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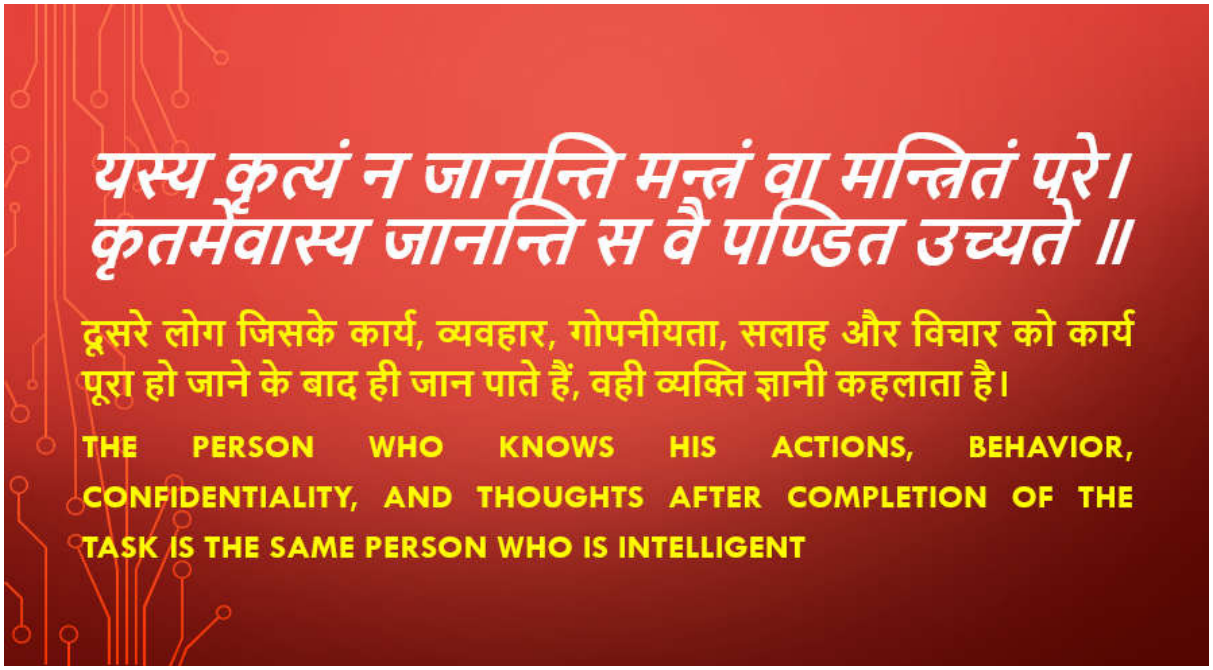
Aano Bhadr Kratvo Yantu Viswatah
(Let Noble Thoughts Come To Me from All Directions)



CITATIONS

https://indiankanoon.org/doc/2514008/; Mohd. Sajjad Ali, vs The State Of Andhra Pradesh, on 9 January, 2024; CRL APPEAL NOs.1148 AND 1049 OF 2011 (DB)
Merely because the witnesses were closely related to the deceased person, their testimony cannot be discarded. Their relationship to one of the parties is not a factor that effects the credibility of a witness, more so, a relation would not concede the actual culprit and make allegation against an innocent person.

https://indiankanoon.org/doc/143218039/; Vijay Gopal vs State Of Telangana on 2 January, 2024; Crl.P.No.9318 of 2023 ;
The petitioner, party-in-person, submitted that when there appeared a Press Note that the Commissioner of Police, Hyderabad has issued prohibitory orders of all kinds of assembly of more persons near (500 yards) all the Telangana Open School Society (TOSS) SCC and Intermediate Public Examination Centres between 6 am, April 25 and 6 am, May 5, 2023, the petitioner has posted a comment as under:
"Law & Order has become a joke on Telangana... If you cannot do your job without being sooo insecured all the time, you should find another job. This is nothing but abuse of office. It's just exam, not some war. Prohibitory orders, silly!"
Taking cognizance of the same, the FIR was registered against the petitioner under Sections 504 and 505 (2) of IPC. Challenging the same, the present Criminal Petition has been filed.
On a literal reading of the above, it is clear that to attract the offence under the above sections, there has to be an intentional insult which is likely to cause provocation to break the public peace, or to Crl.P.No.9318 of 2023 commit any other offence and further, there shall also be promotion of feeling of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities.
Therefore, this Court finds that in this case, there are no two groups as required to attract the said provisions and there appears to be no intention to create or promote feeling of enmity, hatred or ill-will between different groups or of disturbing the public peace.

https://indiankanoon.org/doc/67897996/; Konda Srinivas vs State Of Telangana on 4 January, 2024; Criminal Petition No.1046 OF 2018

Sections 420, 468, 471 and 406 of IPC.

The sale deeds which were registered were already filed in the private complaint and considered by the learned Magistrate and also the learned Sessions Judge. On the very same allegations during the pendency of adjudication of the complaint filed by the 2nd respondent's husband, separate complaint regarding the very same transactions cannot be filed. The 2nd respondent has suppressed the fact that her husband had filed a criminal complaint before the Court which was pending adjudication at the time of lodging the complaint by her. Regarding the very same transactions, the husband was prosecuting the private complaint by filing Revision petition before the Sessions Court.

Admittedly, disputes are regarding the family joint property. Restraint orders were passed by this Court from alienating the property. Alienation, if any, would be void for the reason of the restraint orders passed by this Court, subject to outcome of the Appeal. As already found by the learned Magistrate and the learned Sessions Judge, the sale transactions dated 25.06.2014, disposing the subject land under two different sale deeds on the very same day, the 2nd respondent and her husband ought to have taken steps to cancel the said documents.

For suppression of material information before the Sessions Court and present police complaint, further also for the reason of none of the ingredients of any of the penal provisions being made out, this Court is inclined to quash the proceedings against the petitioners.

https://indiankanoon.org/doc/89993616/; Nomula Ashok Kumar Goud And ... vs The State Of Telangana And Another on 4 January, 2024; CRLP No. 7415 / 2019

Issuance of process in criminal trial is a serious issue. Unless the criminal Court finds adequate grounds and reasons to summon the accused, the same cannot be done. As seen from the endorsement of the learned Magistrate, it was ordered to issue summons to accused Nos.1 and 2 without there being a prima facie satisfaction of the ingredients of the offence. It appears that the Magistrate has mechanically directed issuance of summons.

In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to supra, the act of issuing process and summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

https://indiankanoon.org/doc/188121080/; Dollar Dreams Plot Owners Welfare vs The State Of Telangana; 2 January, 2024; CRLP Nos.9791/ 2018 & 1083/ 2022

To attract the offence under Section 341 of the Indian Penal Code, a person should have wrongfully restrained another. There is no such allegation in the entire complaint. The allegation is one of constructing a wall obstructing the access to the plot of the 2nd respondent. Remedy, if any, would lie before the Civil Court or by complaining to the Municipal Authorities.

https://indiankanoon.org/doc/69977847/; Ireddy Srujan Reddy vs The State Of Telangana on 2 January, 2024; CRIMINAL PETITION No.12943 of 2023;
This Court vide common order dated 16.08.2023 has allowed Criminal Petition Nos.5073 of 2023 and batch holding that the ingredients of Section 370(A)(2) of IPC and Sections 3 to 5 of the Act are not at all attracted to the customers and therefore, they are not liable to be punished for the offence under Section 370(A)(2) of IPC and Sections 3 to 5 of the Act.

https://indiankanoon.org/doc/31607116/; Sankabuddi Venkatesham vs The State Of Telangana on 5 January, 2024; CRIMINAL REVISION CASE No.19 OF 2024
No doubt with the aid of Section 149 of the Indian Penal Code for forming into an unlawful assembly, the conviction can be recorded. However, in the absence of any evidence of criminal conspiracy or common object being established the accused would be liable for their individual acts only. Moreover, mere presence does not make a person member of unlawful assembly, unless he actively participate in rioting or does some over act with necessary criminal intention or shares common object of unlawful assembly as observed by the Honourable Supreme Court in Vijay Pandurang Thakre v. State of Maharashtra (2017) 4 SCC 377
Under Section 34, it is not necessary that previous plan has to be proved. The requirement under Section 34 of IPC is conscious meeting of minds of persons who participated in criminal action to bring about a particular result. Whether there was any criminal intention or not depends upon the facts of each case. The said observation made by the Honourable Supreme Court in Sudip Kumar Sen v. State of West Bengal (2016) 3 SCC 26.

https://indiankanoon.org/doc/154691312/; Anchipaka Adilaxmi vs The State Of Telangana, on 4 January, 2024; CRIMINAL PETITION NO. 82 OF 2024
In Babu Venkatesh and others v. State of Karnataka and another in Criminal Appeal No.253 of 2022 dated 18.02.2022, the Hon'ble Supreme Court held referring to the judgments in the case of State of Haryana and others v. Bhajan Lal and others 1 and Priyanka Srivastava and another v. State of Uttar Pradesh and others 2 and held that it is for the Magistrate to verify the veracity of the allegations since complaints under Section 156(3) of Cr.P.C are made in routine manner and without any responsibility and only to harass certain persons. The Hon'ble Supreme Court has found fault with the Magistrate passing an order under Section 156(3) of Cr.P.C without following the law laid down in Priyanka Srivastav's case (supra) and also for non-application of mind to the facts of the case.
Mere refusal of the police to entertain an application is not a ground to refer the complaint to the Station House Officer for the purpose of investigation, unless the learned Magistrate records reasons of his/her satisfaction on the facts of the case.

https://indiankanoon.org/doc/44396450/; Puli Madhavi vs The State Of Telangana on 2 January, 2024; Crl.P.No.10158 of 2023
Section 14 (2) of Juvenile Justice (Care and Protection of Children) Act, 2015, wherein it is provided that the inquiry shall be completed within a period of four months from the date of first production of the child before the Board, unless the period is extended, for a maximum period of two more months by the Board, having regard to the facts and circumstances of the case.

https://indiankanoon.org/doc/187472337/; Smt. P. Bhargavi vs The State Of Telangana on 3 January, 2024; CRIMINAL APPEAL No. 1007 OF 2023

The present appeal is filed under Section 372 of Cr.P.C. According to the proviso under Section 372 of Cr.P.C, the appeal against the acquittal would lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court. In the event of conviction by the Magistrate Court for the offence under Section 498-A of the Indian Penal Code and/or under Sections 3 and 4 of Dowry Prohibition Act, the appeal would lie to the Sessions Court. In view of the same, the appellant is at liberty to avail the said remedy.

https://indiankanoon.org/doc/110648315/; Siddi Neelam Goud vs State Of Telangana on 10 January, 2024; CRL RC No. 556/20223

It is not the case of the police that the explosives are kept for making an attempt to cause explosion or keeping explosives with an intention to endanger life or property. Accordingly, Section 3 of the Act of 1908 is not attracted since there is no explosion which was caused even according to the charge sheet. Section 4 punishes any attempt to cause explosion unlawfully and maliciously, further possessing any explosive substance to endanger life or to cause serious injury to property is made punishable. There is no such allegation in the charge sheet.

12. The allegation according to investigation is that the purpose or storing the explosives was to cause more blasts of rocks for monetary benefit.

13. Under Section 5 of the Explosive Substances Act, the punishment is prescribed for being in possession of the explosives under suspicious circumstances. Admittedly, explosives were found over and above the permitted limit. The petitioner does not possess any licence for carrying out the business by blasting rocks. However, it was argued by the learned counsel that one Pulla Reddy, resident of Banaganapally had the requisite licence and the licence was not in the name of the revision petitioner. But the petitioner was carrying on business in the name of said Pulla Reddy.

14. Not having licence to carryon the business of quarrying, however, procuring explosives gives rise to suspicious circumstances as contemplated under Section 5 of the Act of 1908. It is admitted by the petitioner that he was carrying on business without licence and procured explosives. The allegation in the charge sheet that the explosives were stored for the purpose of causing more blasts to get more profits is on the basis of confession of the accused. Minus the confession, explosives were found without there being a valid licence with the petitioner. In the said circumstances, the burden is on the accused to show that he had the explosive substances in his possession for lawful object.

15. For the aforesaid reasons, the offences under Sections 3 & 4 of the Act are not attracted. However, the petitioner can only be tried under Section 5 of the Act of 1908.

2024 0 INSC 13; 2024 0 Supreme(SC) 6; Perumal Raja @ Perumal Vs. State, Rep. By Inspector of Police; Criminal Appeal No. of 2024 (arising out of Special Leave Petition (Criminal) No. 863 of 2019); Decided On : 03-01-2024

However, we must clarify that Section 27 of the Evidence Act, as held in these judgments, does not lay down the principle that discovery of a fact is to be equated to the object produced or found. The discovery of the fact resulting in recovery of a physical object exhibits knowledge or mental awareness of the person accused of the offence as to the existence of the physical object at the particular place. Accordingly, discovery of a fact includes the object found, the place from which it was produced and the knowledge of the accused as to its existence. To this extent, therefore, factum

of discovery combines both the physical object as well as the mental consciousness of the informant accused in relation thereto.

The pre-requisite of police custody, within the meaning of Section 27 of the Evidence Act, ought to be read pragmatically and not formalistically or euphemistically. The expression "custody" under Section 27 of the Evidence Act does not mean formal custody. It includes any kind of restriction, restraint or even surveillance by the police. Even if the accused was not formally arrested at the time of giving information, the accused ought to be deemed, for all practical purposes, in the custody of the police.

Reference is made to a recent decision of this Court in Rajesh & Anr. v. State of Madhya Pradesh, 2023 SCC OnLine SC 1202, which held that formal accusation and formal police custody are essential pre-requisites under Section 27 of the Evidence Act. In our opinion, we need not dilate on the legal proposition as we are bound by the law and ratio as laid down by the decision of a Constitution Bench of this Court in State of U.P. v. Deoman Upadhyaya, (1961) 1 SCR 14. The law laid down by this Court in a decision delivered by a Bench of larger strength is binding on any subsequent Bench of lesser or coequal strength.[15][See Judgments of the Constitution Bench of this Court in Central Board of Dawoodi Bohra Community and Anr. v. State of Maharashtra and Anr., (2005) 2 SCC 673 and Union of India and Anr. v. Raghubir Singh (Dead) By Lrs., (1989) 2 SCC 754. Raghubir Singh (supra) and Central Board of Dawoodi Bohra Community (supra) have been subsequently followed and applied by this Court in Trimurthi Fragrances (P) Ltd. v. Government of N.C.T. of Delhi, 2022 SCC OnLine SC 1247.] This Court in Deoman Upadhyay (supra) observed that the bar under Section 25 of the Evidence Act applies equally whether or not the person against whom evidence is sought to be led in a criminal trial was in custody at the time of making the confession. Further, for the ban to be effective the person need not have been accused of an offence when he made the confession. The reason is that the expression "accused person" in Section 24 and the expression "a person accused of any offence" in Sections 26 and 27 have the same connotation, and describe the person against whom evidence is sought to be led in a criminal proceeding. The adjectival clause "accused of any offence" is, therefore, descriptive of the person against whom a confessional statement made by him is declared not provable, and does not predicate a condition of that person at the time of making the statement.

evidentiary value to be attached on evidence produced before the court in terms of Section 27 of the Evidence Act cannot be codified or put in a straightjacket formula. It depends upon the facts and circumstances of the case. A holistic and inferential appreciation of evidence is required to be adopted in a case of circumstantial evidence. The words "person accused of an offence" and the words "in the custody of a police officer" in Section 27 of the Evidence Act are separated by a comma. Thus, they have to be read distinctively. The wide and pragmatic interpretation of the term "police custody" is supported by the fact that if a narrow or technical view is taken, it will be very easy for the police to delay the time of filing the FIR and arrest, and thereby evade the contours of Sections 25 to 27 of the Evidence Act. Thus, in our considered view the correct interpretation would be that as soon as an accused or suspected person comes into the hands of a police officer, he is no longer at liberty and is under a check, and is, therefore, in "custody" within the meaning of Sections 25 to 27 of the Evidence Act. It is for this reason that the expression "custody" has been held, as earlier observed, to include surveillance, restriction or restraint by the police.

2024 0 INSC 19; 2024 0 Supreme(SC) 16; Darshan Singh Vs. State Of Punjab; Criminal Appeal No.163 of 2010; Decided on : 04-01-2024 (THREE JUDGE BENCH)

If the PWs had failed to mention in their statements u/s 161 CrPC about the involvement of an accused, their subsequent statement before court during trial regarding involvement of that particular accused cannot be relied upon. Prosecution cannot seek to prove a fact during trial through a witness which such witness had not stated to police during investigation. The evidence of that witness regarding the said improved fact is of no significance.

PW-3 claims to be an illiterate witness and therefore, her testimony must be interpreted in that light. We are cognizant that the appreciation of evidence led by such a witness has to be treated differently from other kinds of witnesses. It cannot be subjected to a hyper-technical inquiry and much emphasis ought not to be given to imprecise details that may have been brought out in the evidence. This Court has held that the evidence of a rustic/illiterate witness must not be disregarded if there were to be certain minor contradictions or inconsistencies in the deposition.

2024 0 INSC 32; 2024 0 Supreme(SC) 35; Dinesh Gupta Vs. The State of Uttar Pradesh & Anr.; Criminal Appeal No(S). 214 of 2024 (Arising out of S.L.P.(Crl.) No.3343 of 2022) With Rajesh Gupta Vs. The State of Uttar Pradesh & Ors.; Criminal Appeal No(S). 215 of 2024 (Arising out of S.L.P.(Crl.) No.564 of 2023) Decided On : 11-01-2024

Non-disclosure of such relevant facts was a deliberate and mischievous attempt on the part of the complainant to maliciously initiate criminal proceedings for ulterior motives.

2024 0 INSC 37; 2024 0 Supreme(SC) 30; S. Rajaseekaran Vs. Union Of India & Ors.; Kishan Chand Jain; I.A. No.71387 of 2023 in Writ Petition (C) No. 295 of 2012; Decided on : 12-01-2024

We issue the following directions, which will operate till further orders, which can be modified after looking at the compliance made by the Standing Committee :

a) If the particulars of the vehicle involved in the accident are not available at the time of registration of the report regarding the accident by the jurisdictional Police Station and if, after making reasonable efforts, the particulars of the vehicle involved in the accident could not be ascertained by the Police within a period of one month from the date of registration of accident report, the officer-in-charge of the Police Station shall inform in writing to the injured or the legal representatives of the deceased, as the case may be, that compensation can be claimed under the Scheme. The contact details such as e-mail ID and office address of the jurisdictional Claims Enquiry Officer shall be provided by the Police to the injured or the legal representatives of the deceased, as the case may be;

b) The officer in charge of the Police Station, within one month from the date of the accident, shall forward the FAR to the Claims Enquiry Officer as provided in sub-clause (1) of clause 21 of the Scheme. While forwarding a copy of the said report, the names of the victims in case of injury and the names of the legal representatives of the deceased victim (if available with the Police Station) shall also be forwarded to the jurisdictional Claims Enquiry Officer, who shall cause the same to be entered in a separate register. After receipt of the FAR and other particulars as aforesaid by the Claims Enquiry Officer, if the claim application is not received within one month, the information shall be provided by the Claims Enquiry

Officer to the concerned District Legal Service Authority with a request to the said authority to contact the claimants and assist them in filing the claim applications;

c) A Monitoring Committee shall be constituted at every district level consisting of the Secretary of the District Legal Service Authority, the Claims Enquiry Officer of the district or, if there is more than one, the Claim Enquiry Officer nominated by the State Government, and a police officer not below the level of Deputy Superintendent of Police as may be nominated by the District Superintendent of Police. The Secretary of the District Legal Services Authority shall be the Convener of the Monitoring Committee. The Committee shall meet at least once in every two months to monitor the implementation of the Scheme in the district and the compliance with the aforesaid directions;

d) The Claims Enquiry Officer shall ensure that a report containing his recommendation and other documents are forwarded to the Claim Settlement Commissioner within one month from receipt of the claim application duly filled in;

e) The Registry of this Court shall forward a copy of this order to the Member Secretaries of the Legal Services Authorities of each State and Union Territories. The Member Secretaries shall, in turn, forward the copies of this order to the Secretaries of each District Legal Services Authorities within its jurisdiction. After receipt of the copies of this order, the Secretaries of the District Legal Services Authorities shall take steps to form the Monitoring Committees for their respective districts and

f) The Secretaries of the District Legal Services Authorities shall submit quarterly reports on the functioning of the Monitoring Committees to the Member Secretaries of the respective Legal Services Authorities of the State or the Union Territories, as the case may be. The Member Secretaries shall collate the reports submitted by all districts and forward a comprehensive report to the Registry of this Court.

10) Sub-section (2) of Section 161 of MV Act provides that in case of death of any person resulting from hit and run motor accident, a compensation of Rs. 2 lakhs or such higher amount as may be prescribed by the Central Government shall be paid. In case of grievous injury, the compensation amount is Rs. 50 thousand. The value of money diminishes with time. We direct the Central Government to consider whether the compensation amounts can be gradually enhanced annually. The Central Government shall take an appropriate decision on this issue within eight weeks from today.

11) We direct the Central Government to consider whether the time limit prescribed in sub-clause (2) of clause 20 of the Solatium Scheme can be extended and permission be granted to the eligible claimants to apply within the extended time as a onetime measure. Even on this aspect, we expect the Central Government to decide within eight weeks from today.

2024 0 INSC 42; 2024 0 Supreme(SC) 40; Shadakshari Vs. State Of Karnataka & Anr.; Criminal Appeal No. 256 Of 2024; Decided On : 17-01-2024

The question for consideration in this appeal is whether sanction is required to prosecute respondent No. 2 who faces accusation amongst others of creating fake documents by misusing his official position as a Village Accountant, thus a public servant? The competent authority has declined to grant sanction to prosecute. High Court has held that in the absence of such sanction, respondent No. 2 cannot be prosecuted and consequently has quashed the complaint as well as the chargesheet, giving liberty to the appellant to assail denial of sanction to prosecute respondent No. 2 in an appropriate proceeding, if so advised.

The question whether respondent No.2 was involved in fabricating official documents by misusing his official position as a public servant is a matter of trial. Certainly, a view can be taken that manufacturing of such documents or fabrication of records cannot be a part of the official duty of a public servant. If that be the position, the High Court was not justified in quashing the complaint as well as the chargesheet in its entirety, more so when there are two other accused persons besides respondent No.2.

2024 0 INSC 46; 2024 0 Supreme(SC) 47; Kusha Duruka Vs. The State of Odisha; Criminal Appeal No. 303 of 2024, S.L.P. (Crl.) No. 12301 of 2023; Decided On : 19-01-2024

In our opinion, to avoid any confusion in future it would be appropriate to mandatorily mention in the applications filed for grant of bail:

(1) Details and copies of orders passed in the earlier bail applications filed by the petitioner which have been already decided.

(2) Details of any bail applications filed by the petitioner, which is pending either in any court, below the court in question or the higher court, and if none is pending, a clear statement to that effect has to be made.

This court has already directed vide order passed in Pradhani Jani's case (Criminal Appeal No. 1503/2023 decided on 15.05.2023) that all bail applications filed by the different accused in the same FIR should be listed before the same Judge except in cases where the Judge has superannuated or has been transferred or otherwise incapacitated to hear the matter. The system needs to be followed meticulously to avoid any discrepancies in the orders.

In case it is mentioned on the top of the bail application or any other place which is clearly visible, that the application for bail is either first, second or third and so on, so that it is convenient for the court to appreciate the arguments in that light. If this fact is mentioned in the order, it will enable the next higher court to appreciate the arguments in that light.

(3) The registry of the court should also annex a report generated from the system about decided or pending bail applications in the crime case in question. The same system needs to be followed even in the case of private complaints as all cases filed in the trial courts are assigned specific numbers (CNR No.) even if no FIR number is there.

(4) It should be the duty of the Investigating Officer/any officer assisting the State Counsel in court to apprise him of the orders, if any, passed by the court with reference to different bail applications or other proceedings in the same crime case. And the counsel appearing for the parties have to conduct themselves truly like officers of the Court.

Our suggestions are with a view to streamline the proceedings and avoid anomalies with reference to the bail applications being filed in the cases pending trial and even for suspension of sentence.

2024 0 INSC 48; 2024 0 Supreme(SC) 46; Jay Shri & Anr. Vs. State of Rajasthan; Criminal Appeal No. 330 of 2024 (arising out of SLP(Crl.) No. 14423 of 2023); Decided On : 19-01-2024

Prima facie, in our opinion, mere breach of contract does not amount to an offence under Section 420 or Section 406 of the Indian Penal Code, 1860,[1][For short, "IPC".], unless fraudulent or dishonest intention is shown right at the beginning of the transaction.,[2][Sarabjit Kaur v. State of Punjab and Another, (2023) 5 SCC 360.] This Court has time and again cautioned about converting purely civil disputes into criminal

cases.,[3][Indian Oil Corpn. v. NEPC India Ltd. and Others, (2006) 6 SCC 736; Vijay Kumar Ghai and Others v. State of West Bengal and Others, (2022) 7 SCC 124.] Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged.,[4][Indian Oil Corpn. v. NEPC India Ltd. and Others, (2006) 6 SCC 736, para 13.]

2024 0 INSC 49; 2024 0 Supreme(SC) 58; Mariam Fasihuddin & Anr. Vs. State by Adugodi Police Station & Anr.; Criminal Appeal No. 335 of 2024 (Arising out of Special Leave to Appeal (Crl.) No. 2877 of 2021) Decided on : 22-01-2024

It is well known that every deceitful act is not unlawful, just as not every unlawful act is deceitful. Some acts may be termed both as unlawful as well as deceitful, and such acts alone will fall within the purview of Section 420 IPC. It must also be understood that a statement of fact is deemed 'deceitful' when it is false, and is knowingly or recklessly made with the intent that it shall be acted upon by another person, resulting in damage or loss.[2][P. Ramanatha Aiyar, Advanced Law Lexicon, 6th Edition, Vol. 1, pg. 903] 'Cheating' therefore, generally involves a preceding deceitful act that dishonestly induces a person to deliver any property or any part of a valuable security, prompting the induced person to undertake the said act, which they would not have done but for the inducement.

The term 'property' employed in Section 420 IPC has a well defined connotation. Every species of valuable right or interest that is subject to ownership and has an exchangeable value – is ordinarily understood as 'property'. It also describes one's exclusive right to possess, use and dispose of a thing. The IPC itself defines the term 'moveable property' as, **"intended to include corporeal property of every description, except land and things attached to the earth or permanently fastened to anything which is attached to the earth."** Whereas immoveable property is generally understood to mean land, benefits arising out of land and things attached or permanently fastened to the earth.

The offences of 'forgery' and 'cheating' intersect and converge, as the act of forgery is committed with the intent to deceive or cheat an individual.

The provision for submitting a supplementary report infers that fresh oral or documentary evidence should be obtained rather than reevaluating or reassessing the material already collected and considered by the investigating agency while submitting the initial police report, known as the chargesheet under Section 173(2) CrPC. [4][Vinay Tyagi v. Irshad Ali and others, (2013) 5 SCC 762, para 22.] In the absence of any new evidence found to substantiate the conclusions drawn by the investigating officer in the supplementary report, a Judicial Magistrate is not compelled to take cognizance, as such a report lacks investigative rigour and fails to satisfy the requisites of Section 173(8) CrPC. What becomes apparent from the facts on record of this case is that the investigating agency acted mechanically, in purported compliance with the Trial Magistrate's order dated 24.06.2015.

2024 0 INSC 57; 2024 0 INSC 58; 2024 0 Supreme(SC) 72; Central Bureau of Investigation Vs. Kapil Wadhawan & Anr.; Criminal Appeal No. 391 of 2024 (@ Special Leave Petition (Crl.) No. 11775 of 2023) Decided On : 24-01-2024

Indisputably, the power of the investigating officer to make a prayer for making further investigation in terms of sub-section (8) of Section 173 is not taken away only because a charge-sheet under sub-section (2) thereof has been filed. A further investigation is permissible even if order of cognizance of offence has been taken by the Magistrate.

we have no hesitation in holding that the chargesheet having been filed against the respondents-accused within the prescribed time limit and the cognizance having been taken by the Special Court of the offences allegedly committed by them, the respondents could not have claimed the statutory right of default bail under Section 167(2) on the ground that the investigation qua other accused was pending.
The statutory scheme does not lead to a conclusion in regard to an investigation leading to filing of final form under sub-section (2) of Section 173 and further investigation contemplated under sub-section (8) thereof. Whereas only when a charge-sheet is not filed and investigation is kept pending, benefit of proviso appended to sub-section (2) of Section 167 of the Code would be available to an offender; once, however, a charge-sheet is filed, the said right ceases. Such a right does not revive only because a further investigation remains pending within the meaning of subsection (8) of Section 173 of the Code.

2024 0 INSC 41; 2024 0 Supreme(SC) 38; Nara Chandrababu Naidu Vs. The State of Andhra Pradesh and Another; Criminal Appeal No. 279 of 2024, Arising out of Petition for Special Leave to Appeal (Criminal) No. 12289 of 2023; 16-01-2024

If an enquiry, inquiry or investigation is intended in respect of a public servant on the allegation of commission of offence under the 1988 Act after Section 17A thereof becomes operational, which is relatable to any recommendation made or decision taken, at least prima facie, in discharge of his official duty, previous approval of the authority postulated in subsection (a) or (b) or (c) of Section 17A of the 1988 Act shall have to be obtained. In absence of such previous approval, the action initiated under the 1988 Act shall be held illegal.

Dissenting
In view of the afore-stated legal position, unless a different intention is disclosed in the new Act or repealing Act, a repeal of an Act would not affect the right of the investigating agency to investigate the offences which were covered under the repealed Act. If the offences were committed when the repealed Act was in force, then the repeal of such Act would neither affect the right of the investigating agency to investigate the offence nor would vitiate or invalidate any proceedings instituted against the accused. In the instant case also the offences under Section 13(1)(c) and 13(1)(d) were in force when the same were allegedly committed by the appellant. Hence, the deletion of the said provisions and the substitution of the new offence under Section 13 by the Amendment Act, 2018 would not affect the right of the investigating agency to investigate nor would vitiate or invalidate any proceedings initiated against the appellant.
28. Having considered the different contours of Section 17A, I am of the opinion that Section 17A would be applicable to the offences under the PC Act as amended by the Amendment Act, 2018, and not to the offences existing prior to the said amendment. Even otherwise, absence of an approval as contemplated in Section 17A for conducting enquiry, inquiry or investigation of the offences alleged to have been committed by a public servant in purported exercise of his official functions or duties, would neither vitiate the proceedings nor would be a ground to quash the proceedings or the FIR registered against such public servant.

https://indiankanoon.org/doc/187365174/; Chengaipattu Nathineni Sreenivasulu vs The State Of Ap Rep By Its Pp Hyd., on 25 January, 2024; CRLA 8 of 2011
During cross examination, P.W.1 denied that she did not state to police that when she took the deceased to the house of accused, accused asked her and the deceased

whether they brought any amount as demanded and she denied the above said suggestion. During cross examination of P.W.13, the investigating officer, the accused did not elicit that P.W.1 did not state so when she was examined by him. The omission with regard to the above incident suggested to P.W.1 was not elicited by the accused from the mouth of P.W.13. Hence, this Court has no reason to disbelieve the evidence of P.W.1 with regard to the incident happened when she took the deceased to the house of accused after providing necessary medical aid. In the light of the above, the evidence adduced by the prosecution squarely satisfies the proximity test.

https://indiankanoon.org/doc/172823656/; Sampangi Premkumar vs The State Of Telangana on 23 January, 2024; WP No. 5 of 2024

Disturbance of public order is to be distinguished, from acts directed against individuals which do not disturb the society to the extent of causing a general disturbance of public tranquility. It is the degree of disturbance and its effect upon the life of the community in a locality which determines whether the disturbance amounts only to a breach of law and order. Take for instance, a man stabs another. People may be shocked and even disturbed, but the life of the community keeps moving at an even tempo, however much one may dislike the act. Take another case of a town where there is communal tension. A man stabs a member of the other community. This is an act of a very different sort. Its implications are deeper and it affects the even tempo of life and public order is jeopardized because the repercussions of the act embrace large Sections of the community and incite them to make further breaches of the law and order and to subvert the public order. An act by itself is not determinant of its own gravity. In its quality it may not differ from another but in its potentiality it may be very different. Take the case of assault on girls. A guest at a hotel may kiss or make advances to half a dozen chamber maids. He may annoy them and also the management but he does not cause disturbance of public order. He may even have a fracas with the friends of one of the girls but even then it would be a case of breach of law and order only. Take another case of a man who molests women in lonely places. As a result of his activities girls going to colleges and schools are in constant danger and fear. Women going for their ordinary business are afraid of being waylaid and assaulted. The activity of this man in its essential quality is not different from the act of the other man but in its potentiality and in its affect upon the public tranquility there is a vast difference. The act of the man who molests the girls in lonely places causes a disturbance in the even tempo of living which is the first requirement of public order. He disturbs the society and the community. His act makes all the women apprehensive of their honour and he can be said to be causing disturbance of public order and not merely committing individual actions which may be taken note of by the criminal prosecution agencies. It means therefore that the question whether a man has only committed a breach of law and order or has acted in a manner likely to cause a disturbance of the public order is a question of degree and the extent of the reach of the act upon the society.

2024 0 INSC 70; 2024 0 Supreme(SC) 86; Sheikh Arif Vs. State of Maharashtra & Anr.; Criminal Appeal No. 1368 of 2023; Decided On : 30-01-2024

If this material, which is a part of the investigation papers, is perused carefully, it is obvious that the physical relationship between the appellant and the second respondent was consensual, at least from 2013 to 2017. The fact that they were engaged was admitted by the second respondent. The fact that in 2011, the appellant proposed her and in 2017, there was engagement is accepted by the second

respondent. In fact, she participated in the engagement ceremony without any protest. However, she has denied that her marriage was solemnised with the appellant. Taking the prosecution case as correct, it is not possible to accept that the second respondent maintained a physical relationship only because the appellant had given a promise of marriage.

2024 0 INSC 72; 2024 0 Supreme(SC) 88; Sachin Garg Vs. State of U.P & Anr.; Criminal Appeal No. 497 of 2024 (Arising out of Petition for Special Leave to Appeal (Criminal) No.4415 OF 2023); Decided On : 30-01-2024

Past commercial relationship between the appellant's employer and the respondent no.2 is admitted. It would also be evident from the petition of complaint the dispute between the parties centred around the rate at which the assigned work was to be done. Neither in the petition of complainant nor in the initial deposition of the two witnesses (that includes the complainant) the ingredients of the offence under Section 405 of the 1860 Code surfaced. Such commercial disputes over variation of rate cannot per se give rise to an offence under Section 405 of the 1860 Code without presence of any aggravating factor leading to the substantiation of its ingredients.

The allegation of criminal intimidation against the accused is made in the complaint statements made by the appellant, no particulars thereof have been given. Both in the complaint petition and the initial deposition of one of the witnesses, there is only reproduction of part of the statutory provision giving rise to the offence of criminal intimidation. This would constitute a mere bald allegation, short of any particulars as regards to the manner in which threat was conveyed.

A commercial dispute, which ought to have been resolved through the forum of Civil Court has been given criminal colour by lifting from the penal code certain words or phrases and implanting them in a criminal complaint. The learned Magistrate here failed to apply his mind in issuing summons and the High Court also failed to exercise its jurisdiction under Section 482 of the 1973 Code to prevent abuse of the power of the Criminal Court.

the complaint case cannot be rejected at the nascent stage on the sole ground of not implicating the company.

https://indiankanoon.org/doc/148942954/; Sri Sankula Chandra Seker, vs State Of A.P., Rep By Pp., on 29 January, 2024; CRLA 820 of 2007

simply because PW.1 appears to have given false evidence giving a go bye to the case of the prosecution, the case of the prosecution cannot be thrown out.

https://indiankanoon.org/doc/114690986/; Ruda Chanti Babu vs The State Of Andhra Pradesh on 30 January, 2024; CRLP 241 of 2024;

The question of drawing of samples at the time of seizure which, more often than not, takes place in the absence of the Magistrate does not in the above scheme of things arise. This is so especially when according to Section 52-A(4) of the Act, samples drawn and certified by the Magistrate in compliance with subsections (2) and (3) of Section 52-A above constitute primary evidence for the purpose of the trial. Suffice it to say that there is no provision in the Act that mandates taking of samples at the time of seizure.

NOSTALGIA

Sec 27 IEA

Sections 25 and 26 were enacted not because the law presumed the statements to be untrue, but having regard to the tainted nature of the source of the evidence, prohibited them from being received in evidence. A person giving word of mouth information to police, which may be used as evidence against him, may be deemed to have submitted himself to the "custody" of the police officer. Reference can also be made to decision of this Court in Vikram Singh and Ors. v. State of Punjab (2010) 3 SCC 56, which discusses and applies Deoman Upadhyay (supra), to hold that formal arrest is not a necessity for operation of Section 27 of the Evidence Act. This Court in Dharam Deo Yadav v. State of Uttar Pradesh (2014) 5 SCC 509, has held that the expression "custody" in Section 27 of the Evidence Act does not mean formal custody, but includes any kind of surveillance, restriction or restraint by the police. Even if the accused was not formally arrested at the time of giving information, the accused is, for all practical purposes, in the custody of the police and the bar vide Sections 25 and 26 of the Evidence Act, and accordingly exception under Section 27 of the Evidence Act, apply. Reliance was placed on the decisions in State of A.P. v. Gangula Satya Murthy, (1997) 1 SCC 272 and A.N.Vekatesh and Anr. v. State of Karnataka, (2005) 7 SCC 714

Circumstantial Evidence

In Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116, this Court referred to Hanumant v. State of Madhya Pradesh (1952) 2 SCC 71, and laid down the five golden principles ('panchsheel') that should be satisfied before a case based on circumstantial evidence against an accused can be said to be fully established:

(i) the circumstances from which the conclusion of guilt is to be drawn should be fully established;

(ii) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty;

(iii) the circumstances should be of a conclusive nature and tendency;

(iv) they should exclude every possible hypothesis except the one to be proved; and

(v) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.

UNCLEAN HANDS

In Dalip Singh vs. State of Uttar Pradesh and Others, (2010) 2 SCC 114 this Court noticed the progressive decline in the values of life and the conduct of the new creed of litigants, who are far away from truth. It was observed as under:

"1. For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahinsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the Pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post- Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

2. In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to

pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."

NEWS

- AP- Acts - Andhra Pradesh Regularization Of Services Of Contract Employees Act, 2023 –Coming Into Force Of The Act - Notification Under Sub Section (3) Of Section 1 Of The Act – Issued.
- Andhra Pradesh State Judicial Service - Civil Judges (Junior Division) - Notified For The Year, 2022 - Selection Of Candidates - Approved. [G.O.Ms.No.210, Law (L And LA & J - Home - Courts.A), 11th December, 2023.]
- High Court of Andhra Pradesh - Amendment to second para of Standing Order No. 282 of the High Court Standing orders 2004, in terms of Judgment of Hon'ble Division Bench – Notified- 22.01.2024.
- High Court of Andhra Pradesh - Amendment to first para of Standing Order No. 170 of the High Court Standing Orders 2004 - Notified.- 22.01.2024
- APHC- Judgement dated 04.01.2024 passed in Writ Petition (C) No. 643 of 2015 by Hon'ble Supreme Court of India - Recommendations of the Second National Judicial Pay Commission as approved by the Hon'ble Supreme Court - Certain instructions - Issued - Reg.- DISPLAY of JUDGE Sticker on Vehicles permitted.

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ON A LIGHTER VEIN

During a trial, the judge asked the prosecutor, "Do you have any new evidence?"
The prosecutor replied, "Your Honor, the only thing I've uncovered is that I need a better shovel for digging through the case files!"

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