

An Indefatigable Prosecutor: The Indomitable Legacy of Shri. Damodar Das Mathur

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While the names of renowned lawyers, eminent judges, and celebrated jurists often find a place in public discourse, one essential pillar of the justice system frequently remains in the shadows, the public prosecutor. Often overlooked and under-acknowledged, public prosecutors serve as the guardians of justice, ensuring that the rule of law prevails in courtrooms across the country. This article seeks to shed light on the remarkable legacy of one such unsung hero, Mr. Damodar Das Mathur, by tracing his unwavering commitment to justice and his distinguished service as a tireless and principled public prosecutor through the landmark cases he diligently pursued.

Although it goes without saying, any lawyer worth his salt, at some point in his career, inevitably finds himself caught in the relentless whirlpool of striving for a work-life balance that too often at a great personal cost. To not only withstand this struggle but to emerge as a doyen of the legal fraternity while simultaneously remaining deeply devoted to one's family is, without a doubt, a rare and commendable achievement and truly a work of art. Through his brilliance, unwavering dedication, and sense of purpose, Mr. Mathur masterfully attained this balance. He seamlessly integrated professional excellence with personal commitment, making both facets of his life integral and complementary, ultimately contributing to the betterment of society.

Commencing his career under the able guidance of the distinguished legal stalwart and an eminent jurist, Late Sh. Tara Chand Mathur, and it was his watchful eye under which Mr. Damodar Das Mathur, throughout his journey as an attorney and later as a public prosecutor, relentlessly strived to uphold the ideals of justice, fairness, and the rule of law, which ultimately paved the way to achieve greater heights in his professional life. His commitment was not merely to argue cases, but to serve as a custodian of justice and ensure that the law was not only enforced but also interpreted with integrity and compassion. Over the years, he played a pivotal role in shaping the landscape of criminal law in India, contributing significantly to the development of legal

jurisprudence through landmark prosecutions and his nuanced understanding of procedural law. His work influenced reforms in investigative processes, elevated the standards of evidence-based prosecution, and reinforced the ethical responsibilities of legal practitioners. In doing so, Mr. Mathur not only provided exemplary legal service to the State and the public but also inspired a generation of lawyers and prosecutors to pursue the law as a noble instrument of societal transformation.

Over the course of his distinguished and impactful career, Mr. Mathur, in his capacity as a Public Prosecutor, was entrusted with the responsibility of representing the State in numerous significant and complex criminal cases. His power of reasoning, leading to legal acumen, unwavering commitment to justice, and ethical approach to prosecution earned him recognition both within the legal fraternity and beyond. Among the wide array of cases he handled, several stood out for their legal, social, or constitutional importance. The legendary stature of Mr. Mathur as the master of court craft is further affirmed by the recollections of one and all in the legal fraternity. It became an unwritten courtroom truth that whenever he rose from his chair to oppose a bail application, the bail was unlikely to be granted. Such was the force of his advocacy and the persuasive power of his submissions. A few of the most prominent and widely discussed cases prosecuted by Mr. Mathur are enumerated herein below.

Kusum Goswami vs Mukhtiar Singh & Others (1969)

Public Prosecutor Mr. Mathur exemplified the finest traditions of the prosecuting service i.e. integrity, fairness, and complete fidelity to the cause of justice over mere conviction. His work received rare judicial acknowledgment in *Kusum Goswami v. Mukhtiar Singh & Others*, (1970) ILR Delhi 77, where the Delhi High Court, per Justice Hardayal Hardy, described him as “an experienced Public Prosecutor,” whose conduct and discretion in handling the prosecution were beyond reproach. The Court expressly noted that it was legitimate to assume that the witnesses had been given up only after due assessment and in the larger interest of

a fair trial, a tribute to the confidence the Bench reposed in his professional ethics.

This case stands as a representative example of Mr. Mathur’s broader contribution to criminal justice in Delhi during a period when the prosecutorial system was evolving towards higher standards of independence and accountability. His approach, marked by judicious restraint, careful evaluation of evidence, and respect for due process, helped shape the image of the Public Prosecutor not merely as an agent of the State, but as an officer of the Court committed to truth. Through cases like *Kusum Goswami*, he left a legacy of principled advocacy and prosecutorial fairness that continues to be cited as an example for younger members of the Bar.

R.S. Nagarwala vs State (1971)

In the *R.S. Nagarwala* case, a senior police officer was accused of orchestrating an audacious fraud by impersonating the Prime Minister of India in a call to the State Bank of India. Using this ruse, Nagarwala illicitly obtained Rs. 60 lakhs in cash. He was apprehended shortly afterwards and confessed to the crime, leading to charges of cheating and forgery. Despite the gravity of the case, the trial was conducted speedily and quite secretly, culminating in his swift conviction.

Although Nagarwala’s confession and the rapid recovery of the stolen funds formed the foundation of the evidence, the case was embroiled in controversy. Many observers questioned the lack of transparency and speculated on whether such a senior officer could have acted without support from others. The secrecy and unresolved questions surrounding the trial have ensured the case remains one of India’s most enigmatic legal affairs. Public Prosecutor Mr. Mathur played a pivotal role, presenting the unequivocal confessional statement and emphasizing the prompt retrieval of the stolen money. He argued in open court that the evidence was conclusive and that the accelerated proceedings were a reflection of the clear facts, not an attempt to obscure the truth. Mr. Mathur’s unwavering stance called for Nagarwala to be held completely accountable for his deception, yet the mysteries of the case continue to provoke debate and speculation to this day.

Charles Sobraj vs Superintendent, Central Jail, Tihar (1978)

The infamous Charles Sobhraj, while undergoing incarceration at Tihar Jail, approached the Hon'ble Supreme Court of India by way of a writ petition challenging the actions of the jail authorities in subjecting him to solitary confinement and imposing bar fetters without any valid justification or prior approval from a competent judicial authority. Sobhraj contended that such punitive measures were arbitrary and violative of his fundamental rights guaranteed under Part III of the Constitution of India, particularly Article 21, which encompasses the right to life and personal liberty, including the right to live with dignity and humane conditions even within prison walls.

The Hon'ble Apex Court, after examining the submissions, emphatically upheld Sobhraj's contentions, observing that mere incarceration does not strip a person of their fundamental human rights. The Court reiterated that the protection of human dignity is a cornerstone of Article 21 and held that prisoners are not to be treated as mere objects of punitive authority but as individuals entitled to basic human decency and constitutional safeguards. It was firmly held that no individual, irrespective of the nature of the offence, could be subjected to cruel, degrading, or inhuman treatment, and that any form of punishment must strictly comply with due process of law. This landmark decision marked a pivotal advancement in the jurisprudence relating to prisoners' rights in India, establishing that the administration of prisons must remain within the confines of constitutional propriety and cannot transgress into arbitrary or excessive penal measures.

Notably, Public Prosecutor Mr. Mathur, in a rare and commendable display of professional integrity, conceded before the Court that the actions of the jail administration were beyond the limits sanctioned by law. He acknowledged that even a high-profile and controversial inmate like Sobhraj could not be deprived of his fundamental rights and that the State had an obligation to adhere to the rule of law and the principles of natural justice. Mr. Mathur further emphasized that punishment, must flow from established legal procedures, and that no authority could assume powers beyond

the constitutional framework under the guise of administrative discretion.

State vs Jasbir Singh Billa & Anr. (1979)

This case concerned the tragic kidnapping and brutal murder of two teenagers, Geeta and Sanjay Chopra, in Delhi. The accused, Jasbir Singh Billa and Kuljeet Singh, also known as Ranga, abducted the children under the false pretext of offering them a lift. Subsequently, they assaulted and murdered them, and the victims' bodies were later discovered in a forested area. The investigation proceeded swiftly, leading to the apprehension of both accused.

On the basis of testimonies of eyewitness, forensic evidence, and voluntary confessions, the trial court found them guilty and awarded the death penalty. The conviction and sentence were later affirmed by both the Hon'ble Delhi High Court and the Hon'ble Supreme Court.

The case shocked the conscience of the entire nation and remains one of the most prominent instances where the death penalty was imposed for an exceptionally heinous crime involving minors. Public Prosecutor Mr. Mathur meticulously presented the harrowing evidence, including forensic findings and the confessional statements of the accused. With unwavering resolve, he argued that the gravity and cold-blooded nature of the offence warranted the severest punishment under law. He submitted before the court that only the imposition of the death sentence could serve the ends of justice and act as a strong deterrent symbol against such barbaric crimes.

Suresh Kumar vs. State & Ors. (1980)

In this case, the complainant, Suresh Kumar, filed a petition under Section 407(6) of the Code of Criminal Procedure, seeking the transfer of his criminal case from the court of the Additional Sessions Judge on grounds of alleged bias and unfair judicial conduct. The underlying case involved serious charges, including abduction and wrongful confinement, levelled against prominent political figures. Kumar alleged that bailable warrants were issued against him without proper service of summons and further claimed that the presiding judge had acted in anger and made

derogatory remarks towards his counsel during proceedings.

The defence, in turn, accused Kumar of attempting to manipulate the judicial process, and the case attracted significant media attention. Kumar argued that the intense publicity and perceived judicial hostility had compromised his right to a fair and impartial trial. However, the Hon'ble High Court dismissed the transfer petition, holding that the petitioner had failed to establish a reasonable apprehension of bias. The Court clarified that casual remarks made by the judge in a lighter vein could not be equated with prejudice, and that procedural irregularities, absent mala fide intent, were insufficient to justify transfer under Section 407 CrPC. It further upheld the trial court's discretion in regulating the appearance and examination of witnesses, emphasising that judicial autonomy must be respected in managing the course of a trial.

Public Prosecutor Mr. Mathur strongly opposed the transfer petition, contending that the allegations of judicial bias were baseless and intended merely to delay the progress of a sensitive and high-stakes case. He submitted that the conduct of the learned judge fell well within the ambit of judicial discretion and that neither procedural grievances nor media sensationalism should be allowed to undermine the authority of the court or disrupt the administration of justice, particularly in matters involving serious criminal charges.

H.K.L. Bhagat vs State (1996)

H.K.L. Bhagat, a senior Congress leader, was accused of inciting violence during the 1984 anti-Sikh riots that erupted in the aftermath of Prime Minister Indira Gandhi's assassination. Allegations were made that he had encouraged mobs to attack Sikh families, particularly in East Delhi. However, when the matter proceeded to trial, the prosecution was unable to produce sufficient direct and credible evidence establishing Bhagat's involvement in the violence. The trial court, while acknowledging the gravity and horror of the riots, held that criminal liability could not be affixed in the absence of clear and admissible proof. The acquittal was subsequently upheld by the High Court and later affirmed by the Hon'ble Supreme Court, which reiterated the settled legal principle

that suspicion, however grave, cannot take the place of legal evidence and form the basis of a conviction.

This case underscored the inherent difficulties in securing justice in large-scale riot cases, particularly when influential figures are implicated and evidence is often scarce or compromised by time and circumstance. Public Prosecutor Mr. Mathur, while recognizing the immense tragedy and public anguish surrounding the 1984 riots, candidly submitted before the court that the prosecution lacked the necessary direct evidence to establish guilt beyond reasonable doubt. He firmly maintained that the rule of law and the foundational requirement of proof must prevail, regardless of the stature of the accused or the weight of public sentiment. His principled stance served as a reminder that fairness and objectivity are indispensable in the pursuit of justice.

Legacy

Mr. Mathur's legacy as a public prosecutor is symbolic of the finest traditions of the Indian criminal justice system which is marked by his unwavering integrity, steadfast fairness, moral courage, and an unflinching dedication to the rule of law. Over the course of his distinguished career, Mr. Mathur navigated some of the most complex, politically sensitive, and emotionally charged cases that came before the courts. In each of these matters, he exhibited not only legal acumen and prosecutorial skill but also a profound sense of ethical responsibility.

What set Mr. Mathur apart was his remarkable ability to uphold the delicate balance between the rigorous pursuit of justice and the scrupulous observance of legal boundaries. He never allowed the pressures of public opinion, media scrutiny, or the stature of the accused to cloud his judgment or compromise the fairness of proceedings. Whether securing convictions in heinous crimes, defending the integrity of judicial processes, or conceding legal limitations where warranted, Mr. Mathur consistently acted in the service of justice and not merely as an advocate for the State, but as an officer of the court.

His courtroom demeanour, marked by reasoned argumentation and respectful candour, reflected

a deep-rooted belief that justice must not only be done but must be seen to be done fairly, impartially, and in accordance with the law. In doing so, the legacy of Mr. Mathur continues to live on, not only through the cases he argued and the principles he upheld, but also through the next generation of his family. His grandson Mr. Satvik Mathur, inspired by his towering example and deeply moved by the values of justice, fairness, and integrity that defined his career, has chosen to follow in Mr. Mathur's illustrious footsteps by entering the legal profession. In embracing the path of law, his grandson carries forward not just a family tradition, but a profound commitment to public service and the rule of law, ensuring that the ideals Mr. Mathur stood for remain alive in the courts of today and tomorrow.

Lesson for Young Prosecutors and Advocates

The legacy of Public Prosecutor Mr. Mathur offers enduring lessons for young prosecutors and advocates. His career was marked by unwavering integrity, a deep respect for constitutional principles, and a fearless commitment to justice. Whether securing convictions in heinous crimes like the Geeta and Sanjay Chopra murder case or conceding lack of evidence in politically sensitive matters such as the H.K.L. Bhagat trial, Mr. Mathur demonstrated that the pursuit of justice must be grounded in evidence, not emotion. He upheld the rights of even the most reviled accused, as seen in the Charles Sobhraj case, proving that fairness and due process are non-negotiable, regardless of public pressure or political stakes.

Mr. Mathur's professionalism extended beyond courtroom victories, he was a staunch defender of judicial independence, a meticulous preparer of evidence, and a model of balanced courtroom conduct. He viewed the prosecutor's role not merely as an agent of the State but as a minister of justice, committed to upholding the law impartially. His resilience in high-stakes cases, mentorship of junior lawyers, and principled approach to prosecution serve as a beacon for the legal community. For aspiring advocates and prosecutors, his life is a powerful reminder that credibility, ethics, and dedication to the rule of law are the true measures of legal excellence.

In retrospect, Mr. Mathur's career stands as a sterling example of what it means to serve the law with honour, conviction, and humility. Through landmark prosecutions, courageous honesty, and an unwavering adherence to constitutional values, he not only shaped important chapters of Indian criminal jurisprudence but also elevated the stature of the public prosecutor's role. His legacy is not merely one of cases won or arguments delivered, but of justice pursued with conscience and clarity. In an era where legal practice often grapples with competing pressures, Mr. Mathur's life reminds us that true legal service lies in being both fearless and fair. He leaves behind not only a record of public service, but a moral compass for future generations of prosecutors and legal professionals to follow.

Some Shared Memories of Shri Damodar Das Mathur Ji

Shri Damodar Das Mathur Ji was a true Delhite Mathur Kayasth, a lawyer specializing in criminal law, and the Chief Public Prosecutor of Delhi. He played a leading role in public administration. He was truly a gem of a person—lovable, respected, and admired by all who knew him.

I became a lawyer in 1986, when I was introduced to Shri Damodar Das Mathur Ji by my father, Shri Sardar Bahadur, Advocate, in the Tis Hazari Courts Bar Room. I had the privilege of interacting with him daily, along with his friends at the Bar. His conversations were always courteous, forthright, and full of wisdom.

I still vividly remember his very first words to me, spoken in the presence of my father and other lawyers: *"Bhai, padhai-vadhai to ho gayi, par kuchh gali wali bhi aati hai? Uske bina vakalat nahin chalegi."* I was shocked at first by such candid advice from such a learned man, but those words have stayed with me all these years.

My father arranged for me to train under him in criminal practice, and it was an invaluable experience. Shri Damodar Das Mathur Ji was always punctual, reaching the Public Prosecutor's office in Tis Hazari at 9 a.m. sharp. He would thoroughly review case files, make effective notes, and mark out crucial aspects. In court, though short in height, he stood tall as an alert and highly

capable criminal lawyer. His cross-examinations were precise, concise, and always to the point. He confronted accused persons and witnesses directly, looking them straight in the eye—whether they were defense or prosecution witnesses.

Every day, he would handle an enormous workload—around a hundred cases including bail applications, evidence, cross-examinations, and arguments. Yet he maintained a remarkable discipline: finishing the day's list before 4 p.m. without ever seeking adjournments unless absolutely necessary. It was often said of him that he never left the court before it rose for the day.

One of his most admirable qualities was his fairness. Even as a public prosecutor, he never opposed bail at the first hearing in genuine cases. He was widely

known as an honest, principled man of immense legal knowledge and experience.

Beyond the courtroom, Shri Damodar Das Mathur Ji was deeply humble, religious, and socially active. He served as an office-bearer of the Delhi Mathur Welfare Association and was a member of the Kalkaji Temple Committee. He was also active in cultural life and had a deep love for music.

It is rare to find someone so grounded, polite, and accomplished, who lived such a respectable public life. It has been my privilege to have known him and to have interacted with him both personally and professionally.

This was the great Shri Damodar Das Mathur Ji.

Mr. Vishnu B. Saharya, Adv.