REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

STATE OF M.P. V. SHOBHRAM (1966)

BENCH: Mr. Justice A.K. Sarkar (CJI), Mr. Justice J.R. Mudholkar, Mr. Justice R.S. Bachawat & Mr. Justice J.M. Shelat

DECIDED: April 22, 1966

RATIO DECIDENDI & PRECEDENTIAL CRUX:

Right of an arrested person to consult and be defended by a legal practitioner of choice under Article 22(1) applies to all trials, including panchayat courts.

1. Factual Matrix & Background:

Under the Madhya Bharat Panchayat Act, accused persons tried before Nyaya Panchayats were prohibited from engaging advocates. The respondent was convicted by a Nyaya Panchayat and challenged the statutory bar as unconstitutional under Article 22(1).

2. Substantive Legal Questions Framed:

Whether a statutory provision barring legal representation before a subordinate or local criminal tribunal violates the fundamental right guaranteed under Article 22(1).

3. Analysis & Ratio Decidendi:

The Supreme Court Constitution Bench held that the right to consult and be defended by a legal practitioner of choice begins the moment a person is arrested and continues through all stages of trial. Any statutory provision that deprives an arrested person of the right to be defended by counsel violates Article 22(1) and is void to that extent.

4. Principles Enunciated:

- 1. Article 22(1) creates an absolute fundamental right to legal representation upon arrest.
- 2. No legislation can bar an advocate from defending a person accused of an offence.
- 3. The right to counsel is a cornerstone of fair trial jurisprudence in India.

5. Practical Litigation Implications:

- Any denial of access to legal counsel during police remand, interrogation, or trial violates Article 22(1) and provides an immediate ground for bail and quashing.

.....J.
[SUPREME COURT BENCH]

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