



2026:CGHC:23922-DB
NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPCR No. 291 of 2026

Hariprasad Ramcharan Satnmi Aged About 43 Years R/o Village Pendri Talab, Thana Lalpur District Mungeli (C.G.)

... Petitioner

versus

1 - State of Chhattisgarh Through The Secretary, Department of Home, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur District - Raipur (C.G.)

2 - Superintendent of Police, Mungeli District -Mungeli (C.G.)

3 - Station House Officer Police Station Lalpur, District - Mungeli (C.G.)

... Respondents

(Cause-title taken from Case Information System)

For Petitioner	: Mr. Himanshu Kunjam, Advocate
For Respondent-State	: Mr. Priyank Rathi, Government Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

1. Heard Mr. Himanshu Kunjam, learned counsel for the petitioner as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents.
2. By filing the present petition under Article 226 of the Constitution of India, the petitioner has prayed for following relief(s) :-

"10.1 This Hon'ble Court may kindly be pleased



to call for all the records pertaining to case of petitioner.

10.2 That the petitioner be granted an adequate compensation for being wrongfully tried as an adult, erroneous conviction, the illegal custody and deprivation of his personal liberty and prolonged litigation and illegal acts of the state.

10.3. Any other order(s) or direction(s) including the cost of the petition as it may deem fit and proper in the interest of justice, equity, and good conscience may be granted to the petitioner.”

3. Brief facts of the case, in a nutshell are that the petitioner was arrested on 29.11.1998 in connection with Crime No. 97/1998 registered at Police Station Lalpur, District Bilaspur (presently District Mungeli), for offences punishable under Sections 363, 366, 342 and 34 of the Indian Penal Code, 1860. Upon completion of investigation, the matter was tried by the competent criminal court.
4. By judgment dated 05.10.2004, the learned II Additional Sessions Judge, Fast Track Court, Mungeli convicted the petitioner under Section 366 IPC and sentenced him to undergo rigorous imprisonment for ten years along with a fine of Rs.1,000/-.
5. Aggrieved by the said conviction, the petitioner preferred Criminal Appeal No. 872/2004 before this Court and raised a plea of juvenility under Section 7-A of the Juvenile Justice (Care and



Protection of Children) Act, 2000. Pursuant to the directions issued by the Hon'ble High Court on 05.01.2016 and 25.04.2016, an inquiry regarding the age of the petitioner was conducted by the concerned court at Mungeli. In its report dated 30.06.2016, it was found that the petitioner was aged about 16 years, 4 months and 18 days on the date of the alleged incident, i.e., 21.11.1998, and was therefore a juvenile in conflict with law.

6. Thereafter, by order dated 16.08.2016, this Court accepted the claim of juvenility, set aside the conviction recorded by the regular criminal court, and directed that the matter be dealt with in accordance with the provisions of the Juvenile Justice Act. The Court also recorded that the petitioner had already undergone judicial custody for a period of 3 months and 28 days.
7. Subsequently, the case was transferred to the Juvenile Justice Board, Mungeli. By order dated 12.11.2025 passed in Case No. 06/2024, the learned Chief Magistrate, Juvenile Justice Board, Mungeli, while considering the educational and rehabilitative needs of the petitioner, directed that he be sent to a Juvenile Rehabilitation Centre for a period of 20 days and imposed a fine of Rs.2,000/-.
8. The grievance of the petitioner is that although he was a juvenile on the date of the alleged occurrence, he was subjected to a regular criminal trial as an adult and remained deprived of the safeguards guaranteed under the Juvenile Justice law.



Consequently, he suffered conviction and incarceration in proceedings which were subsequently found to be contrary to the statutory procedure applicable to juveniles, thereby resulting in violation of his personal liberty and legal rights.

- 9.** Learned counsel for the petitioner submits that the petitioner was admittedly a juvenile on the date of the alleged incident, a fact which now stands conclusively established pursuant to the inquiry conducted under the directions of this Court. The report submitted by the learned Additional Sessions Judge, Mungeli categorically records that the petitioner was aged about 16 years, 4 months and 18 days on the date of occurrence and was, therefore, a child in conflict with law entitled to the protection of the Juvenile Justice legislation. Despite the aforesaid position, the petitioner was prosecuted before a regular criminal court, subjected to a full-fledged criminal trial as an adult and ultimately convicted and sentenced to undergo ten years' rigorous imprisonment, in complete disregard of the statutory safeguards available to a juvenile.
- 10.** Learned counsel further submits that the petitioner remained in judicial custody for a period of 3 months and 28 days and was deprived of his personal liberty in proceedings which were subsequently found to be contrary to law. It is contended that had the petitioner been dealt with in accordance with the provisions of the Juvenile Justice Act from the very inception, he would never



have been exposed to the rigours of an adult criminal trial or the consequent deprivation of liberty. The wrongful prosecution and detention of the petitioner constitute a clear infraction of his fundamental rights guaranteed under Article 21 of the Constitution of India.

- 11.** It is further submitted that the petitioner was compelled to undergo prolonged criminal proceedings for more than two decades before his claim of juvenility was finally recognized by this Court. During this period, the petitioner suffered immense mental agony, social stigma, humiliation and loss of opportunities in life. The pendency of criminal proceedings and the stigma attached to a conviction adversely affected his educational, social and employment prospects, causing irreparable damage to his reputation and dignity. Such consequences are contrary to the very object and spirit of the Juvenile Justice legislation, which seeks to ensure care, protection, rehabilitation and social reintegration of children in conflict with law.
- 12.** Learned counsel also submits that it is now well settled that where a citizen has been unlawfully deprived of his personal liberty or where there has been a violation of fundamental rights by State authorities, constitutional courts, in exercise of their jurisdiction under Article 226 of the Constitution, are empowered to award monetary compensation as a public law remedy. Reliance is placed upon the decisions of the Hon'ble Supreme Court in ***Rudul***



Sah v. State of Bihar, (1983) 4 SCC 141, Nilabati Behera v. State of Orissa, (1993) 2 SCC 746, D.K. Basu v. State of West Bengal, (1997) 1 SCC 416, Mehmood Nayyar Azam v. State of Chhattisgarh, (2012) 8 SCC 1, and Bhola Kumhar v. State of Chhattisgarh, 2022 SCC OnLine SC 837, wherein compensation was awarded for violation of personal liberty and infringement of rights guaranteed under Article 21 of the Constitution.

13. On the strength of the aforesaid submissions, learned counsel for the petitioner contends that the petitioner has suffered wrongful deprivation of liberty, prolonged mental trauma, social ostracization and loss of valuable opportunities solely because of the failure of the authorities to recognize and deal with him as a juvenile in accordance with law. It is therefore prayed that this Court be awarded suitable compensation to the petitioner for the violation of his fundamental rights and for the irreparable injury suffered by him on account of the illegal prosecution, detention and conviction as an adult despite being a juvenile on the date of the incident.
14. On the other hand, learned State counsel appearing for the respondents opposes the petition and submits that the petitioner has not made out any case warranting interference by this Court under Article 226 of the Constitution of India. It is contended that the petitioner was prosecuted and tried in accordance with the orders passed by the competent criminal court on the basis of the



material available at the relevant point of time and there was no deliberate or mala fide action on the part of the State authorities in conducting the criminal proceedings against him.

- 15.** Learned State counsel further submits that the claim of juvenility raised by the petitioner was duly considered by this Court in Criminal Appeal No. 872/2004 and, upon an inquiry conducted pursuant to the directions of the Court, the petitioner was ultimately extended the benefit of the Juvenile Justice legislation. Thereafter, the matter was remitted to the competent Juvenile Justice Board, which proceeded to adjudicate the case in accordance with law. Thus, the grievance of the petitioner regarding his juvenility already stands redressed through the judicial process.
- 16.** It is further argued that the petitioner has failed to establish any wilful negligence, mala fide conduct or deliberate violation of his fundamental rights attributable to the respondents so as to justify grant of monetary compensation in a writ proceeding. Merely because the petitioner was subsequently declared to be a juvenile would not automatically entitle him to compensation, particularly when the issue of age determination involved adjudication by the competent court and was decided only after appreciation of evidence and inquiry conducted under the orders of this Court.
- 17.** Learned State counsel submits that the judgments relied upon by the petitioner, including those relating to illegal detention,



custodial torture, wrongful incarceration and police excesses, are distinguishable on facts and have no application to the present case. According to him, the petitioner was not subjected to any unlawful custody de hors the authority of law, but remained in custody pursuant to judicial orders passed by competent courts during the course of criminal proceedings. Therefore, the principles governing compensation in cases of illegal detention and custodial violations cannot be mechanically applied to the facts of the present case.

- 18.** It is also contended that the petitioner has not placed any material on record to quantify the alleged loss, damage or injury suffered by him. The claim regarding mental agony, social stigma and loss of opportunities is vague and unsupported by any cogent evidence. Such disputed questions of fact, if any, cannot appropriately be adjudicated in proceedings under Article 226 of the Constitution and would require independent evidence before a competent forum. He lastly submits that the writ petition is devoid of merit and is liable to be dismissed. Alternatively, it is submitted that if the petitioner seeks compensation on the basis of alleged wrongful prosecution or deprivation of liberty, he may avail such other remedy as may be available to him under law before the appropriate forum.
- 19.** We have heard learned counsel for the parties at length and perused the material available on record.



- 20.** Upon a careful consideration of the material available on record, this Court is of the considered view that there can be no quarrel with the proposition that a juvenile is entitled to the special protection contemplated under the Juvenile Justice legislation and that deprivation of such statutory safeguards may, in an appropriate case, warrant intervention by constitutional courts. Equally, there is no dispute that the claim of juvenility can be raised at any stage of the proceedings and, once established, the benefit flowing therefrom must necessarily be extended to the accused. In the present case, the claim of juvenility raised by the petitioner was duly considered by this Court in Criminal Appeal No. 872/2004 and, upon an inquiry conducted pursuant to judicial directions, it was ultimately held that the petitioner was a juvenile on the date of occurrence. Consequent thereto, the conviction recorded by the regular criminal court was set aside and the matter was remitted to the Juvenile Justice Board for being dealt with in accordance with law. Thus, the statutory right claimed by the petitioner stood recognized and enforced through the judicial process itself.
- 21.** The principal relief sought in the present writ petition is compensation on the ground that the petitioner was tried as an adult despite being a juvenile. However, the material available on record does not disclose that the respondents acted with any mala fide intention, deliberate disregard of law or conscious abuse of authority. The issue relating to the age of the petitioner was



itself the subject matter of adjudication and came to be conclusively determined only after an inquiry directed by this Court. The fact that the petitioner was subsequently declared a juvenile would not, by itself, lead to an automatic inference that every action taken during the earlier proceedings was illegal so as to fasten public law liability upon the State.

- 22.** The judgments relied upon by learned counsel for the petitioner, namely *Rudul Sah* (supra), *Nilabati Behera* (supra), *D.K. Basu* (supra) and *Mehmood Nayyar Azam* (supra) as well as other decisions relating to wrongful detention, custodial violence, police excesses and incarceration beyond the authority of law, were rendered in circumstances where a clear and demonstrable violation of fundamental rights had been established. The factual matrix of the present case stands on an altogether different footing. The petitioner was not detained without authority of law nor was he subjected to custodial torture, illegal confinement or incarceration in defiance of judicial orders. The custody undergone by him was pursuant to orders passed by competent courts in the course of criminal proceedings. Therefore, the principles governing award of compensation in cases of manifestly unlawful detention cannot be mechanically extended to the facts of the present case.
- 23.** It is also pertinent to note that a claim for compensation under public law jurisdiction is not to be granted as a matter of course.



Such relief is ordinarily awarded where the violation of fundamental rights is patent, incontrovertible and attributable to arbitrary or unlawful action on the part of the State or its instrumentalities. The Court must be satisfied that the facts are clear and undisputed and that the infringement complained of is of such a nature as to justify invocation of constitutional remedies. In the case at hand, the determination of the petitioner's age itself required adjudication and inquiry, and the record does not reveal any intentional or reckless conduct on the part of the respondents so as to attract the principles of strict constitutional liability.

- 24.** Furthermore, the allegations regarding loss of educational opportunities, social stigma, mental agony, humiliation and consequential damages involve questions which are essentially factual in nature and would require evidence for their adjudication. Such matters cannot conveniently be examined in proceedings under Article 226 of the Constitution, particularly when no cogent material has been placed before the Court to quantify or establish the extent of such alleged loss. The writ jurisdiction is ill-suited for determination of disputed questions relating to damages and compensation requiring detailed examination of evidence.
- 25.** This Court is also mindful of the fact that the Juvenile Justice Board has already adjudicated the matter in accordance with the provisions of the Juvenile Justice Act after the petitioner was extended the benefit of juvenility. The corrective mechanism



provided under the statute has thus operated in favour of the petitioner and the legal infirmity, if any, arising out of the earlier proceedings stood substantially addressed by the orders passed by this Court in criminal appeal and the consequential proceedings before the Juvenile Justice Board.

- 26.** While this Court has sympathy for the petitioner, who had to undergo a prolonged legal process before his claim of juvenility attained finality, sympathy alone cannot be a ground for award of compensation in exercise of writ jurisdiction. Constitutional remedies must rest upon established legal principles and not merely upon equitable considerations. In the absence of a clear finding of unlawful action, mala fide conduct, abuse of power or deliberate violation of fundamental rights attributable to the respondents, this Court is unable to hold that the petitioner has established a case warranting award of compensation under Article 226 of the Constitution of India.
- 27.** Consequently, this Court is of the considered opinion that the petitioner has failed to make out a case for grant of compensation in the present writ proceedings.
- 28.** Accordingly, the writ petition, being devoid of merit, deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice