

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. II Semester

SUBJECT: HISTORY II

SUBJECT CODE: BAL-202

NAME OF FACULTY: Dr. SADHNA TRIVEDI

Lecture-17



Patna Case

Introduction:

The Patna case is one of the important cases because it revealed the judicial administration system of the country. It brought into notice the conflict between the Supreme Court and the supreme council and made it clear that there should be proper reorganization for the justice in the future. This case took place between the years 1777-1779.

Facts Of The Case:

One, ShahbagBez Khan came to India from Kabul and was serving in the company Army and later he got retired. He thereafter got settled in Patna and married Nadira Begum. He got rich after getting retired.

After he settled, he called his nephew from Kabul to India. He had the wish of adopting his nephew and making him his heir; but before he could do so he died in December, 1776.

Since ShahbagBez had left huge property behind him, it led to conflict between the wife and the nephew of the deceased. The nephew filed a petition between the provincial council in Patna and the Begum asked the help of the Mufti and Kazi, the Muslim officers to look into the claim of the property by the nephew of the deceased. The nephew also stated in his petition that he was the adopted son of the deceased and therefore the property should be divested in him.

The widow i.e the Begum claimed the property with the basis of the three documents viz- the dower, the gift deed and the acknowledgement. The Kazi and the Mufti were directed by the court to stock up and seal the property till the issue was resolved.

The Officers did the same by going to the house but in the process they abused the Nadira Begum, the result of which was that she took a shelter in the 'Dargah'.

Further, when the case was before the court, it was argued that the dower was already paid by the deceased to his Begum during his lifetime, a sum of Rs.1200 and her counsel had neglected to submit the dower deed. It was further contended that the other two documents, the gift deed and the acknowledgement, were forged documents and therefore the share of the property should be divided into four shares; three should be given to the nephew and the remaining share to the Begum as per the Muslim law of succession.

The Provincial Council also gave its decision in favor of the nephew by looking into the report of the Kazi and Mufti. However, aggrieved by this decision, the Begum approached the

Sadar Diwani Adalat of Calcutta and she also filed a suit against the Kazi and Mufti for assault, battery, other injuries and alleged the damages of rupees six lakhs.

Issues And The Decision:

The main issue that was in this case was whether Bahadur Beg, who lived outside the jurisdiction of Calcutta, was subjected to the same and whether the law officers could be punished for their acts they have committed in the exercise of their duty.

The Court held that the due process was not followed and the witnesses were not taken on oath and the officers also had behaved outside their official capacities and therefore the court ordered a sum of Rs. 3 lakhs to the Begum.

This case brought into the notice about the shortcomings that were present in the judicial administration. The deceased was an agriculturist and the case fell within the ward of the administration. It should the weaknesses of the organization of the judicial system and the committee which was known by the Patna case. This case showed the exercise of extra power and jurisdiction by the officials.

Conclusion:

Thus, the Patna case is an important judgment in the study of the legal system that has been developed in the country. However, in spite of all the shortcomings, the Supreme Court gave a favorable decision in the same.