

Legal Service India.com



You're Lordship: Control Your Emotions

**Popular Authors**

4 Million+ books. 25000+ Authors.
Visit India's largest book store
Indiaplaza.in/Books

Free Sample Edit

Bestselling Author Offers
Critique/Editing/Mentoring
www.writersconsultant.com

Raider Publishing

A publisher founded by writers for
writers! Seeking new authors
www.RaiderPublishing.com

Have You Written a Book?

Book finished but don't know how
to publish it? Request our free
guide.
www.AuthorHouse.co.uk

Ads by Google

Vikas Garg - 5th Year, B.A LL.B (Hons.), Institute Of Law, Kurukshetra University

Though I know he is the man who committed the crime, I acquit him, giving him benefit of doubt.

This emotional statement was made by Session Judge, G.P Thareja, while acquitting the accused by giving benefit of doubt to him in Priyadarshini Matto case.

People raised hue and cry over this statement and quoted it as an only case in history, where judge give such kind of statement. But history repeats itself, as P.D Kode, Judge of Special Court for trial of 1993 Mumbai blasts case. Mr. Kode stated: *I have concluded that I will give them (some members of the Menon family) the benefit of doubt. It is not a clean acquittal but short of being guilty.*

As in this case on 12th September 2006, Mr. Kode, Judge of Special Court, convicted four of the eight members of the Menon family in 1993 Mumbai blasts, while doing so Mr. Kode failed to exercise the restraint, broke out with emotions and came out with new concept of *acquittal short of guilty*.

It is not favourable for justice to express such kind of expressions. Gentlemen of long robe might know that justice means enforcement of law. It is incumbent on judges to adjudicate in pursuant of law and evidence. Mere hunches, however strong it may be, are no effective substitute of legal proof.

Mr. Kode and Mr.Thareja might be in pursuant of this principle acquitted the accused but they made a mistake of delivering emotions and hunches collaterally with law. Hunches and evidence can't go together. There are only two options in law guilty or not guilty, then from where this new concept of *acquittal short of guilty was imported. If cases are to be decided on emotions then what would be need of law and rule of evidence*

No doubt they disposed of cases in pursuant to law but inserted otiose comments. When cases were decided in pursuant of law, then what was the need to make the decision spicy by giving unwanted philosophy

No person of legal fraternity can deny the fact that it is wrong on part of judges to make such kind of comments. This wrong might be meager in eyes of many but its impact is highly dangerous, because it casts wrong impression on society owing to fact that everybody is not acquainted with gobble-de-gook of law. A person of legal brethren might apprehend their emotions but laymen conceive it as injustice. We have burning instance of Priyadarshini Matto case only how social activists highlighted it as injustice and dishonesty on part of judiciary and took matter into streets with placards depicting the statement of Mr.Thareja. Such demonstrations, with placards depicting the statement of Mr. Thareja, Though I know he is the man who committed the crime, I acquit him, giving him benefit of doubt?, lowered down the confidence and trust of people in Justice and Judicial System as well. For laymen it might also be contradictory decision. This kind of utterances is also against the judicial principle:

Justice should not only be done, but should also manifestly appear to have been done.

Dr. Justice A R. Lakshmanan Judge, Supreme Court of India opined:

Unnecessary and unwarranted utterances are bound to embarrass not only others, but the Judge himself... (See page no.32 of Lawz, July 2006)

The seat of Judge is seat of god. Besides powers and discretion it holds responsibilities and duties. Judges are also bound by law and they should not impart their emotions and otiose comments. So, it is honorably prayed you're lordship:

Control Your Emotions

Ads by Google

[David Rowling](#)[About Authors](#)[Short Story](#)[Authors Novels](#)**More Articles:**

- [A Woman Can't Rape Woman](#)
- [Same Sex Relationship](#)
- [Redefining the Rape Laws in India](#)



Ask Our legal Experts, on issues related to
Divorce [Click Here](#)

Find A lawyer: [Delhi](#) - [Kolkata](#) - [Mumbai](#) - [Chennai](#) - [Bangalore](#) - [Hyderabad](#) - [Allahabad](#) - [Pune](#) - [Ahmedabad](#) - [Nagpur](#) - [Cochin](#) - [Chandigarh](#) - [Gurgaon](#) - [Jaipur](#) - [Ludhiana](#)



✉ The author can be reached at: vikaslegalindia@legalserviceindia.com /  [Print This Article](#)



[Home](#) | [Contact Us](#) | [Guest Book](#) | [Objective](#) | [Disclaimer](#) | [Add a Link](#) | [F A Q](#) | [Sitemap](#)