

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 663 OF 2004

STATE OF U.P.

.. APPELLANT(S)

VS.

SHER BAHADUR YADAV

.. RESPONDENT(S)

O R D E R

1. The State of U.P., the appellant herein, is primarily aggrieved by the direction that the compensation of Rs. 1 lakh ordered for respondent No. 1 should at the initial stage be paid by the State and thereafter recovered from respondent No. 9. It is contended by Mr. Pramod Swarup, the learned senior counsel appearing for the State of U.P., that there was no obligation on the part of the State of U.P. to make the payment as the State had no role to play as per the findings of the Court and respondent NO. 9, a police officer, had taken the law into his own hands and was individually liable for his actions.

We find no merit in this submission. Respondent No. 9 is an employee of the State of U.P. and there would be no difficulty in complying with the High Court's order in first making payment to respondent No. 1 and then recovering it from respondent No. 9.

We, accordingly, dismiss the appeal.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
September 30, 2010.

JUDGMENT