

(6) The law, as laid down in *Subhash Chandra's case* (supra) still holds the field and it was in fact followed and approved by the Supreme Court in *S. K. Bhatia and others v. State of U.P. and others* (2) and by the High Court of Karnataka in Civil Writ petition 9988 of 1990 (*D. P. Sharma v. Union of India*) (3), decided on August 21, 1990.

(7) It would also be pertinent to advert to the judgment of the High Court of Delhi in Civil Writ Petition 916 of 1990 (*V. K. Nagpal v. Union of India*), decided on July 24, 1990, where the challenge to rule 6 of 1975 Rules, as amended by the 1989 Rules, as being violative of Article 14 of the Constitution, was specifically repelled.

(8) Such thus being the settled position of law, rule 6 of the 1975 Rules, as amended by the 1989 Rules cannot but be held to be constitutionally valid and therefore the condition regarding denial of National Permits to vehicles more than nine years' old or such permits becoming invalid from the date of the vehicle covered by it, completes nine years from its initial registration, is clearly valid and legal.

(9) This writ petition is accordingly hereby dismissed. In the circumstances, however, there will be no order as to costs.

R.N.R.

Before : I. S. Tiwana, J.

UCO BANK, SARANI, CALCUTTA HAVING ITS BRANCH OFFICE IN JALANDHAR & ANOTHER,—Petitioners.

versus

SUKHWANT SINGH,—Respondents.

Civil Revision No. 1491 of 1990.

4th December, 1990.

Indian Evidence Act of 1872—S. 124—Privilege—Bank claiming privilege from production of certain documents from the record of enquiry file—Divisional Manager of Bank is not a public officer—Privilege not claimed in his official capacity—Bank not entitled to protection of S. 124.

(2) A.I.R. 1983 S.C. 988.

(3) C.W.P. No. 9988 of 1990 decided on 21st August, 1990 of Karnataka High Court.

UCO Bank, Sarani, Calcutta having its Branch Office in Jalandhar and another v. Sukhwant Singh (I. S. Tiwana, J.)

Held, that a bare reading of Section 124 of the Indian Evidence Act, indicates that privilege can be claimed with regard to documents or communications where (i) the communication has been made to a public officer in official confidence; and (ii) the officer concerned must feel or be satisfied, that public interest would suffer if the disclosures of the communication in question is made. The trial Court has rightly recorded that the Divisional Manager of the Bank from whom the documents had been summoned was neither a public officer nor had the privilege been claimed by him in his official capacity. On the contrary, it was the plaintiff-Bank, who claimed the protection of Section 124 of the Indian Evidence Act. Further, it is difficult to comprehend as to how and why the records from an enquiry filed conducted against the Bank official if disclosed would injure or affect public interest.

(Para 3)

Petition under section 115 C.P.C. for revision of the order of the Court of Shri B. J. Nangli, Sub-Judge 1st Class, Nakodar, dated 20th March, 1990, dismissing the application under section 124 Indian Evidence Act as it is not maintainable except for the report of CBI by the Bank.

CLAIM : *Suit for recovery of Rs. 5568.00 including interest and other charges calculated upto 9th December, 1987.*

CLAIM IN REVISION : *For reversal of order of Lower Court.*

Nemo, for the Petitioner.

Nemo, for the Respondents.

ORDER

I. S. Tiwana, J. (Oral)

(1) This order disposes of four connected revision petitions Nos. 1491 to 1494 of 1990 as these are directed against different but similar orders passed by the trial Court.

(2) *Vide* these orders, the claim of the plaintiff-petitioner Bank under section 124 of the Indian Evidence Act claiming privilege from production of certain documents summoned from it at the instance of the defendant has been declined. For recording this conclusion the Court found : firstly, the person who had made prayer; for claiming privilege was not a public officer; **secondly, the claim had been made by the Bank and not by the officer from whom the document had been summoned and thirdly, the disclosure or production of the summoned documents was not likely to injure any public interest.**

(3) Having perused the orders in the light of the grounds taken in these petitions, I find that the above noted conclusions are well founded. A bare reading of section 124 of the Indian Evidence Act, indicates that privilege can be claimed with regard to documents or communications where (i) the communication has been made to a public officer in official confidence; and (ii) the officer concerned must feel or be satisfied, that public interest would suffer if the disclosures of the communication in question is made. The trial Court has rightly recorded that the Divisional Manager of the Bank from whom the documents had been summoned was neither a public officer nor had the privilege been claimed by him in his official capacity. On the contrary, it was the plaintiff-Bank, who claimed the protection of section 124 of the Indian Evidence Act. Further, it is difficult to comprehend as to how and why the records from an enquiry filed conducted against the Bank official if disclosed would injure or affect public interest. In this regard, a reference can be made to *S. P. Gupta and others v. President of India and others* (1), in support of this conclusion of mine. In that case, even the correspondence exchanged between the Law Minister, Government of India, Chief Justice of the High Court, the State Government and the Chief Justice of India and other relevant notings in the files were declined the privilege under section 124 of the Indian Evidence Act. Therefore, I find no merit in these petitions and the same are dismissed with no order as to costs.

P.C.G.

(FULL BENCH)

Before : Harbans Singh Rai, A. P. Chowdhri & J. B. Garg, JJ.

PARKASH KAUR,—*Petitioner.*

versus

STATE OF PUNJAB AND ANOTHER,—*Respondents.*

Criminal Misc. No. 4893-M of 1988.

18th December, 1990.

Criminal Procedure Code, 1973 (II of 1974)—Ss. 4, 6 & 482—Constitution of India, 1950—Art. 226—Terrorists and Disruptive Activities (Prevention) Act, 1985—Ss. 2 & 9—Inherent powers of High Court provided by Statute—No express provision excluding jurisdiction of High Court by 1985 Act—Offences triable by Designated Courts—High Court—Whether can exercise powers under inherent jurisdiction.

(1) A.I.R. 1982 S.C. 149.