

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 984 OF 2021

(@ OUT OF SPECIAL LEAVE PETITION (CRL.) NO. 4703/2020)

GEORGE MANGALAPILLY

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

O R D E R

Leave granted.

This appeal challenges the judgment and order dated 27-08-2020 passed by the High Court of Madhya Pradesh, Principal Seat at Jabalpur in MCRC No.20085/2020 .

The appellant is alleged to have committed offences punishable under Sections 153(B)(1) and 295-A of the Indian Penal Code, 1860 ('IPC' for short) and Sections 3 and 4 of the M.P. Freedom of Religion Act, 1968 ["the Act" for short]. He is being tried in Case No.161 of 2019 (RCT No.704 of 2019) in the Court of JMFC, Satna.

According to the prosecution, the appellant had converted one Dharmendar Dohar, s/o Mr. Raghunath Dohar to Christianity in violation of Section 3 of the Act and thereby committed the aforesaid offences.

In the trial, said Dharmendar Dohar in his examination-in-chief denied that he was converted by the appellant. As a matter of fact, the witness went on to state that his

signatures were obtained on a piece of paper by certain persons, on the basis of which the prosecution was launched against the appellant.

The witness was declared hostile and was extensively cross-examined by the Public Prosecutor.

Thus the version of the witness was that he had not filed any report on the basis of which the prosecution was initiated against the appellant.

It must be stated here that the witness was produced before the Judicial Magistrate at the initial stage and his statement under Section 164 of the Code of Criminal Procedure ("the Code" for short) was recorded.

Said statement under Section 164 of the Code and the version given by the witness while in the box are identical.

Apart from the testimony of the witness, there is nothing else on record which could potentially be relied upon against the appellant.

After examination of said witness, the appellant preferred aforesaid MCRC No. 20085/2020 under Section 482 of the Code seeking quashing of the proceedings.

The submission advanced on behalf of the appellant was accepted by the High Court in so far as the case pertained to the offences punishable under Sections 153-B(1) and 295-A IPC. The High Court was of the view that in the absence of requisite sanction, the appellant could not be prosecuted in respect of said offences. However, with regard to the offences punishable under Section 3 & 4 of the Act, it was observed by the High

Court that the evidence led before the trial court could not be relied upon to grant any benefit in terms of Section 482 of the Code.

Heard Mr. K.V. Viswanathan, learned Senior Advocate for the appellant and Mr. Mukul Singh, learned advocate for the State.

In the peculiar facts and circumstances of the case and especially when the entire fulcrum of the prosecution rests upon the version of the man who was stated to be forcibly converted, in our view, the testimony of said person assumes great significance. According to his own version neither was he forcibly converted nor had the appellant contacted him at any juncture.

In view of these peculiar circumstances, in our view, the appellant is entitled to the relief prayed for. We therefore, allow this appeal, set aside the order passed by the High Court and quash the proceedings against the appellant in respect of offence punishable under Section 3 & 4 of the Act.

The appeal is allowed in aforesaid terms.

.....J.  
[UDAY UMESH LALIT]

.....J.  
[S. RAVINDRA BHAT]

.....J.  
[C.T. RAVIKUMAR]

New Delhi;  
September 13, 2021.

ITEM NO.14 Court 2 (Video Conferencing) SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 4703/2020

(Arising out of impugned final judgment and order dated 27-08-2020  
in MCRC No. 20085/2020 passed by the High Court Of M.p Principal  
Seat At Jabalpur)

GEORGE MANGALAPILLY Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH Respondent(s)

(IA No. 99006/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 99007/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

Date : 13-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. K V Vishwanathan, Sr. Adv.  
Mr. M J Michael, Adv.  
Mr. Ajit Pudussery, AOR

For Respondent(s) Mr. Mukul Singh, Dy. AG  
Mr. Gopal Jha, AOR  
Mr. Amit Sharma, Adv.  
Mr. Shreyash Bhardwaj, Adv.  
Mr. Nishant Verma, Adv.  
Ms. Mamta Shrivastava, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)