



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Reserved on: 08th December, 2025
Pronounced on: 08th January, 2026*

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W.P.(CRL) 1127/2024, CM APPL. 18996/2023

SATYA PRAKASH

S/ o Late Sh. Rati Ram,
R/o Qtr. No.83, Type-II,
Press Colony, Mayapuri,
New Delhi-110064

.....Petitioner

Through: Mr. Devanand Ray, Advocate

versus

1. UNION OF INDIA AND ORS.

Through its Secretary,
Department of Printing,
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road,
New Delhi-110011

.....Respondent No. 1

2. DIRECTORATE OF PRINTING,

Through its Director
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road
New Delhi – 110011

.....Respondent No. 2

3. SH. PRAMOD KUMAR

S/o Sh. Joga Ram
Technical Officer (Retired);
Govt, of India Press, Mayapuri,

Through Officer-In-charge
Govt, of India Press, Ring Road,
Mayapuri, New Delhi-110064

.....Respondent No. 3



4. SH. NISHOK KUMAR PARIA

S/o Lt. Sh. Khushidi Ram Paria
Deputy Manager, Govt, of India Press
R/o 23/8, Govt, of India Press Colony,
Koratty, Distt. Thrissur,
Kerala-680308

.....Respondent No. 4

Through: Mr. Neeraj, SPC with Mr. Soumyadip
Chakraborty and Mr. Sahaj Garg,
Advocates

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.

1. A Writ Petition under Article 226 of the Constitution of India has been filed to challenge the Sanction Order dated 08.02.2023 passed by the Directorate of Printing, Ministry of Housing and Urban Affairs, Government of India, whereby Sanction under Section 197 Cr.P.C. against *Pramod Kumar, Technical Officer (Retired), and Nishok Kumar Paria*, the then Deputy Manager, Government of India Press, New Delhi, in FIR No. 0059/2018, P.S. Mayapuri, under Sections 287/337 IPC, has been declined, and further to seek directions to grant Sanction for the prosecution of the two Accused in the said FIR.

2. *The brief facts* are that the Petitioner was working as a Machine Attendant, in the Government of India Press, Mayapuri, New Delhi. On 23.04.2018, he was working on the Printing Machine which was in a damaged condition, information regarding which had already been sent by him to the concerned Officers many days prior to the accident. On 23.04.2018, the Petitioner had informed Technical Officer Pramod Kumar



and Nishok Kumar Paria, the then in-charge of the second shift, about the fault. Not only the Petitioner, but even other workers, namely Yogeshwar Mahto and K.P. Appan (both Machine Men), and Sri Ram and Trilok Chand (both Attendants), had also informed the Officers about the defect and warned that operating the said machine would be dangerous.

3. The information given by the Petitioner about Mechanical Defect (MD) was also mentioned in the Log Book. Despite prior information about the fault, the Officers forced the Petitioner to work on the damaged machine. At about 7 PM, the machine suddenly stopped and a paper got stuck in the machine. The Petitioner engaged the stopper and tried to take the paper out of the machine. However, as he was trying to pull out the stuck paper from the machine, it started running suddenly because of its fault, and the Petitioner's left arm below the elbow, got damaged. It is claimed that this was due to the negligence in service, bad maintenance, and irresponsibility of the concerned Officers who, despite prior information about the fault in the machine, allowed and forced the Petitioner to work on it.

4. The Petitioner, was immediately sent to Deen Dayal Upadhyay Hospital, New Delhi, along with Shri Chander Pal, Pharmacist, *Pramod Kumar, Technical Officer, and Nishok Kumar Paria*, in-charge, second shift. The Police officials then reached the hospital and recorded his statement, based on which FIR No. 0059/2018, under Sections 287/337 IPC, dated 23.04.2018, was registered at PS Mayapuri.

5. During the investigation, the Machine was inspected by Shri Pinkesh Kumar, Inspector of Factories, GNCTD of Delhi who submitted the Inspection Report dated 31.05.2018. The Petitioner has asserted that the



Inspection Report clearly reflects the irresponsibility of the concerned Officers.

6. It is further stated that Claim No. EAR (I) 16/SWD/19 was filed by the concerned IO before the Labor Commissioner, Hari Nagar, New Delhi, who, on the Application of the Petitioner, sent a Letter dated 10.01.2020 to the Medical Board, DDU Hospital, New Delhi, for his medical examination. The arm of the Petitioner was operated on and was bolted with steel plates. All the fingers of the left arm had been badly damaged. The steel plates bolted inside the arm have now slipped/dislocated from their place, and the Petitioner is under continuous unbearable pain. He is undergoing treatment at RML Hospital, New Delhi.

7. The Medical Board examined the Petitioner, but did not certify any *permanent disability* in the Certificate dated 31.01.2020. On the Application of the Petitioner, the Labor Commissioner again sent a Letter to the Medical Board for re-examination of the Petitioner. The Petitioner was again examined and no permanent disability of the Petitioner was certified. It is claimed that the second Certificate dated 16.03.2020, gave the similar observations by merely copying the content the same lines as the previous Certificate. It is claimed that these Certificates have been given deliberately at the instance of the officials of the Government Press, New Delhi. The EAR file before the Labor Commissioner was dismissed on 31.12.2020.

8. On 18.01.2021, the Petitioner filed an Application before the learned MM for directions to the SHO/IO, PS Mayapuri for taking necessary action against the Accused persons. On the directions of the learned MM, the Chargesheet was filed in the Court on 09.03.2021. The Petitioner, on obtaining the certified copies of the Chargesheet, came to know that at the



instance of the Officer In-charge, Karan Singh, the Chargesheet had been prepared only against *Shri Pramod Kumar, the Technical Officer*, and not against Nishok Kumar Paria, the Officer In-charge, second shift, who was also on duty on 23.04.2018 at the time of the accident.

9. The Petitioner then sought information through RTI from the Government of India Press, Mayapuri, about the Log Book w.e.f. 01.01.2018 to 30.09.2018 and Work Docket w.e.f. 01.01.2018 to 30.04.2018. He also sought other information in his RTI Application. A vague and false Reply was given by the Authorised Officer of the Government Press, to the RTI Application of the Petitioner. It was mentioned that the records were not readily available in the Section and that efforts were being made to trace them out.

10. The Petitioner sent a reminder Application to provide him with the complete information, but in the Reply to this Application, the Authorised Officer of the Government Press, Mayapuri, stated that the Application was not maintainable. It is claimed by the Petitioner that the complete record about the machine in respect of maintenance, functioning, faults, and shift-wise workers on duty, is maintained in the Log Book and Work Docket. It is evident from the replies received to his RTI Applications that the concerned Officers of the Government of India Press have suppressed the record, i.e., Log Book, Work Docket, and other relevant documents pertaining to the details and prior information regarding the damaged machine. It is asserted that this was done so as not to let the fault and negligence in service, not come to light.

11. It is further submitted that after the first RTI Application of the Petitioner, the Officer In-charge, Government Press, Mayapuri, issued a



Search Memo dated 17.03.2021 for the search of the Log Book of the Machine Section pertaining to the year 2018, merely to save himself. After six months of the issuance of the Search Memo, a Complaint was registered on 15.09.2021, wherein a false story was created *mala fidely*, intentionally and deliberately stating that the Log Books pertaining to the period from 01.01.2013 to 21.09.2018 were missing.

12. In view of the aforesaid, it is clear that Pramod Kumar and Nishok Kumar Paria were responsible and guilty for the accident, as these Officers had forced the Petitioner to work on the faulty machine despite prior information.

13. The Petitioner filed an Application under Section 173(8) Cr.P.C. on 15.04.2021 before the learned MM, Delhi, praying for further investigations of the case to unearth the entire truth and to obtain proof of the facts involved in the said case, and also because Mr. Nishok Kumar Paria had not been arrayed as an Accused.

14. On receiving the Notice of the Application under Section 173(8) Cr.P.C, the IO issued Notice under Section 91 Cr.P.C. to the Petitioner and the In-charge, Government Press, for a Reply. The Petitioner submitted certain documents along with the Reply on 01.09.2021, and he disclosed all the facts, events, and proceedings from the date of the accident until the date of the Reply. The concerned Officer of the Government Press also filed a vague, false, and concocted Reply dated 17.09.2021.

15. A Manual of the Government of India Press was obtained wherein the functions of the Press and the duties of the employees/officers were mentioned. As per the Manual, *the duties of Deputy Manager/Assistant Manager (Technical) were stated to be: (iv) He corresponds directly with*



indenters on technical matters... (vi) He observes that machinery and fittings are maintained in a state of highest efficiency.

16. The IO, after obtaining the aforesaid replies from the Government Press as well as the Petitioner, filed a Reply, reiterating that only Pramod Kumar, Technical Officer, was responsible for the accident. The learned MM allowed the Application of the Petitioner under Section 173(8) Cr.P.C., vide Order dated 13.07.2022, and directed the IO to conduct further investigations.

17. The IO filed the Supplementary Chargesheet, but again a one-sided game was played and *co-accused Nishok Kumar Paria was kept in Column No. 12.*

18. The IO also submitted that for prosecution against a Government Servant, Sanction under Section 197 Cr.P.C. is required from the concerned Department and also submitted that reminders had been sent to the Government Press for the Sanction Order.

19. The matter was adjourned for want of the Sanction Order, which eventually was given on 08.02.2023, whereby the Director of Printing *declined to accord Sanction under Section 197 Cr.P.C. for the prosecution of Pramod Kumar as well as Nishok Kumar Paria.*

20. Aggrieved by the denial of Sanction for prosecution of the Officer of the Press, it has been challenged on the grounds that the Sanction has been declined without even considering the statements of the Petitioner and other evidence on record, by erroneously mentioning that the Petitioner was pulling out the paper on his own without informing the seniors.

21. It is submitted that Respondent No. 2 has not considered that the Petitioner had been forced by his Senior Officers to work on the damaged



machine. It has also not been considered that the machine (P.O.-36, Machine No. 9) was in a damaged condition and it had started suddenly while the Petitioner was pulling out the paper. The said machine was in fact started by Shri James Charles Khess with a mala fide intention. However, in the said Sanction Order, Respondent No. 2 himself mentioned that at the time when the Petitioner was pulling out the paper, Shri James Charles Khess had started the machine, which caused the accident. Without perusing the complete record, Respondent No. 2 in his Sanction Order at the instance of Officers of the Government Press, has erroneously mentioned that the machine was working properly at the time of the accident.

22. It is reiterated that despite the RTI Applications filed by the Petitioner, the complete records about the maintenance, functioning, faults, and shift-wise working roster maintained in the Log Book and Work Docket, have not been provided by the Government Press, which has been concealed by issuing a Search Memo for the requisite documents.

23. Moreover, the Machine had been inspected by Shri Pinkesh Kumar Inspector of Factories, who gave his Inspection Report dated 31.05.2018.

24. Furthermore, the MLC and other documents have not been considered by the Sanctioning Authority. The left arm of the Petitioner has been badly damaged, and he is still suffering from unbearable pain.

25. Respondent No. 2 has wrongly alleged that the Petitioner did not follow the standard protocol. It has also not been appreciated that it was because of the malfunction of the machinery that it got started suddenly while the Petitioner was pulling out the stuck paper. The prior information about the malfunctioning of the machine has also not been considered. The Sanction Order has been wrongly passed without proper observations on the



entire record and without going into the depth of the irresponsibility of the duty officers.

26. It is asserted that if the Sanction is not granted for the prosecution of Pramod Kumar as well as Nishok Kumar Paria, who are guilty and responsible for the accident in which the arm of the Petitioner was damaged, the truth shall not come out and the Petitioner shall suffer irreparable injury. **A prayer is**, therefore, made that the Sanction Order dated 08.02.2023 of Respondent No. 2 be set aside and the sanction for the prosecution of the two Accused be granted.

27. *A Counter Affidavit has been filed on behalf of Respondents No. 1 and 2* wherein, after reiterating the factual matrix as stated by the Petitioner, it was explained that on the date of the incident, three employees were working at machine PO-36 No. 9 installed in the Main Wing Machine Section: *James Charles Khess, and Yogeshwar Mahto*, both Offset Machine Men and the Petitioner, Offset Machine Attendant. The statement of James Charles had been recorded by the Inquiry Officer of Mayapuri Police Station.

28. It was explained that the machine *is operated by the Offset Machine Man with the help of the Offset Machine Assistant*. The Offset Machine Attendant is responsible for feeding the paper to the machine and taking out printed material from the delivery unit. He is also responsible for regular cleaning and greasing of the machine, etc. As per the normal practice, as and when the paper gets stuck in the machine, the Machine Attendant is required to switch off the machine by the emergency switch provided at the Delivery Unit and inform the Machine Man/Machine Assistant, and after ensuring that the machine has stopped properly, the stuck paper is removed by the



Machine Man. This Protocol was not followed by the Petitioner. He did not inform the Offset Machine Assistant/Machine Man and started to take out the stuck paper from the delivery unit, because of which the accident took place.

29. Medical aid was provided to the Petitioner, who was taken to DDU Hospital by the Press employee. As per the medical record, he sustained two wounds on the left arm. He remained under treatment w.e.f. 23.04.2018 to 04.07.2018, i.e., for 73 days. He was sanctioned leave for 73 days on full pay and allowances, as per the CCS (Leave) Rules, 1972. He was declared fit to resume duty by the Competent Medical Authority and he resumed his duties on 05.07.2018.

30. The concerned Hospital informed about the injury/accident to the local Police Authority. The MLC was issued, and the accident was reported to the Commissioner under the Employees Compensation Act. Since it was a minor accident, the intimation was immediately submitted to the Inspector of Factories on 25.04.2018, who visited the factory premises, conducted his inspection and submitted the Report on 06.06.2018.

31. The Commissioner under the Employees Compensation Act got the medical examination and assessment of percentage of disability of the Petitioner ascertained from the Medical Board. An opinion was given that there was no permanent physical disability in relation to the left upper arm on account of the post-operated united BB fracture of the left forearm. The Medical Board made a reassessment and gave its opinion dated 16.03.2020, reiterating that the post-operated united fracture of both bones of the forearm left had no neurological deficit and that there was no permanent physical disability in relation to the left upper limb at present.



32. In the light of the Medical Board opinion that the claimant had not lost any earning capacity, it was held that he was not entitled to any injury compensation, and his Claim was dismissed by the Compensation Commissioner, vide Order dated 31.12.2020.

33. An FIR was registered by the local Police on 23.04.2018 on the Complaint of the Petitioner. After investigation, the Chargesheet was filed against Pramod Kumar, Ex T.O., and Nishok Kumar Paria, Deputy Manager, as the co-accused. However, the matter remained pending in the Court for the requisite Sanction, which was eventually denied by the Department under Section 197 Cr.P.C. on 13.02.2023.

34. On merits, all the averments made in the Petition are denied, and it is submitted that there was no negligence on the part of the two Accused and the Sanction has been rightly denied. It is submitted that the Writ Petition is, therefore, liable to be dismissed as it lacks substance and is devoid of merit.

35. *Written submissions were filed on behalf of the Petitioner* as well as the Respondents, wherein the averments made in their respective pleadings were reiterated.

36. The Petitioner, in support of his averments, has relied upon *Om Prakash Yadav vs. Niranjana Kumar Upadhyay*, Crl. A. No. 5267-5268/2024, decided on 13.12.2024.

37. *The Respondent, in his written submission*, relied upon the judgment of *State of Telangana vs. C. Shobha Rani*, SLP (Crl) No. 7805/2023, wherein it was observed that a subsequent Sanction given on the same material on which it was first declined, in the absence of any other contra material which weighed in the mind of the sanctioning authority, is not sustainable under law.



Submissions heard and record perused.

38. The core question which has arisen in the present case is whether the Accused/Pramod Kumar can be prosecuted or Nishok Kumar Paria, who has been placed in Column No. 12, be summoned, sans the grant of Sanction under Section 197 Cr.P.C.

39. Section 197 Cr.P.C. provides for the prosecution of Public Servants. It provides that where a Public Servant is accused of any offence, alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such an offence except with the previous Sanction.

40. Therefore, the requirement of Section 197 Cr.P.C., is that the Public Servant must be accused of an offence and that it should be alleged to have been committed by him while acting or purporting to act in the discharge of his official duty.

41. This aspect was considered in depth in the case of Dr. Hori Ram Singh vs. Crown, AIR 1939 FC 43, by the Federal Court in the context of Section 270 of the Government of India Act, which was *pari materia* to Section 197 Cr.P.C. It was observed that the Section does not mean that every act which is the gravamen of the charge and constitutes the offence should be the official duty of the servant of the Crown. Such an interpretation would involve a contradiction in terms because an offence can never be an official duty. The words as used in the Section are not in respect of any official duty, but in respect of any act done or purporting to be done in the execution of his duty. It was further observed that the *test* is not that the offence is capable of being committed only by a Public Servant and not by anyone else, but that it is committed by a public servant in an act done or



purporting to be done in the execution of his duty. If the act complained of is an offence, it must necessarily be not an execution of duty, but a dereliction of it. An act cannot purport to be done in the execution of duty unless the offender professes to be acting in pursuance of his official duty and means to convey to the mind of another the impression that he was so acting.

42. *Lord Sulaiman, J.*, clarified that the provision must not be applied to acts done purely in a private capacity by a public servant, but only to those acts ostensibly done by him in his official capacity and in the execution of his duty. Merely because the act was committed at the time when he held such office or when he was engaged in his official business, would not make the Section applicable automatically.

43. In *Shreekantiah Ramayya Munipalli vs. State of Bombay*, (1954) 2 SCC 992, the Apex Court emphasized that each case has to be decided on its own facts. However, it was opined that Section 197 Cr.P.C. cannot be construed too narrowly since it was no part of an official duty to commit an offence and the language of the provision must be given its true meaning.

44. Likewise, in the case of *Amrik Singh vs. State of Pepsu*, AIR 1955 SC 309, it was observed that if the act complained of is directly concerned with the official duties so that if questioned, it would be claimed that they were done by virtue of the office, then Sanction would be necessary; and that would be so irrespective of whether it was in fact a proper discharge of duties because that would really be a matter of defence on the merits, which would have to be investigated at the trial and cannot arise at the stage of grant of Sanction which must precede the institution of prosecution.

45. The five-Judge Bench of the Apex Court in *Matajog Dobey vs. H. C. Bhari*, AIR 1956 SC 44, acknowledged a slightly different test for



Sanction under Section 197 Cr.P.C. It observed that *the offence alleged to have been committed must have something to do or must be related in some manner with the discharge of official duty*. There must be a reasonable connection between the act and the discharge of official duty; the act must bear such relation to the duty that an Accused could lay a reasonable, but not a pretended or fanciful, claim that he did it in the course of the performance of duty.

46. In the case of P. Arulswami vs. State, (1967) 1 SCR 201, it was further explained that it is not every offence committed by the Public Servant that would require Sanction under Section 197 (1) Cr.P.C; not even every act done by him while engaged in the performance of his official duties, but if the act complained of is directly concerned with his official duties so that if questioned, it could be claimed to have been done by virtue of the office, then Sanction would be necessary.

47. It is the quality of the act that is important and if it falls within the scope and range of the official duties, the protection contemplated by Section 197 Cr.P.C., shall be attracted. An offence may be entirely unconnected with the official duty or it may be committed within the scope of the duty. Where it is unconnected with the official duty, there can be no protection.

48. In B. Saha and Others vs. M. S. Kochar, (1979) 4 SCC 177, it was further noted that the *sine qua non* for the applicability of this Section is that the offence charged, be it one of commission or omission, must be one which has been committed by the Public Servant either in his official capacity or under the color of his office. Similar observations were made in the case of State of Maharashtra vs. Dr. Budhikota Subbarao, (1993) 3 SCC



339 and R. Balakrishna Pillai vs. State of Kerala and Another, (1996) 1 SCC 478.

49. In the case of Om Prakash Yadav vs. Niranjana Kumar Upadhyay and Others, SLP (Crl.) No. 8239-8240/2018, while referring to all the aforesaid judgments, it was concluded that the legal position which emerges from the conspectus of all decisions is that it is not possible to carve out one universal rule that would be uniformly applied to the multifarious facts and circumstances in the context of Section 197 Cr.P.C. *Any attempt to lay down such a homogeneous standard would create unnecessary rigidity as regards the scope of this provision. Each case must be decided on its own facts and circumstances.*

50. Further, in the case of P. K. Pradhan vs. State of Sikkim, (2001) 6 SCC 704, it was re-emphasized that the question of Sanction under Section 197 Cr.P.C. *can be raised at any time after the cognizance*; may be immediately after cognizance or framing of charge or even at the time of conclusion of trial and after conviction as well.

51. This was further explained in the case of Devinder Singh vs. State of Punjab, (2016) 12 SCC 87, that sometimes-certain questions about the requirement of Sanction cannot be decided without evidence and questions like good faith or bad faith of the public servant can be decided only on the conclusion of the trial. At times, the facts may subsequently come to light which may establish the necessity for Sanction. The question whether the sanction is required or not may arise at any stage of the proceedings or it may reveal itself during the course of the progress of trial. Therefore, it would be open to the Accused to place the necessary material on record during the trial to indicate the nature of his duty and to show that the acts



complained of were so interrelated to his duty in order to obtain the protection of Section 197 Cr.P.C.

52. Therefore, the Courts must avoid the premature staying or quashing of criminal trials at the preliminary stage since such a measure may cause great damage to the evidence that may have been adduced before the Trial Court. Moreover, while deciding the issue of Sanction, it is not necessary for the Court to confine itself to the allegations made in the Complaint. It can take into account all the material on record available at the time when such a question is raised and falls for the consideration of the Court.

53. It is however, pertinent to observe that a balance has to be struck between protecting Public Servants from being harassed in criminal prosecution and protecting the rights of the citizens against unlawful acts of Public Servants, as observed in the case of Bakhshish Singh Brar vs. Gurmej Kaur and Another, (1987) 4 SCC 663.

54. In the light of the aforesaid principles governing the Sanction under Section 197 Cr.P.C, the facts of the present case may be considered.

55. *The first claim* of the Appellant was that the machine was faulty and despite repeated complaints which was entered in the Log Book, the machine was not repaired.

56. *First and foremost*, there are no dates on which he had made the complaints is available on record. In so far as the Log Book is concerned, the Application was made for summoning of it being produced only in 2021 while the incident was of 28.04.2018. As per the Report, the records were not available.



57. There is, therefore, no evidence whatsoever, to corroborate that the machine had a recurring fault over a period of time which was brought to the notice of the Department, despite which no repairs were carried out.

58. In this context even if it is accepted that the Complaints were made by the Complainant about the malfunctioning of the machine, it is also important to refer to the RTI Reply dated 08.07.2021, wherein it was reported that the Log Book for the period 01.01.2018 to 30.04.2018 was not readily available in the Section. Efforts were being made to trace out the same.

59. The Search Memo dated 17.03.2021 was issued by Officer-In-charge Karan Singh of the Govt. Press, wherein it was stated as under:

“It is hereby circulated for all concerned that the Log Book of Machine Section pertaining to the Year 2018 is not traceable in the Machine Section despite best efforts made by the Staff/Technical Officer of Machine Section. All Section Heads are requested to direct their Staff to check their records thoroughly and sincerely and in case the abovementioned Log Book is tracked, the same may please be returned to the Machine Section immediately under intimation to the undersigned.”

60. Pertinently, Information Report in respect of articles/document lost in Delhi was recorded by the Police on 15.09.2021 noting that the Log Books pertaining to the period 01.01.2013 to 21.09.2018 were missing from the Machine Section.

61. Furthermore, in response to the Query No.3 raised by the Complainant seeking the names of the Mechanics who had repaired the machine and removed the fault, the Reply was given that the Order for Repair was issued on 11.12.2017 for repair of the machine in question



during the period 01.01.2018 to 30.04.2018 and the machine was repaired by *M/s Suraj Engineering Works* on 15.03.2018. The Inspection was carried out on 16.03.2018 when it was found that the machine was working properly.

62. Even though, the Complainant has asserted that the machine was defective, but from the RTI Reply it emerges that the machine was repaired on 15.03.2018 thereby disproving the claim of the Complainant that the machine was not working properly.

63. *The next important* evidence was the Inspection of the Machine carried out by the Inspector of Factories who gave his Report on 21.05.2018. It is also pertinent to refer to the Letter dated 21.05.2018 of Pinkesh Kumar, Inspector (Factories), Labor Department, Govt. of NCT of Delhi who stated in the Application that on receipt of the Letter dated 25.04.2018 from ASI Dineshan K., he responded that the Mechanical Inspection of the machine was carried out in the presence of Shri Karan Singh Deputy Manager and Ved Prakash ASI, P.S. Mayapuri.

64. He further stated that he had noted that the Worker/Complainant was allowed to work on the machine without proper provision of information, instruction, necessary training and supervision as are necessary to ensure the health and safety of the worker at the work place amounting to contravention of Section 7A of Factories Act, 1948. Pertinently, though there is a reference to Mechanical Inspection of the Machine by the Inspector (Factories), but the same has neither been placed on record or proved during the evidence. This pertinent document has not been placed on record or proved by the Prosecution.



65. *The next significant document* is the Order dated 31.12.2020 of the Labor Court vide which the Commissioner (Employee Compensation Act) dismissed the claim of the Complainant for compensation. It was noted that as per the Medical Certificates, the Complainant did not suffer any permanent disability or any loss of Earning Capacity and was held not entitled to any injury compensation.

66. The last aspect which needs consideration is that the Complainant was appointed as Offset Machine Attendant with his duties specifically defined. As per the Govt. of India Press Manual, Clause 16 defines the job profile of Offset Machine Attendant which is as under:

“(16) Offset Machine Attendant: - The attendant in the machine section will clean the inking and damping rollers. He will bring the paper from the paper cutting machine. He will put the paper for printing on the feed board. He will fix the plates on the machine. He will stand on the delivery board and see that the printed sheets are not mis-registered. He will also see that inking and damping are proper and no succumbing is recorded. He will also ensure that excess water is not falling on the printed sheet. Such excess water sucking of should be immediately brought to the notice of Asstt. Machine Man/Machine Asstt. The attendant will be required to clean the printed plates and store them properly. He will put the printed sheet on the plates to identify the job. He will oil and grease the machine every day.”

67. As per this job profile of the Complainant who was Offset Machine Man was to work with the assistance of Offset Machine Assistant. The *Standard Operating Procedure* (SOP) for such a situation is explicitly recorded in the Sanction Order:



“As per the normal practice, as and when paper stuck into the machine, Machine Attendant will switch off the machine by Emergency Switch provided at delivery Unit and inform to the Machine Man/ Machine Assistant and after ensuring that the Machine has properly stopped, the stuck paper will be removed by the Machine Man.”

68. There is no evidence, whatsoever, in the testimony of the Complainant that he had followed the SOP when the paper got stuck. There is nothing to show that he had informed the Machine Man/Machine Assistant. Rather, his testimony is that he himself had put the stopper and thereafter started removing the paper when the machine got started again and he suffered injury of his left forearm. This again reflects that it was the Complainant who was responsible for the accident since he failed to follow the SOP. It is also in the Chargesheet that James Charles Khess was the Machine Operator on duty and he had not been informed about the paper having got stuck in the machine. It is also not out of place to mention that merely because the paper got stuck in the machine is reflection that the machine was suffering from defect.

69. It is also relevant to refer to the Status Report dated 21.09.2021 submitted by the ASI before the learned M.M wherein he stated that the Machine Man James Charles Khess who was examined stated that the work of cleaning the machine and taking out the printed papers from the machine was the job of the Complainant.

70. In case of any misprint or misfeed, the information has to be given to the Machine Man, but on 23.04.2018 i.e. the date of incident the Complainant removed the papers from the running machine without informing the Machine Man.



71. *All these facts have been duly considered in the impugned Sanction Order.*

72. *The next aspect* for consideration is the absence of criminal negligence on the part of Accused No.3 and 4 Pramod Kumar and Nishok Kumar Paria.

73. The Petitioner has leveled serious allegations of criminal negligence against the Accused officers, claiming that the accident on 23.04.2018 was the direct result of their failure to repair a faulty machine and their insistence that he work on it despite prior warnings. To sustain a charge of criminal negligence under Section 338 IPC, there must be a gross failure to exercise reasonable care and that is the proximate cause of the injury.

74. The material on record, however, demonstrates that the Accused - Sh. Pramod Kumar (Technical Officer) and Sh. Nishok Kumar Paria (Deputy Manager) - performed their supervisory duties in accordance with the established mandates and cannot be held vicariously liable for the Petitioner's procedural lapse.

75. The gravamen of the Petitioner's complaint is that the machine (P.O.-36, Machine No. 9) was in a "damaged condition" and that he had informed the Accused persons of this fact. This assertion is categorically contradicted by the administrative findings recorded in the Sanction Order. The Competent Authority, after examining the internal records, found that the standard procedure for reporting defects was never initiated by the operational staff.

76. The **Sanction Order dated 08.02.2023** explicitly records:

"And whereas as per procedure it is the duty of the Machine Attendant to report any defect about the machine to his



senior immediately i.e. to Offset Machine Man/Offset Machine Assistant. After getting complaint, the Machine Man has to submit a requisition for repairing of machine to Mechanical Section after getting signed by Technical Officer and Deputy Manager. As per the Press records, no requisition was placed in Mechanical Section as alleged by Sh. Satya Prakash.”

77. Furthermore, the Competent Authority concluded that the machine was operational at the material time:

“However, the machine was working properly at the time of accident.”

78. The allegations must be tested against the specific official duties assigned to the Accused. The documents on record, particularly the **Manual of the Government of India Press**, delineate their roles as supervisory rather than operational.

79. The Manual clarifies that the Technical Officer/Sh. Pramod Kumar is responsible for the overall quality and efficiency of the press floor, not the minute-by-minute operation of individual machines. His duties include:

“He is responsible for quality and quantity of the work of the Press...

He will continuously perambulate the machine room and examine the work while under printing...

He will frequently inspect the machine and see that they are in a clean and serviceable condition.”

80. Similarly, the Deputy Manager/Sh. Nishok Kumar Paria’s role is administrative and high-level technical oversight:

“He corresponds directly with indentors on technical matters...

He observes that machinery and fittings are maintained in a state of highest efficiency.”



81. Criminal liability cannot be fastened upon supervisory officers for an accident caused by a workman's sudden deviation from safety protocols while removing stuck paper and that too, without switching off the machine or even informing the operator.

82. The Accused were not present at the specific machine to prevent the Petitioner's unsafe act, nor was there a pending repair requisition that they willfully ignored.

83. The Competent Authority rightly observed that the proximate cause of the accident was the lack of communication between the Petitioner and the Machine Man, rather than any administrative failure by the Accused. The Sanction Order concludes:

"And whereas Sh. Satya Prakash has not reported any defect in the machine to his senior and prima-facie the accident occurred due to his own negligence and carelessness for which Sh. Pramod Kumar, Technical Officer (Retired) and Sh. N.K. Paria, Deputy Manager... cannot be held responsible."

84. In the absence of evidence showing that the Accused directed the Petitioner to perform a specific unsafe act or ignored a documented mechanical defect, the element of *mens rea* required for criminal prosecution is plainly absent.

Conclusion:

85. Since the Sanction Order is a reasoned administrative Order that has considered all relevant facts - including the absence of any repair requisition and the Petitioner's deviation from safety protocols, it does not suffer from any infirmity that warrants judicial interference.



86. Thus, the **Petition** is held to be devoid of merit and is accordingly **dismissed**.

87. The Petition along with pending Application(s), if any, is disposed of accordingly.

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 08, 2026

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