

DOCTRINE OF DOUBLE JEOPARDY (Article 20(2))

**UNDER INDIAN CONSTITUTIONAL LAW
— WITH MEANING, ESSENTIALS,
LANDMARK CASES, OBJECTIVE, AND
SUMMARY**

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Doctrine of Double Jeopardy (Article 20(2))

Meaning

The **Doctrine of Double Jeopardy** means that **no person shall be prosecuted and punished more than once for the same offence.**

In other words, **a person cannot be tried or punished twice for the same criminal act** once they have already been convicted or acquitted by a competent court.

“Nemo debet bis vexari pro una et eadem causa”

(No one should be vexed twice for the same cause.)

Constitutional Basis

- **Article 20(2)** of the **Constitution of India** states:
“No person shall be prosecuted and punished for the same offence more than once.”
 - This embodies the **common law principle** of *double jeopardy* and provides a **fundamental right** protection to individuals against repeated prosecution for the same act.
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Essentials / Ingredients

Essential Element	Explanation
1. Previous prosecution	The person must have been previously prosecuted before a competent court.
2. Punishment awarded	The person must have been convicted and punished in the previous proceeding.
3. Same offence	The subsequent prosecution must be for the same offence for which the person was earlier prosecuted and punished.
4. Judicial proceeding	The earlier proceeding must be before a judicial tribunal (not departmental or administrative).

What It Does NOT Cover

1. It does **not** apply to **departmental disciplinary proceedings** and **criminal trial** separately.
 - (Example: A government servant can face both departmental inquiry and criminal prosecution for same act.)
 2. It bars **second prosecution after conviction or acquittal**, but not after **investigation or filing of FIR**.
 3. It applies **only when punishment** has been imposed in the first prosecution.
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Landmark Judgments

Case Name	Facts / Issue	Principle Laid Down
Maqbool Hussain v. State of Bombay, AIR 1953 SC 325	Person caught with gold at airport was punished under Customs, then prosecuted again under Foreign Exchange laws.	Held: Proceedings before Customs Authorities are <i>not judicial</i> , so Article 20(2) not attracted.
S.A. Venkataraman v. Union of India, AIR 1954 SC 375	Employee punished departmentally and then prosecuted criminally.	Held: Departmental proceedings ≠ prosecution; double jeopardy not violated.
Thomas Dana v. State of Punjab, AIR 1959 SC 375	Person punished under one law and again tried under another for same act.	Court clarified — must be “ <i>same offence</i> ,” not merely same act.
Kolla Veera Raghav Rao v. Gorantla Venkateswara Rao, (2011) 2 SCC 703	Accused convicted under Section 304-A IPC, later charged under Section 302 IPC for same incident.	Held: Once convicted, cannot be tried again for same offence — protected under Article 20(2).

Case Name	Facts / Issue	Principle Laid Down
State of Bombay v. S.L. Apte, AIR 1961 SC 578	One act may constitute two different offences under two laws.	Double jeopardy applies only if the offences are <i>identical in ingredients</i> .

Objective

- To **protect individuals from harassment** of repeated trials for the same offence.
- To **uphold the finality of judgments** and **ensure fairness** in criminal justice.
- To **prevent abuse of process** by prosecuting authorities.
- To **safeguard personal liberty** and promote rule of law.

Summary

Aspect	Details
Constitutional Provision	Article 20(2) – Fundamental Right
Principle	No person shall be prosecuted and punished twice for the same offence

Aspect	Details
Applies To	Judicial proceedings resulting in conviction/punishment
Does Not Apply To	Departmental inquiries, different offences from same act
Key Cases	Maqbool Hussain, S.A. Venkataraman, Kolla Veera Raghav Rao
Objective	Protect individuals from multiple punishments and preserve fairness in justice system

In Simple Words

Once a person has been punished or acquitted for an offence, the law does not allow another prosecution for the *same offence* — ensuring fairness, liberty, and protection from State overreach.



DOCTRINE OF DOUBLE JEOPARDY

(ARTICLE 20(2))

MEANING

No person shall be prosecuted and punished more than once for the same offence.

Nemo debet bis vexari pro una et eadem causa

ESSENTIALS/INGREDIENT

- ① **Previous prosecution**
The person must have been prosecuted before
- ② **Punishment awarded**
The person must have been convicted and punished
- ③ **Same offence**
The subsequent prosecution must be for the same offence
- ④ **Judicial proceeding**
The earlier proceeding must be before a judicial tribunal

DOES NOT COVER

- Departmental disciplinary proceedings & criminal trials separately
- Second prosecution after acquittal, not after investigation/FIR
- First prosecution with punishment not only with conviction



CONSTITUTIONAL BASIS

Article 20(2): 'No person shall be prosecuted and punished for the same offence more than once.'

LANDMARK JUDGMENTS

- **Maqbool Hussain v. State of Bombay**
Proceedings before Customs Authorities are not "prosecution"
- **S.A. Venkataraman v. Union of India**
Departmental proceedings ≠ prosecution
- **Thomas Dana v. State of Punjab**
Must be "same offence," not merely same act
- **Koila Veera Raghav Rao v. Gorantla Venkateswara Rao**
Cannot be tried again for same offence after conviction

OBJECTIVE

- To protect individuals from harassment of multiple trials
- To uphold finality of judgments
- To prevent abuse of process

SUMMARY

- Constitutional Provision: Article 20(2)
- Principle: No person shall be prosecuted and punished twice for same offence
- Objective