

(40)

(a) that the accused is likely to be prejudiced in the defence of his criminal case by giving the statement or evidence or doing any act, which may result adversely in the criminal case;

(b) the accused should not be compelled to be a witness against himself. There is a total prohibition under clause (3) of Article 20 of the Constitution. Admission or a confession or a partial confession or admission in a disciplinary proceeding may be taken into consideration as a compulsion to be a witness against himself in some cases particularly when the person accused of the offence wants to get rid of the disciplinary proceedings under the impression that the employer shall deal with the case liberally and will not impose hard punishment;

(c) there should not be any possibility of violation of the principles of natural justice in any way. Sometimes the accused may not be able to disclose his defence which he is likely to take in the criminal case, and in such circumstances, if the proceedings are allowed to be continued, there is every possibility that the accused may not be able to get justice and the principles of natural justice may be violated.

No hard and fast rule can be laid down and every case has to be judged looking to the facts and the circumstances of the case.

[*Om Prakash v. Union of India and others*, (1993) 23 ATC 190 (Jodhpur), date of judgment 10-7-1992]