



2025:DHC:10389-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 20.11.2025***+ **W.P.(C) 17611/2025 & CM APPL. 72735/2025, CM APPL. 72736/2025, CM APPL. 72737/2025**

COMMISSIONER OF POLICE AND ORSPetitioners
Through: Mr. Vijay Joshi, CGSC with
Mr. Kuldeep Singh, Mr.
Shubham Chaturvedi, Advs.
versus

BRAHAM PRAKASHRespondent
Through: None.

CORAM:**HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed challenging the order dated 05.05.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 917/2019, titled as ***Braham Prakash v. Govt. of NCTD through the Chief Secretary, Naya Sachivalaya & Ors.***, filed by the respondent herein, whereby the learned Tribunal has been pleased to allow the said O.A. with the following directions:

"13. In view of the above and taking into account the applicant's young age at the time of the alleged incident and the fact that the trial proceedings were fraught with procedural irregularities, we are of the view that this OA deserves to be disposed of and the matter be remanded back to the Screening Committee to undertake a fresh evaluation of



the applicant's candidature, keeping in mind the principles laid down by the Hon'ble Delhi High Court and the Hon'ble Supreme Court in the cases of Mahesh Kumar (supra) and Ram Lal (supra) respectively."

2. Briefly stated, the respondent had applied for the post of Constable (Executive) in the Delhi Police in the recruitment year 2016 against Roll No. 2201043671. He was provisionally declared successful subject to satisfactory verification of the character, precedents etc.
3. In his attestation form, he disclosed his involvement in FIR No. 73/2015 registered at Police Station, Narnaul City, under Section 13 of the Public Gambling Act, 1867, as also the fact that he had been acquitted of the same *vide* the Order dated 09.08.2016 passed by the learned Judicial Magistrate, First Class, Narnaul in Criminal Case no. 32RT of 2015/2016.
4. The petitioner, however, issued a show cause notice dated 05.07.2018 to the respondent, calling upon him to show cause as to why his candidature should not be cancelled.
5. Based on the recommendation of the Screening Committee, the candidature of the respondent was thereafter cancelled by the petitioners *vide* Order dated 21.12.2018. Aggrieved of the same, the respondent filed the aforesaid O.A. before the learned Tribunal.
6. The learned Tribunal, placing reliance upon the Order of acquittal of the respondent in the criminal trial referred to hereinabove, held that the case of the respondent requires reconsideration and remanded the matter back to the Screening



Committee.

7. The learned counsel for the petitioner submits that the respondent was involved in a serious criminal case and that in terms of the Judgments of the Supreme Court in *Avtar Singh v. Union of India*, (2016) 8 SCC 471, and *Union of India & Ors. v. Methu Meda*, (2022) 1 SCC 1, the learned Tribunal has erred in passing the Impugned Order. He submits that it is for the petitioner, as an employer, to consider the gravity of the case against the respondent, and that mere acquittal of the respondent in the criminal trial based on benefit of doubt extended to him, would not denude the petitioner of such power.

8. He further submits that insofar as the reliance placed by the learned Tribunal on the Judgment of this Court in *Mahesh Kumar and Anr. v. Union of India & Ors.*, 2023:DHC:2420-DB is concerned, the operation of the said Judgment has been stayed by the Supreme Court *vide* its Order dated 26.09.2023 passed in SLP(Civil) Dairy No. 35619/2023 titled *The Commissioner of Police Delhi & Anr. v. Mahesh Kumar & Anr.*.

9. We have considered the submissions made by the learned counsel for the petitioner.

10. While it is undisputed that the petitioner, as an employer, would have a right to consider the gravity of the charges against the candidate and his suitability for employment, especially keeping in view the fact that the employment was being sought with the Delhi Police, at the same time, it has to act in a reasonable and not in an arbitrary manner.



11. In the present case, the respondent had truthfully disclosed his involvement in the aforesaid criminal case in the attestation form submitted by him.

12. We have perused the Order dated 09.08.2016 by which the respondent had been acquitted of the said charges. Though it states that from the evidence on record, the prosecution had failed to prove the case against him beyond all reasonable doubts, the fact remains that the said acquittal was rendered after a full-fledged trial and after due consideration of all the evidence led by the prosecution in the said case. The fact of his acquittal, therefore, could not have been simply brushed aside by the Screening Committee.

13. In *Deputy Inspector General of Police v. S. Samuthiram*, (2013) 1 SCC 598, the Supreme Court has clarified that when an acquittal takes place after a full trial, it can be interpreted as being an honourable acquittal. At the same time it was also highlighted that there is nothing in criminal law like a “full honourable acquittal”. We may quote from the judgment of the Supreme Court as under:

“24. The meaning of the expression “honourable acquittal” came up for consideration before this Court in RBI v. Bhopal Singh Panchal [(1994) 1 SCC 541 : 1994 SCC (L&S) 594 : (1994) 26 ATC 619]. In that case, this Court has considered the impact of Regulation 46(4) dealing with honourable acquittal by a criminal court on the disciplinary proceedings. In that context, this Court held that the mere acquittal does not entitle an employee to reinstatement in service, the acquittal, it was held, has to be honourable. The expressions “honourable acquittal”, “acquitted of blame”, “fully exonerated” are unknown to the Code



of Criminal Procedure or the Penal Code, which are coined by judicial pronouncements. It is difficult to define precisely what is meant by the expression “honourably acquitted”. When the accused is acquitted after full consideration of prosecution evidence and that the prosecution had miserably failed to prove the charges levelled against the accused, it can possibly be said that the accused was honourably acquitted.”

14. The above principle was followed by the Supreme Court in ***Joginder Singh v. Union Territory of Chandigarh***, (2015) 2 SCC 377.

15. In ***Methu Meda*** (supra), the Supreme Court directed that the Screening Committee has to take into consideration various factors surrounding an individual’s acquittal. We quote the same as under:

“14. ..._The relevant factors and the nature of offence, extent of his involvement, propensity of such person to indulge in similar activities in future, are the relevant aspects for consideration by the Screening Committee, which is competent to decide all these issues.”

16. The Supreme Court in ***Ram Lal v. State of Rajasthan & Ors.***, (2024) 1 SCC 175, has also stated that the mere use of the words “benefit of doubt” does not in any manner alter the character of the acquittal. We quote the relevant excerpt below:

“28. Expressions like “benefit of doubt” and “honourably acquitted”, used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology. In the present case, the Appellate Judge has recorded that Ext. P-3, the original marksheet carries the date of birth as 21-4-1972 and the same has also been proved by the witnesses



examined on behalf of the prosecution. The conclusion that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety. The Court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used.”

17. The aforesaid factors were not properly appreciated by the Screening Committee while cancelling the candidature of the respondent. The learned Tribunal, therefore, in our opinion has rightly set aside the order cancelling the candidature of the respondent and has remanded the matter back to the Screening Committee for fresh consideration in light of the above principles. We do not deem it proper to interfere with the directions issued by the learned Tribunal.

18. Accordingly, we find no merit in the present petition. The same along with the pending applications, is dismissed.

19. The time for compliance with the Impugned Order is extended by a period of eight weeks.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 20, 2025/ys/AV/ik