba yathang sing piraga kakthatkhi, Appellant bu Supreme court ta oeina chatnaba mot pikhi. Sigi Appeal asi hairiba High court ki yathang adugi mayokta 06.03.2015 da tharakhi.Appellant na mahakki cheirak ado chatna handanaba tharakhiba Crl M.P No. 118421 of 2017 da Court asina Notice issue twkhi.

6. Appeal ado palduna leirigei matam asida Tamil Nadu Cabinet na 09.09.2018 ta appellant adubu thadoknaba pass toukhiba resolution aduda Governor na phirep amata loudana leiri haibasi Court ta khanghallakhi. Court asina 11.02.2020 da Tamil Nadu State ki Additional Advocate General da Mantri Mandol na governor da twraknaba thagatkhiba thabak adugi hujik hujik oeiriba leiriba thak ado khanghallaknaba haikhi.Parole pibiinaba tharakhiba appliaction adugi wayel chhatharigei manungda High Court ta poadamlakhi madudi State Cabinet na Appellant gi cheirak ado remission twnabgi thagatkhiba do Multi Disiplinary Monitoring Committee (samjillaga MDMA) aroiba paodam ado ngairiba oeibana Governor na phirep amata loudana leiri.Appeal asida CBI na 20.11.2020 da Affiadavit ama pisillaga paodam lakhi madudi Governor na makhoida ngasi phoubada MDMA gi paodam ado piraknaba khanghallakpa leitri amasung Article 161 gi makhada tharakpa petition adugi merit yenglaga masa matom ta phirep loujaba yai haibasini.

7.Leaned Solicitor General na Court asida 21.01.2021 ta Governor Article 161 gi makhada tharakhiba petition adu panthadana yamna thuna phirep ama louragani haina paodamkhi.Madugimatung tarakpada, Deputy Secretaey, Ministry of Home Affairs na 04.02.2021 da pikhaklakpa Affidavit aduda hairi madudi Governor na tarikh 25.01.2021 da pikhiba yathang aduna Bharat ki President na Appallent na Article 161 gi makhada tharakhiba petition adugi phirep lounaba chanaba Authority oei haibasini amasung Petition ado President da tharakhi, Tamil Nadu Cabinet na thagatlakhiba recommendation adusu loinaraga Bharat ki President da tharakhi

8.Court asina tarikh 09.03.2022 pikhiba yathang amana Appellant bu bail da thadhokkhi, Apellantna chahi 31 henna phadok taduna leirakpa,keisum sang manungda magi lamchat sajat phaba, mahei masingi thak kaya tansilba amasung hakchaag gi phibam fattaba kaya asi yenglaga thadokpani .

9. Learned Senior Counsel, Gopal Subramanuim na Appellant gi meikaida leplaga thamkhibada State Cabinet na Appellant bu remission pinaba thagatlakhiba ado Governor na phirep loupam thokee. State Cabinet na thagatlakhiba ado Bharat ki President da amuk thakhinaba govrnor da sakti leite. Mahakna phongdokhibada State Cabinet na tharakhiba paotak ado Governor na twdaba supya yade amasung matang asida Governor na maning tamna touningba apamba toujanabagi hak leite haibasini. Toure haina toubada Governor na State Cabinet ta amuka hana khannabinaba haijaba yai adubu mahakna State Cabinet na tounaba thagaatlakhiba ado President da amuk

thakhinaba sakti di magonda leite maramdi article 161 gi matung inna Govenor gi sakti ado Council of Minister gi mateng amadi paotak matung inna sijinnabani. Makhatana Haikhibada Bharat ki President na matik chaba authority oei haiba wapham ado chummagadi, ngasi foubada Governor na Article 161 gi makhada pardon/ suspend pikhiba sing ado sangbidhan gi mayokta oeirakkani haibasini.

10. Tamil Nadu state ki lepliba learned Counsel, Mr. Rakesh Dwivedi na Appellant ki wapham adubu sougatladuna haikhi madudi Article 161 dagi 163 foubagi wapham asi Constituitonal Bench amadagi henbana sandokna takhre madudi Sangbhidhan na hairamba nattana atteidadi Mantri Mandol gi paotak na Governor asi punsilli, twdaba yade. Mantri Mandol na pikhiba paotak amada Governor na loukhiba phirep aduna State lei ngakki pankhei gi wangmada oeiramba taragadi, phirep ado Constitution Court amada singnaba yai. Adubu Mantri Mandol gi paotak amada karimta toudana leinabagi hakti Governor da Sangbhidhan na pide. Mahakna makhatana haikhabada Governor na State Cabinet ta twnaba thagatlakhiba adubu Bharat ki President da amuk phirep lounaba thakhinaba waphamdi sangbhidhan da yaode. Governorgi asigumba thouwong asi sangbhidhan ki yumbi ama oeiriba leibak asigi federal structure bu thugaibani.

11. Bharat ki Learned Additional Solicitor General, Mr. K.M Natraj haikhibada remission / commutation twnabagi hujikki case asida chanaba lei ngak asi bharat lei ngakni. **Sriharan (supra)** case ki passage amana chei-ngak oeiraga mahakna haikhibada State ki Mantri Mandol na thagatlakhiba ado Bharat ki President da amuk thakhibado chummi maramdi Appellant gi cheirak ki remission / commutation twba ngamba asi Bharat ki President khaktani. Mahakna makha tana thamkhibada Governor asi Mantri Mandol gi paotak sing ado soidanamk adumak iingadabani haiba leite amasung masak khanglaba akaknaba rule kharana Governor masana masagi apambada phirep loujanaba hak piri. Hairiba matang asida **M.P Special Police Establishment v. State of M.P²** ki judgement gi mateng louri, judgement aduda Mantrti Mandol gi achan mirai naiba ado taseng tasengna uri amasung mantri mandol gi phirep ado maram chade amadi mari leinaba hiram sing khannadana lepkhiba phirep ni, adu²na case adugi achumba singda yumpham oeiraga phirep lourabadi Governor na masagi apambada maning tamna phirep loubu adu chumpham thokee. Appellant ki State Cabinet na thagatlakhibado Bharat ki President da amuk thakhibado chummi haina court asida gyan tahannaba hotnabaga loinana wapham asi writ petition gi scope gi wangmadani amasung Court asina khannapham thokte haibasini.

12. Appeal asidsa khannanigei oeirisi Mantri Mandol na Appellant gi cheirak adugi remission gi damakta thagatkhiba aduda phirep amata loudana leiraga Governor na tarikh 25.01.2021 da Bharat ki President da thakhibado

² (2004) 8 SCC 788

chummibra haibasini. Masida hairiba wapham asibu appeal gi manung chanpham thokte haina ahanbada yetlakliba Learned Additional Solicitor General gi wapham ado eikhoina yadre. Mathakta palkhriba wapham sing asi yenglaga Appeal asi Appellant na High court ta thakhiba petition sing yadabagi yathang adugi mayoktani haibasi taseng tasengle, petition amadi TADA court na lemhouriba case asigi thijil humjilbagi thabak ta yengjilbiyu haina haijakhiba adubu yadabagi yathang gi mayoktani. Appellant na mahakna phangliba cheirak kakthatpinaba tharakhiba Cri.M.P. No. 118421 of 2017 case asida Court asina notice issue twkhre, maduda State Lei ngakna matam loidri ngeida thadoknaba hairbasu Central lei ngakna 2017 foubu appellant ki maraibak ki matang da phirep amata loudri, **Sriharan (supra) case** ki judgement matung inna phirep lounaba hairbasu, Makhatana Appeal asi palduna leireingei matamda Appellant na thakhiba petition aduna mahakki michang da State Cabinet na khannabiduna yabikhi tarikh 09.09.2018 ta, adubu Governor da thagatkhiba adudi phirep amata loudana leiri. State Cabinet na thagatlakhiba ado Governor na phirep amata loudana wapham ado Bharat ki President da amuk thakhi. Court asida khannaba pukahtlakliba wapham adugi maru oeiba adu yenglaga akhoina learned Additional Solicitor General na thamlakhiba wapham ado yadre amasung Appellant na thangatlakhiba wapham asida makha chatthanaba leple.

13. State ki makha da chatnaba aeiin sing thugaibagi Cheirak ado pardon,reprieves, respite natraga remission twnaba natragana suspend twnaba,cheirak ado remit natraga commute twnaba sakti ado sangbhidhan gi Article 161 gi makhada Governor da lei. Article 162 na mayek sengna hairi madudi state ki executive sakti sing asi sangdokpada state ki meeyam gi mihut sing na aeiin semba naba sakti leiba mapham singdasu chatnagani haibasini. Article 163 hairi State ki Mantri Mandol ama leigani Chief Minister na luchinglaga Governlor bu mateng pangnaba amadi paotak pinaba Governor gi mathou sing pangthokpada, sangbidhanm na piramba masa matomta maning tamna toujanaba mathou sing nattaba singda.

14. Bharak Sangbhidhan gi makhada lei ngakki executive sing na pankheigi manung da toubu mathou sing yamna ludana adumak khangba yai. Bharat sangbhidhan na executive singbu semliba mawong aduda eikhoigi sangbhidhan asi federal gi sawong sada da leiba taragasu British Parliamentary system gi mawong da semmi mapham sidadi Lei ngakki policy singgi khwaidagi maru oeiba thoudang asi executive singna louee amasung State adugi meeyam gi mihut singgi thajaba gi makhada makhoina aeiin sing ado sembada maru oeiba thoudang louee. State adugi executive singgi makok oeiribagi mapham asi Governor na kalli adubu Executive government gi thoudang sing adubu mai punnana puriba adudi State khuding makta Mantri Mandol singni. Maram asina akhoigisu Bharat ki Sangbhidhan da England da leiriba Parliamentary executive mawong asiga chap mannana lei amasung Mantri mandol da meeyam gi meehut sing yaoee chap mannana Bristish Cabinet tasu yaoee, “buckle ani samjilnaba

hyphen amagum meeyam gi mihut singi saruk aduga state adugi executive singi saruk aduga s³amjilnei”.³

15. Cabinet system gi leingak asidadi akhoi gi sangbhidhan da piribadi Governor asi State adugi constitutional natraga formal head ni, mahakki sakti natraga thoudang asi sangbidhan na piramba natragadi sangbhidhan gi makhada mantri mandol gi matengna natraga paotak ta twgani, karigumba Governor na twba mathou taba natraga sangbidhan na masa matom ta ningtamna toujanaba hairamba nataba thabak singdadi. President natraga Governor na mahakki sakti natraga mathou sing ado toubada Sangbhidhan gi makhada Governor natraga president gi apenba oeiba mathou taragadi khudam oeina hairabada Article 123, 213, 311(2) proviso (c), 317,352 (1),356 amasung 360 sing asida Sangbhidhan gi makhada apenba darker oei hairiba asi Governor amasung President gi maranai masagi apenba adu natte adubu President amadi Governor gi Sangbhidhan gi oeiba Cabinet System lei ngak ki makhada oeiba apenba adubuni. Masi Mantri Mandol gi apenba aduni makhoigi mateng amadi paotak ta Governor natraga President na makhoi gi sakti natraga mathou adu pangthokii.⁴⁴

16. Governor na mahakki mathou sing ado Sangbhidhan gi niyam kharagi makhada pangthokchanaba ayaba leirabasu, mathou sing ado Article 163 gi makhada mateng amasung paotak ki matung inna pangthokadabani , karigumba Governor mathou asi masagi aningba apambagi matungg inna matom ta pangthok chanaba sangbhidhan na piramdaba taragaddi..⁵⁵

17. Article 161 gi matang da Court asigi Constitutional Bench **amana Maru Ram v. Union of India**⁶ da asumna makhoigi mot phongdokhi: “...Governor asi formal head ni amasung executive shakti pumnamakii amata ngairaba tungna phamni adubu mantri mandol gi paotak yaodanadi thabak touban gamde. Maru oeiba wapham di Article 161 gi makhada Governor na pamgera pamloira paotak piba yai, paotak ado Governor na supsoi soidana iingadabani. Cheirak ado hanthahanba natrga phadok ado thadokpa asi lei ngakna phirep ama louraga ngammi, yathang ado Governor gi ayaba ywdrasu pibayai Rule of Business ki matung inna amasung Sangbhidhan gi chatnabi ama oeina pardon, commutation natraga thadokpada Governor khutyek piraga thadokpa tai”.

18. **Samsher Singh v. State of Punjab**⁷⁷ ta pikhiba yathang amagi matung inna Court asina **Maru ram (supra)** da makha tana thamkhibada Article 72 amasung 161 gi matung inna piriba sakti sing ado pangthokpada Sangbidhan gi niyam da khwaidagi wangba da leiriba makhoi anina thabak twbada masa matom tagi judgemnet gi matung inna twroidabani, mantri singgi mateng amadi

³ Rai Sahib Ram Jawarya Kapur v. State of Punjab (1955) 2 SCR 225

⁴ Samsher Singh v. State of Punjab (1974) 2 SCC 831

⁵ Nabam Rebia and Bamang Felix v. Deputy Speaker, Arunachal Pradesh Legislative Assembly (2016) 8 SCC 1

⁶ (1981) 1 SCC 161

⁷ (1974 2 SCC 831

paotak ki matung inna twgadabani. Sangbhidhan gi waroisin di Governor asi State lei ngakki atenba asamba mami amani haibasini.

19. Court asina mathakta thamkhiba wapham sing asi taseng tasenglee. Article 161 gi makhada commutation / remission gi matang dadi State Cabinet na pirakpa paotak asi Governor na supsoi soidanamak ki twdaba yade. Sangbhidhan da yaoriba niyam amatana natraga governor da piriba sakti amatada State Cabinet na pangthoknaba Governor da thangatlahiba thabak amata Bharat ki Prident da amuk thakhigadabani haina yaode. Lakliba case asida State Cabinet na Governor da tounaba thangatlahiba wapham do Bharat ki President da tharoidabani ,twriba thabak asi Bharat sangbhidhan na piriba chatna-kanglon singa tai-onnei. State Cabinet na Governor da twnaba thangatlahiba asi 09.09.2018 dani, masi Chahi ani makhai henna phirep amata loudana panduna leire. State Cabinet na appellant gi cheirak ado remission twbagi matangda Governor da thangatkhiba waphaam ado Court asina karigi thengthana matam louraga leiribano haidana hangba thiba hourakpa matamda khaktada Governor na Bharat ki President da amuk thagatkhiani

20. Governor na mahakki loisanggi makhada mahakna twkhiba thabak natraga twrakkadaba thabaksing da magi shakti amadi mathou sing do pangthokpa amasung touthorakpada leiriba immunity ado court asina khangi. Article 161 gi makhada pikhiba mahakki yathang ado Court asina Judicial Review twbagi shakti lei, hairiba shakti ado karigumba hiram kharada singnaba yai. **Epuru Sidhakar v. Govt. Of A.P.**⁸⁸ da Court asina Article 161 gi makhada piriba shakti sing ado pangthoktana leiba haisi Judicial Review dagi immune oeide haikhi. Article 161 gi makhada thaba Petition haibasi meoeiba amagi ningkha tamna hingjanabagi hak aduga mari leinei, maramsing pidana palduna thamlaga thengthahalba haibasi ngakpi pham thokte, masina maram oeiduna phadok aduda hakchang gi phibam soktha hallakpata nattana wakhal gi awaba khayasu thengnahalli, maru oeina State ki Cabinet na Phadok adugi cheirak adubu remission / commutation gi kannaba piduna mahakpu thadoknaba phirep loukhraba matung dadi

21. **M.P Special Police Establishment** (supra) da court asina pikhiba judgement amada yumpham oeiraga learned Additional Solicitor General na haikhibada Cabinet ki maram chadaba phirep oeirabadi Governor na yengsilba yai amadi mahaki apamba aningbada tonganba khennaba phirep ama loubaba yai. Case asi Madhya Pradesh lei ngakki Mantri anigi mayokta CrPC gi Section 197 gi makhada wayel chatthanaba ayaba pibagini. Aien gi wangmada lam lousilbagi Lokayukta da lakpa wakhat amada yumpham oeiraga Lokayukta na thijil humjilnabagi thabak chathakhi amasung Mantri anigi mayok ta Prevention of Corruption Act, 1988 ki makhada wayel chatthanaba matik chaba maram sing leire haina paodam ama pisilkhi. Mantri anigi mayokta wayel chattanaba matik chaba praman sing leite haina Mantri Mandol na decision ama loukhi. Adubu Governor na magi mot ta wayelnaba prima facie case ama loukhatpham thokkee

⁸ (2006) 8 SCC 161

amasung loukhatnaba ayabasu pikhi. Sangbhidhan gi article 163 gi makhada Governor na masagi aningba apambada maning tamna twningba twpham tokte haina pendraba Mantri anina Sangbhidhan gi Article 226 gi makhada writ petition ama tharakhi. Madhya Pradesh High Court ki Judge amana writ petition adubu ayaba piraga haikhibada Mantri sing wayel naba ayaba piba haibasi Governor masa matomtagi aningba apambada tougadaba natte amasung Governor na mantri mandol gi mateng amadi paotak ki onna teinabada thabak twroidabani haibasini. Hairiba yathang ado High Court ki Devision Bench na yakhi, pendraduna Court asigi mamang da appeal ama tharakhi. Court asina High Court ki judgement ado onthokhi amadi thamkhi madudi wayel nabagi ayaba piba haibasi mantri mandol gi mateng amadi paotak ki matung inna twgadabani Governor gi apamba aningbagi matung inna twgadaba natte chumnagi matamda adubu thoidok hendokpa matang ama oeina Chief Minister natraga mantri singgi wayelnaba ayaba piba matamdadi Governor na apamba aningba ado twba yai. Court asina khanggi ,madudi Mantri Mandol Lokayukta gi paodam gumba matang asiga chanaba neinagadaba sing ado khannakhide wayel naba ayaba pikhidaba matam aduda, asigumba chanaba achumba sing khannadana neinadana chanadaba amadi chunadaba machak singda yumpham, oeiraga yathang laothokpa asina khannariba yathang asibu chatna handanaba machak oeirakii. Asigumba case asidadi Court asigi mot tadi Governor na masagi aningba apambada phirep louba yai natrabadi aien gi chatna pathap sing kangkhong chaiba haibado oeigani.

22. M.P Special Police Establishment (supra) case ki judgement asi matang asidadi sijinnaba yade haina akhoina khalli. State Cabinet na chanaba matang sing neinakhide natraga State cabinet na aranba wapham singda yumpham oeiraga recommendation ado twrakhi haiba utpa wapham amata court asida thamde. Masigi mathakta case adudadi Governor na phirep ama loukhi amadi madubu singnarakhi, hujikki case asidadi hannaga manadaba mawongda Governor na phirep amata louba leite supnatang gi State Cabinet na thagat lakhibado Bharat ki President da thakhiba tani.

23.Mr. Natraj na yamna kanna Court asigi Sriharan (supra) gi judgement da yumpham oeiraga haikhibada cheirak pu ngakpiba natrga remission / commutation twnabagi Shakti asi Bharat ki President da khakta lei haibasini karigumba cheirak ado IPC gi chatna pathap matung inna phangba oeiragadi amasung Governor na Sangbhidhan gi article 161 gi makhada ngakpinaba sakti leite. **Sriharan** (supra) case ta Constitutional Bench na khananaba semkhiba wahang singgi manungda CrPC gi section 432 amadi 433 gi makhada Shakti sing pangthokpada “channaba lei ngak” haibasi karamba oeigadage haina khannaba aduni. Ibrahim Khalifull, J gi mot ta (mahakna masagi, Dattu, C.J amasung Ghose J. apunbagi haibada) paokhumdo makha gi asumaina khummi:

“Questions 52.3, 52.4 amasung 52.5:

52.3 Code ki Section 432(7) na tasengna Union gi executive Shakti da henna maru oeina lourabra amasung State ki executive Shakti bu yaohandana Union gi executive Shakti ado chaothok hallabra?

52.4 Bharat Sangbhidhan ki taret suba Schedule gi List III da yaoriba remission gi Shakti ado sijinnabada Union natrga State anigi marakta karambana hangadage?

52.5 Code ki Section 432(7) makhada channaba lei ngak haibasi ani leiba yabra?

Paokhum

180. State Lei ngak natraga Union lei ngak anigi marakta karambana channaba lei ngak oeigadage haibase Criminal Court na laothokhiba cheirak adugi yathang adugi makha polgani Section 432 (6) ta haibagumna amasung karigumba akaknaba executive ki Shakti ado Parliament na semba aien amagi matung inna Centre da piraba natraga Sangbhidhan masamakki makhada Parliament na semkhiba aein aduna konba phadok natrga cheirak oeirabadi natrga Sangbhidhan na state ki meeyam gi mihut singdasu chap mannaba subject ta aien semnaba Shakti piraba amasung chap mannaba mapham singdadi, chanaba leingak si union lei ngak na oeigani Sangbhidhan gi Art. 73 (1) (a) da yaoriba chatna pathap sing dugi matung inna. G.V. Ramanaiah [G.V. Ramanaiah v. Supt.of Central Jail, (1974) 3 SCC 531 : 1974 SCC (Cri.) 6 : AIR 1974 SC 31] da takhiba yathang gi machang oeiba wapham ado matang sida sijinnagani. Attopa wahei dana, Section 432 (7) (a) gi kachin marigi manung da taba case sing da Centre da piriba executive Shakti dugi maramdagi, Union lei ngak na henna maru oeiba thak ado pigani channaba lei ngakki matang da. Section 432 (7) (a) gi makhada palba case nattaba attopa case singdadi maral leiba meoei ado cheirak piraba natraga cheirak pibagi yathang ado State adugi lamkheigi manung da laothokpa oeirabadi, Channaba Lei ngak asi State Lei ngak na oeigani.”

24. Lalit J(masagi amasung Sapre J. gi haibada) na chap Chap mannaba mot piriduna wahang ado makhagi asumna paokhum piri –

“219. Eikhoi hujikki case asida khanna ningbadi IPC gi section 302 gi makhada leiba maral sing aduni. Respondent gi cheirak ado hujik foubagi oeina TADA gi oeinadi maral leite haina thadokli. Mr. Rakesh Dwivedi Learned Senior advocate na haikhiba wapham sing duda akhoina machang oeiba kaya fanggi madudi IPC gi Section 302 gi makha da twba maral singsi Schedule VII List II Entry I oeiriba “Public order” ga yam mari leinei amasung madudi State lei ngak khak ki oeiba pankhei gi manungda lei. Eikhoigi mityeng dadi wahang oeiriba maral sing asi State Lei ngak

khak ki oeiba pankhei gi manung dani amasung State ki Executive Shakti aduna asigumba maral sing asisu konjilgani. IPC gi Section 302 gi marl sing asi List III gi Entry I da ywee haina marei twnabagi oeina yaba taragasu, mathakta neinakhriba machnag oeiba wapham sing asigi matung inna State lei ngakki Executive Shakti adutamak na konsilgadami bharak sangbhidhan gi akaknaba niyam ama leitaba taragadi natraga Parliament na semba aein leitaba taragadi. Aduna maram oeiduna, State lei ngak asina wahang oeiriba maral sing asigi chhanaba leigak oei hujikki matang asidadi. Khangjilbada kannagadabadi K.M Nanavati v. State of Bombay [K.M Nanavati v. State of Bombay, AIR 1961 SC 112 : (1961) 1 Cri LJ 173 : (1961) 1 SCR 497 at p. 516] tagi houraga IPC gi Section 302 gi maral sing gi matang dadi article 161 gi makhada Governor natraga CrPC gi makhada State lei ngak asina channaba Lei ngak oeina channaba Shakti sing sijinnei.

25. CrPC gi Section 432(7) na makhagi asumna hairi.

432 Cheirak ado chatna handaba natraga hanthahanba gi Shakti

..

(7) Section asida amadi section 433 da, “ channaba Lei ngak” haibasina hairibasi-

(a) case asigi cheirak ado maral adugi mayokta, natraga Sub-section 6 palliba yathang ado Union gi executive Shakti na konjilba aien ama hekta gi makhada oeiba taragadi, Central lei ngakna oeigani.

(b) attopa case sing da, State adugi manung da maralleiba sing do cheirak piraba natraga hairiba yathang ado laothoklaba, , State lei ngak na oeigani.

Union gi executive Shakti asi kadaifouba lei haibado khangdoknaba, Court asina yengsilbaga loinana yam kupna Articles 72,73,161 amasung 162 neinare. Neinabagi maru oeiba matang se Sangbhidhan gi Article 73 gi niyam singga mari leinaba judgement singni . Article 73 (1) na makhagi asumna hairi:

Article 73. Union gi Executive shakti na kolliba sing – (1)Sangbhidhan gi niyam gi matung inna Union gi Executive shakti na kolliba sing dudi---

(a) Parliament na aein sembagi shakti leiba matter sing; amasung

(b) Treaty natraga agreement singgi maram dagi Bharat leingak na adugumba right,authority amadi jurisdiction sing ado ngaklabadi:

Subclause (a) da piriba executive Shakti asi sangbhidhan da piramba natraga Parliamnet na semba aien, maduna state ama hekta konjilba

*adugi matang aduda State adugi meeyam gi mihut singnasu aien
semnaba Shakti leiba, hairiba singse oeiroidabani*

...

26. Yamna kupna neinaraba matungda, Constituent Assembly gi draft Article 60 haibadi hujikki article 73 ga mannaba asigi debate foubu yoana, Court asina hairi madudi State lei ngaknasu chap mannaba subject ta aein semnaba shakti leiba taragdi, Union lei ngakki executive Shakti aduna state lei ngakpusu konjilgadra konjiloidro haibase mangda leiriba thoudok wathok sing adu yenglaga lepkani haibadi executive ki Shakti ado Union lei ngakta atam nana pirambra sangbhidhan na natrga Parliament na semba aein singi makhada haibrado yengaani. Maram asina, Union gi executive ki Shakti aduna Sangbhidhan gi Schedule taret ki List III su konjilbra haibado yengnaba executive ki Shakti ado Union leigakta atamnana pirambra sangbhidhan na natrga Parliament na semba aein singi makhadara haibado yengaani. piramdaba taragadi state ki executive Shakti ado adumak kaidana leigani. Eikhoigi wakhal dadi, hairiba judgement adudagi taseng tasengle madudi IPC gi Section 302 gi makhada twba maral singsigi oeinadi sangbhidhan ki makhada akaknaba niyam ama piramdaba taragadi natraga Parliament gi makhada semba aein na mapal thokna executive Shakti ado Union da piramdaba taragadi, state ki executive Shakti aduna konjilgani, Section 302 gi subject matter ado taret suba schedule gi List II gi entry natraga List III gi entry da yaoba yaodabaga mari leinaroi.

27. Mr. Sankaranarayanan na case sing gi list ama pijilakhi maduda Court asina case adugi akaknaba matang amadi thoudok sing yenglaga Section 302 natraga attoppa case sing gi phadok tariba singbu thadoknaba haiba yaoba singdo, makhoigi matam kuina keisum sangda leirakpa, keisum sangda leiri ngei manungda tanjiljaba mahei masing gi thak, keisum sang da lamchat sajat fajabata natana attoppa case sing leitaba sing do yenglaga.

28. Appellant asi mahakpu phaba matamda mahakki chahi 19 khaktamak ngairi amasung keisum sangda leirakpa chahi 32 sure, asigi manungda chahi 16 amadi sibagi cheirak phanglaba ama oeina leirakee amasung chahi 29 na matomtamak naitom tana thamlakhi. Keisum sangda mahakki lamchat-sajat ta karigumba wakat amata ngasifouda leiraktri. Matang anida Appellant asi parole da thadokhi, mahakki lamchat sajat natraga thadoklakpada piriba condition sing ado thugaibagi wakat amata leitri. Appellant asigi pijilak khiba ana ayekki paodam na mahak asi yamna sathiba anaba amana nare haina utli. Appellant asi masana hotnadjaduna mahei masing tamjiljei, +2 gi parikha, undergraduate degree ama, postgraduate degree ama, diploma ama amasung Certificate course 8 maipakna loijilkhre. Article 161 gi makha da thaba mahakki petition ado State cabinet na remission twnabagi Governor da thagat khrabasu chani ani makhai henna panduna leire, Governor na amuk President da thakhraba matungdasu chahi amahenna hellabasu adumak palduna leiri, Governor da amuk khannanaba thadakhiba haibase matang asiga chunnadre. Matik chadaba attoppa maramsing leiltrabanina amasung case asigi thoidok hendokpa achumba asebgba amadi matang matang da thokhriba sing asi

yenglaga,sangbhidhan gi artcle 142 gi makhda piriba shaktising asi sijinnaraga, appellant asi mahak ki Crime No. 329 Of 1991 asigi cheirakki phadokki matam mapung phakhre haina louba yare. Bail da leiriba Appellant asi makhatana mahakkti punsi asi ningkha tamna hingjanaba hak asi pire.

29. Aroibada eikhoina phangba sing adu makhagi asumna samjille:

- (a) Court asigi Judgement singgi gi paring amana semba aein singna fajana takle madudi Sangbhidhan gi article 161 gi makhada Governor na magi Shakti sing pangthokpada State Cabinet gi paotak ado supsoi soidona twgadabani.
- (b) Article 161 gi Shakti sijinnadana leiba natraga maram pidana matam kuina phadok adugi maramsu nattana palduna leiba haisi Judicial review twba yai,maru oeina state cabinet na phadok adu thadoknaba phirep loukhraba amadi mado pangthoknaba Governor da thakhrabadi.
- (c) Tamil Nadu gi cabinet na pangthoknabagi damakta Governor da thagatkhiba ado mahakna amuk Bharat ki President da amuk thaba haise sangbhidhan gi niyam amatana cheigak oeide amasung sangbhidhan da piriba wakhallon singaa taionnei,haibadi Governor asi state government gi atenba asamba mami amani haina Court asina phongdokli⁹⁹.
- (d) **M.P Special Police Establishment** (supra) da court asina pikhiba judgement ado case asida sijinnabam leite. State Cabinet ki wapham ado achan miran naibani haina utnaba natraga State Cabinet ki phirep ado makhoigi thoudang ga channa chunnadaba amani haiduna utnaba hotnaba amata leitaba asina Judgement asi sagatlakpagi mapung oeiba wa oeiri.
- (e) **Sriharan**(supra) case ki Judgement sijinnaduna IPC gi section 302 gi makhada piba cheirak sing bu Union Government na remit/ commute twba ngambagi sakti lei haina utnaba hotnaribasi lalli, maramdi Section 302 da haiirba executives ki shakti sing asi Union Government da pinaba sangbhidhan na natraga Parliament semba alien amatana haide. Akaknana Hairamba amata leitaba asina , State ki executive singi sakti adunaa Section 302 gi matang asisu konjilli, Section 302 gi matang asi List III gi Entry 1 da ywee haina louee
- (f) Appellant aduna chahi 32 phadok oeina leirakpa, keisum sang manungda amadi mapalda parole da leibada mahakki lamchat sajat ta wakat amata leitaba, masada leiriba kumleina,phadok oeina leirigeida mahakna tamkhiba mahei masing amasung Art. 161 gi makhada mahakna thaba petition ado State Cabinet yaraduna tounaba thagatkharaba phouda toudana chahi ani makhai henna palduna leirakpa mayam sing asi yenglaba matungda Governor da amuk khannanaba thadakhiba haibase matang asiga chanadre.sangbhidhan gi artcle 142 gi makhda piriba shaktising asi sijinnaraga, appellant asi

⁹ Maru Ram v. Union of India (supra)

mahakki Crime No. 329 Of 1991 asigi cheirakki phadokki matam mapung phakhre haina loubu yare. Bail da leiriba Appellant asi makhatana mahakkti punsi asi ningkha tamna hingjanaba hak asi pire. Mahakki bail Bond sing ado kakle.

30. Appeal asi asumna loijille.

Appeals loijille.