

Courts should not focus only on flaws in investigation : Supreme Court

In a significant judgement, the Supreme Court held that it was almost impossible to come across a single case where the investigations conducted by the police or other authorities were flawless or foolproof and that the trial courts should not waste their time in picking out the lapses in investigation and by expressing unsavory criticism against investigating officers, but efforts should be made by them to see that the criminal justice system is salvaged despite such defects in investigation. Hon'ble Justice Shri K T Thomas and Hon'ble Justice Shri R. P. Sethi held that if offenders are acquitted on account of flaws or defects in investigation, the cause of criminal justice becomes a victim. They further held that courts should bear in mind the time constraints of the police officers in the present system, the ill equipped machinery they have to cope up with, and the traditional apathy of respectable persons to come forward for giving evidence.

The ruling came in a case in which a young businessman was abducted in public view and a few hours later his dead body was found. The trial court convicted the accused on charges of abduction, but not for murder saying there was no evidence to show that the victim was in the custody of the accused after abduction and they had murdered him. In this case, the bloodstained shirt of the victim was found in the premises of the accused. However ,the trial court and the High Court did not consider this case as a murder. The Calcutta High Court had upheld the trial court order while shortening the sentence of the convicts. It had severely criticized the investigating agency for flaws committed in the probe.

The Supreme Court, however, convicted the accused for murder and sentenced them to life imprisonment.