

Exoneration in the departmental proceedings – Effect on Criminal trial

In State of N.C.T. of Delhi Vs. Ajay Kumar Tyagi, Criminal Appeal No. 1334 of 2012 (@ SLP (Crl.) No. 1383 of 2010) , decided on 31-08-2012, the question arose before the Hon'ble Supreme Court whether the exoneration in the departmental proceedings ipso facto would result into the quashing of the criminal prosecution. It was held as under:

SUPREME COURT OF INDIA

Bench

Hon'ble Mr Justice R.M. LODHA
Hon'ble Mr Justice CHANDRAMAULI KR. PRASAD &
Hon'ble Mr Justice SUDHANSU JYOTI MUKHOPADHAYA

Per Chandramauli Kr. Prasad, J.-

“31. Therefore, in our opinion, the High court quashed the prosecution on total misreading of the judgment in the case of P.S. Rajya (Supra). In fact, there are precedents, to which we have referred to above speak eloquently a contrary view i.e. exoneration in departmental proceeding ipso facto would not lead to exoneration or acquittal in a criminal case. On principle also, this view commends us. It is well settled that the standard of proof in department proceeding is lower than that of criminal prosecution. It is equally well settled that the departmental proceeding or for that matter criminal cases have to be decided only on the basis of evidence adduced therein. Truthfulness of the evidence in the criminal case can be judged only after the evidence is adduced therein and the criminal case cannot be rejected on the basis of the evidence in the departmental proceeding or the report of the Inquiry Officer based on those evidence.

32. We are, therefore, of the opinion that the exoneration in the

departmental proceeding ipso facto would not result into the quashing of the criminal prosecution. We hasten to add, however, that if the prosecution against an accused is solely based on a finding in a proceeding and that finding is set aside by the superior authority in the hierarchy, the very foundation goes and the prosecution may be quashed. But that principle will not apply in the case of the departmental proceeding as the criminal trial and the departmental proceeding are held by two different entities. Further they are not in the same hierarchy.”
