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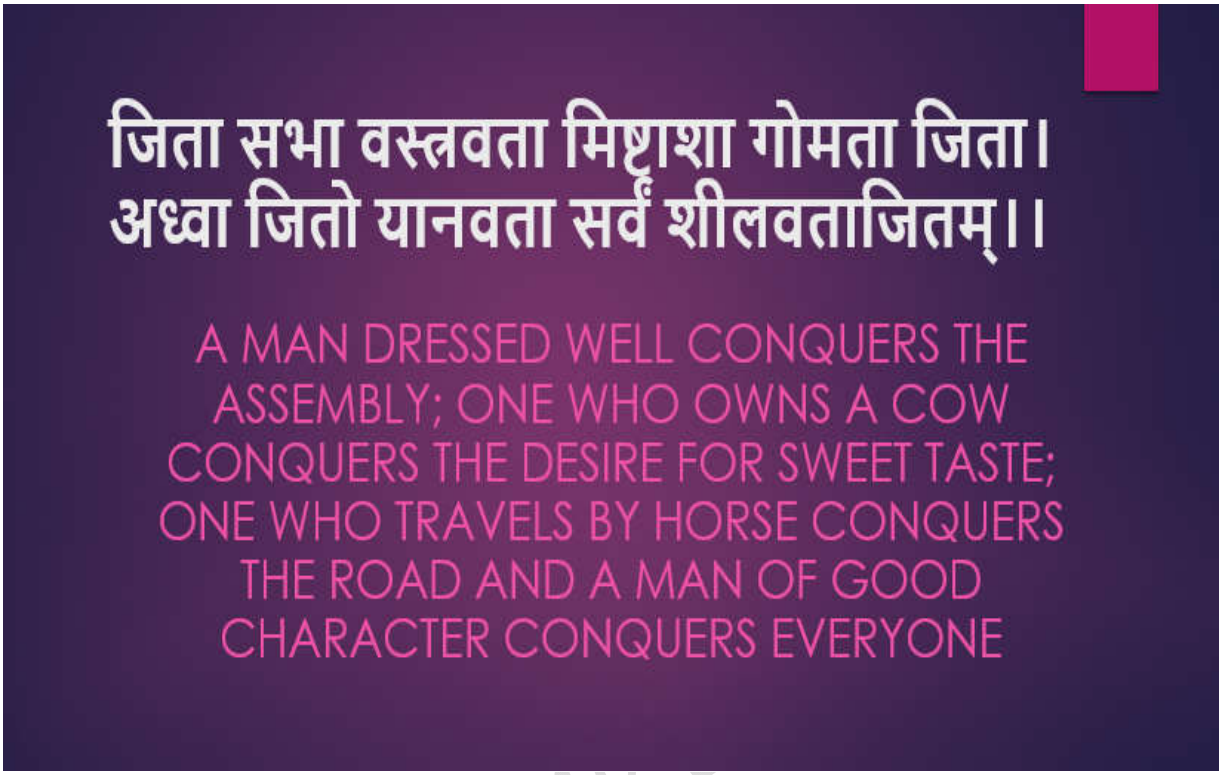
Aano Bhadr Kratvo Yantu Viswatah
(Let Noble Thoughts Come To Me from All Directions)



CITATIONS

https://indiankanoon.org/doc/84299021/; **M/S. Ramky Infrastructure Ltd., And others vs State Of Telangana And Another on 1 April, 2025; CRLP 2451/2018**

It is trite law that FIR is not an encyclopaedia of all imputations. Therefore, to test whether an FIR discloses commission of a cognizable offence what is to be looked at is not any omission in the accusations but the gravamen of the accusations contained therein to find out whether, prima facie, some cognizable offence has been committed or not. At this stage, the court is not required to ascertain as to which specific offence has been committed.

It is only after investigation, at the time of framing charge, when materials collected during investigation are before the court, the court has to draw an opinion as to for commission of which offence the KL,J accused should be tried. Prior to that, if satisfied, the court may even discharge the accused. Thus, when the FIR alleges a dishonest conduct on the part of the accused which, if supported by materials, would disclose commission of a cognizable offence, investigation should not be thwarted by quashing the FIR.

No doubt, a petition to quash the FIR does not become infructuous on submission of a police report under Section 173(2)CrPC, but when a police report has been submitted, particularly when there is no stay on the

investigation, the court must apply its mind to the materials submitted in support of the police report before taking a call whether the FIR and consequential proceedings should be quashed or not. More so, when the FIR alleges an act which is reflective of a dishonest conduct of the accused.

https://indiankanoon.org/doc/179492959/; Mulla Kishore vs The State Of Telangana on 1 April, 2025; CRLP 3902, 3917,3921 of 2025
The learned counsel for the petitioner cited the judgments in Mohd. Ibrahim (supra), Premchand R. Nair (supra), and JIT Vinay Arolka (supra), all of which held that criminal proceedings should not be misused for resolving civil disputes, as criminal provisions typically do not apply to civil matters. However, this principle does not applicable to the present case, where specific criminal allegations have been made against A1 to A3 for cheating and the fabrication of documents, including the execution of 64 false registrations in favor of purchasers. While it is acknowledged that there exists a civil dispute, the case also involves serious issues of breach of trust, forgery and violations of the conditions mentioned in the development agreement on 23.03.2021.

https://indiankanoon.org/doc/110964012/; Rathi Vasudeva Rao vs P V R M Patnaik on 1 April, 2025; CRP 2141/2024
This Court holds that the Execution Petition filed by the Decree holder, in pursuance of the award of the Lok Adalat, referred to supra, is maintainable.

https://indiankanoon.org/doc/22392358/; Radhika Kammili vs The State Of Telangana on 1 April, 2025; CRIMINAL PETITION No.4367 of 2025
https://indiankanoon.org/doc/145966484/; Shivaram Prasad Kammili, vs The State Of Telangana; CRIMINAL PETITION No.4429 of 2025 Dated 01.04.2025
41A CrPC notice directed to be served to an accused facing an FIR registered for the offence U/Sec. 313 IPC, which is punishable with life.

https://indiankanoon.org/doc/28067518/;Islavath Rajaram vs The State Of Telangana on 2 April, 2025; CRLP 4316/2025
41A CrPC directed to be served on an accused who kidnapped a 16 year minor girl; they fell in love and got married and they also blessed with a baby and now they are living together, on the ground that the case was registered u/s 363 IPC, which is punishable with less than 7 years of imprisonment.

https://indiankanoon.org/doc/18114254/;Yarram Naraa Reddy vs The State Of Andhra Pradesh on 2 April, 2025; CRLP 3548/2025

The learned counsel for the petitioner submits that the learned Magistrate referred the case of the complainant to the Police under Section 156(3) of Cr.P.C., without following the judgments of Hon'ble Apex Court in the cases of Ramdev Food Products (P) Ltd. Vs. State of Gujarat and Priyanka Srivastava and another Vs. State of U.P. and another.

Considering the submissions made by the learned counsel for the petitioner, the Station House Officer, Arundalpet Police Station, Guntur district, is directed to complete the investigation in Crime No.217 of 2024, without taking any coercive steps against the petitioner. This would not preclude the Investigating Officer from filing charge sheet/final report.

https://indiankanoon.org/doc/100508528/;Chebolu Sai Tarun vs The State Of Telangana on 2 April, 2025; CRLP 3973/2025

The petitioner is sole accused in the Sessions Case registered for the offences punishable under Sections 354(D) of the Indian Penal Code, 1860 and Section 12 of the Protection Of Children from Sexual Offences Act, 2012 (for short 'POCSO Act').

Pending this petition, the parties have entered into the compromise and, accordingly, respondent No.2/de-facto complainant filed I.A.Nos.2 and 3 of 2025 with the prayer to permit them to enter into compromise and by recording the settlement to quash the proceedings against the petitioner/accused in S.C.No.594 of 2024.

Accordingly, I.A.Nos.2 and 3 of 2025 are allowed. Consequently, all the proceedings in S.C.No.594 of 2024, pending on the file of the Fast Track Special Judge for Expeditious Trial and Disposal of Rape and POCSO Act Cases at Malkajgiri, are hereby quashed against the petitioner/accused.

https://indiankanoon.org/doc/162570444/; Nampally Sanjay Varma vs State Of Telangana; CRIMINAL PETITION No.4374 of 2025; 02.04.2025

As per the prosecution, petitioner/accused No.7 is consumer. The charge sheet is indicating that upon the statement of co-accused, the petitioner's name came on to record as consumer. However, except statement of admission by the co-accused, there is nothing on record. In this context, it is pertinent to note that in Tofan Singh v. State of Tamil Nadu, the Hon'ble Supreme Court has held that the confessional statements recorded under Section 67 of the NDPS Act, stands in similar footing that of Section 25 of the Evidence Act, 1872 and would be inadmissible in evidence. Additionally, the investigating agency failed to conduct any medical test to

make out consumption of Narcotic Substance by the petitioner. In this view even if the transmission of amount is believed, it will not make out any offence as alleged in the charge sheet. Therefore continuance of proceedings against the petitioner is found pointless.

https://indiankanoon.org/doc/136972985/;Chanda Srinivas Reddy vs The State Of Telangana on 2 April, 2025; CRLP 12823/2024

At the stage of taking cognizance of an offence, if a prima facie case is made out, it would suffice to order the appearance of the accused to face trial. The fact that the police did not file a final report against the accused persons, i.e., the petitioners herein, cannot be a reason to set aside the order of the learned Magistrate for taking cognizance against these petitioners to be tried for the offence under Section 307 of IPC. The learned Magistrate has given reasons for taking cognizance and the same cannot be interfered with.

https://indiankanoon.org/doc/39683671/;Kommu Pedda Balaiah vs The State Of A.P., on 2 April, 2025; CRLA 1037/2010

Though, it is admitted that there were disputes between the families, however, such disputes cannot form basis to infer that PW.1 had lodged a false complaint only to take revenge. The reason for the dispute, according to PW.1, is the land that lies between the houses of the appellant and the accused's family. It was a long-pending dispute, and for the reasons of this ongoing dispute, it cannot be said that PW.1 has fabricated a false case against the appellant involving his 11 years old daughter.

The version of PW.1, stating that the incident occurred on 29.12.2006 and the complaint was filed three days thereafter, in fact, lends credibility to the version of PW.1 and PW.3, supported by medical evidence. If PW.1 wanted to falsely implicate the accused, he would not have stated the date of incident as three days prior to lodging the complaint. The complaint and the evidence of PWs.1 and 3 would reflect that the appellant had raped the victim girl. The delay was properly explained, and the reason for not finding any semen or spermatozoa on the swabs collected from PW.3 is of no consequence. It is not necessary that there should be ejaculation of semen to make out an offence of rape.

https://indiankanoon.org/doc/93743881/;Mohammed Akbar vs The State Of Telangana on 2 April, 2025; CRLP 4230/2025

the Sub-Inspector of Police, Kukatpally Police Station, submitted that during the course of investigation in Crime No.286 of 2025, the I.O addressed a letter to the Bank Manager, IOB, Balanagar branch with a request to furnish

transaction details of A/c.No.34000100000091 of the petitioner as well as to freeze the said account as bank transactions took place between accused and the petitioner. He further submitted that as on today, the petitioner was not made an accused in the present crime.
Section 35(3) of BNSS notice directed to be given

https://indiankanoon.org/doc/174745400/;Sri Shaik Usman vs The State Of Andhra Pradesh on 3 April, 2025; WP 3621/2025
The right to privacy -- by itself -- has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as "right to privacy". Conversations on the telephone are often of an intimate and confidential character. Telephone conversation is a part of modern man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone conversation in the privacy of one's home or office. Telephone-tapping would, thus, infract Article 21 of the Constitution of India unless it is permitted under the procedure established by law.
In the present case, petitioner has not only indulged in secretly recording conversation had with superior which itself is impermissible, also posted the said content in WhatsApp group. The other accusation made against him that he had posted message against an officer that he played fraud on Government in claiming CM relief fund, is also serious in nature. If at all petitioner had any such information or material, he definitely had option of red flagging the same through proper channel by submitting appropriate complaint, which he did not choose to. Petitioner as passing argument tried to contend that the impugned act of suspension is tainted by malafides, this Court is not persuaded by the said submission, as nowhere in the pleadings petitioner attributed such malafides to particular officer nor any such officer has been arrayed as party respondent. Such wild and bald allegations unsubstantiated by specific pleadings cannot be countenanced. Therefore, there is no illegality in the CGR, J impugned suspension order. The order specifically records allegations against petitioner, the intention of initiating disciplinary action, the effect of posting such messages on guarding staff members, who accessed the posts. Since petitioner is working in discipline

force, is expected to discharge duties with utmost care and caution particularly when dealing with superior officers.

https://indiankanoon.org/doc/131433409/; Sriram Chandra Sekhar Chintu vs State Of Andhra Pradesh on 4 April, 2025; CRLP 3424/2025

Section 216 of Cr.P.C., confers an exclusive right on the Court to alter the charge at any time before pronouncement of the judgment. This does not give scope either to the prosecution or to the accused to seek alteration of a charge or addition of a new charge and file an application with a prayer to the Court to invoke the provisions of Section 216 of Cr.P.C.,

18. The intent of the legislature is only to ensure that the Court retains the exclusive power of altering a charge or adding the charge depending upon the evidence before it and to ensure that the accused are notified of the appropriate charges to which they are required to answer.

19. If the power under Section 216 of Cr.P.C., is to be invoked by the Court thus there is no scope for filing a petition under Section 216 Cr.P.C., either by the prosecution or on behalf of the accused. If Section 216 Cr.P.C., is invoked by the prosecution or the accused //13// CRLP.No.3424 OF 2025 there cannot be an end for any trial before any Court. If the parties to a litigation are allowed to invoke Section 216 of Cr.P.C., the very purpose of incorporating Section 216 Cr.P.C., in the Code would be defeated. If the parties misuse it, it would delay the conclusion of the trial, and the same would be beyond the scope of the Court to conclude any trial in any case.

20. The law on this issue is settled and power of the Court is exclusive and power of the Court to alter or add a charge is exclusively with the Court and no party is required to file a petition praying the Court to invoke the powers under Section 216 of Cr.P.C.,

https://indiankanoon.org/doc/123051424/; Anthareddy Gangareddy vs The State Of Telangana; CRLP No.12856 OF 2024; Date:07.04.2025

In cases where a private complaint is filed, it is for the concerned Court to apply its mind to the facts of the case, either to take cognizance of the offence or refer it to the Police for investigation. What prompted the concerned Magistrate or Judge to refer the complaint to the Police for investigation must be stated in reference order. While not in detail, the reasons for the Judge's satisfaction that the complaint needs investigation must be mentioned.

https://indiankanoon.org/doc/4301215/; Karanam Anusha And Lalitha vs State Of AP on 7 April, 2025; CrlRC No.1349 of 2024

Considering that the matter is already subjudice before the competent Civil Court for declaration of title and possession of the disputed property, this

Court deems it appropriate to direct the learned Principal Junior Civil Judge, Kavali, to expedite the disposal of I.A. No.482 of 2024. Given that the petitioner has sought recourse to the Civil Court to establish his rights, the ongoing proceedings under Section 145 of Cr.P.C. initiated by the Tahsildar are deemed unnecessary.

Drawing upon the aforementioned decisions and its pertinent observations, this Court asserts that, upon receiving information about a potential breach of peace, if any, the Mandal Executive Magistrate is empowered to initiate proceedings under Section 107 of Cr.P.C. against parties responsible for disturbing public peace and tranquility.

https://indiankanoon.org/doc/154867517/;Begari Arun Kumar vs The State Of Telangana on 11 April, 2025; CRLP No. 9479 OF 2019

The complainant was running a clinic and was an RMP. Even according to her, the petitioner was already married before she got acquainted with him. An offence under Section 493 of IPC would be made out if the petitioner had practiced deception and, as a consequence of such deception, the complainant believed that she was lawfully married to him and cohabited with him. The complainant was already married and not divorced. Therefore, the question of her believing that she was lawfully married to the petitioner does not arise in the present circumstances. She is a working woman and mature enough to understand the consequences of entering into a physical relationship with another person. While her marriage was subsisting, she maintained a physical relationship with the petitioner over a period of time. The said relationship, from the facts narrated by her, appears to be consensual and not on account of any inducement or false promise by the petitioner.

Even accepting the version of the complainant that the petitioner did not inform her about his marriage earlier, it would not amount to practicing deception in the present facts of the case. Both the petitioner and the complainant were already married, and on their own, entered into a physical relationship. After considerable time, since the relationship soured, the complaint appears to have been filed.

2025 0 INSC 430; 2025 0 Supreme(SC) 574; Manish Vs. State of Maharashtra and Anr.; Criminal Appeal No. 1742 of 2025 (Arising out of SLP (Criminal) No. 10931 of 2022): 02-04-2025

There is no cavil that in some cases a commercial dispute may give rise to a criminal offence in addition to a civil cause of action. The test to determine whether a case would attract penal consequences is as follows:-

"Did the offending party make dishonest representation at the inception of the transaction and induce the other party to part with property, or act in a manner which but for such representation, the latter would not have done[2][Hridaya Ranjan Prasad Verma and Ors vs State of Bihar and Anr, (2000) 4 SCC 168 (Para 13-15); Satishchandra Ratanlal Shah vs State of Gujarat and Anr., (2019) 9 SCC 148 (Para 13); Delhi Race Club (1940) Ltd and Ors vs State of Uttar Pradesh and Anr, (2024) 10 SCC 690 (Para 41).]."

2025 0 INSC 435; 2025 0 Supreme(SC) 579; Maukam Singh & Others Vs. State of Madhya Pradesh; Criminal Appeal No. 1741 of 2025 [@ Special Leave Petition (Crl) No.13369 of 2024]; Decided On : 02-04-2025

We have gone through the entire records and depositions of the witnesses. At the outset, we have to notice that the ocular witnesses were all grandchildren of the deceased; which by itself would not result in **eschewing their testimony**. It is trite that, merely because witnesses are related, they cannot be termed to the interested, especially in a case where there is ocular testimony. The prosecution unequivocally proved that the altercation leading to the scuffle occurred in the house of the deceased, wherein the accused had come with deadly weapons, clearly with the intention to harm the inmates of the house, one of whom had visited the disputed property to offer prayers.

The said statement regarding animosity, brought out in cross-examination, is noticed by us, fully realising that, motive of enmity is a doubled edged weapon. Animosity alleged can even lead to an accusation of false allegation on the part of the complainant to deliberately implicate the accused. This makes it imminent that we examine the testimony of witnesses with a hawk's eye to understand whether it is truthful or the witnesses are to be disbelieved. The relationship of the ocular witnesses with the deceased is of no consequence, as the possibility of outsiders being available inside the house of the injured is very remote. It also has to be kept in mind that all the ocular witnesses were injured which makes their testimony credible and believable When a scuffle ensues, it cannot be said that the witnesses; especially if they were actively involved in the scuffle and were also injured, would speak of the minute details of who inflicted the blow, with what weapon and precisely how it was inflicted. Suffice it to notice that the ocular witnesses, also injured in the same transaction, spoke of a blow on the head of the deceased; their grandfather. The mere fact that PW2 and 3 did not speak of a reverse hit by an axe in the Section 161 statement cannot lead to their testimony of the

overt act being disbelieved. The embellishment even if ignored, the overt act stands proved.

2025 0 INSC 457; 2025 0 Supreme(SC) 599; Jaspal Singh Kaural Vs. The State Of NCT Of Delhi & Anr.; Criminal Appeal No. of 2025(Arising out of SLP (Crl.) No. 4007 of 2024); Decided on : 07-04-2025

There is also no element of criminality that can be accrued to the Appellant, insofar as it is the own case of the prosecutrix, that she was in a relationship with the Appellant, while being in a subsisting marriage. It is also hard to believe that the prosecutrix could have sustained a physical relationship for a prolonged period of five years[3][Prashant Vs State of NCT Delhi 2024 SCC Online SC 3375], while being in a subsisting marriage, and even subsequently obtaining divorce to sustain the relationship. The prolonged period of the relationship, during which the sexual relations continued between the parties, is sufficient to conclude that there was never an element of force or deceit in the relationship. [4][Mahesh Damu Khare Vs State of Maharashtra and Anr. [2024] SCC Online SC 3471] The prosecutrix was thus, conscious and cognizant of the consequences of her actions, and had given her consent after an active and reasoned deliberation.[5][Pramod Suryabhan Pawar vs State of Maharashtra [2019] 9 SCC 608]

It is trite law that at the time of framing of charge, a mini trial is not permissible[6][State of Rajasthan vs Ashok Kumar Kashyap [2021] SCC Online SC 314] and the Trial Court has to proceed with the material brought on record by the prosecution and determine whether the facts emerging from the material taken on its face value, disclose the existence of the ingredients necessary of the offence alleged. [7][State of Tamil Nadu Vs. N. Suresh Rajan And Others (2014) 11 SCC 709]

It is trite law that the scope of interference and exercise of revisional jurisdiction is extremely limited and should be exercised very sparingly, specifically in instances, where the decision under challenge is grossly erroneous, or there is non- compliance of the provisions of law, or the finding recorded by the trial court is based on no evidence, or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely by framing the charge. This is certainly not the case in the present matter insofar as the findings of the Ld. Sessions Court are based on the material on record.

2025 0 INSC 458; 2025 0 Supreme(SC) 600; Biswajyoti Chatterjee Vs. State Of West Bengal & Anr.; Criminal Appeal No. of 2025(Arising out of SLP (Crl.) No. 4261 of 2024); Decided on : 07-04-2025

We find that there is a growing tendency of resorting to initiation of criminal proceedings when relationships turn sour. Every consensual relationship, where a possibility of marriage may exist, cannot be given a colour of a false pretext to marry, in the event of a fall out. It is such lis that amounts to an abuse of process of law, and it is under such circumstances, that we deem fit to terminate the proceedings at the stage of charge itself.

2025 0 INSC 459; 2025 0 Supreme(SC) 601; Hutu Ansari @ Futu Ansar & Ors. Vs. The State of Jharkhand; Criminal Appeal No. 1832 of 2025 (@ Special Leave Petition (Crl.) No. 6763 of 2023); 07-04-2025

Admittedly all the prosecution witnesses are related and the specific case of the accused was that due to the enmity, on account of the land dispute, the accused were framed under the SC & ST Act alleging house trespass. Section 3 of the Act charged against the accused is not attracted for reason of the allegations of derogatory terms being used against the complainants, if at all true, was not in a public place nor in the presence of any member of the public.

As we noticed, there is nothing to indicate that there was anybody present in the vicinity of the alleged scene of occurrence, other than family members of the complainant. When PW-1 categorically negatived the presence of any other person except himself, his wife, brother and his nephew; at the scene of occurrence, it cannot be said to have occurred in public view; thus, absolving the accused of any offence under clause (r) or (s) of Section 3 of the SC & ST Act.

2025 0 Supreme(SC) 605; Munnesh Vs. State of Uttar Pradesh; Petition(s) for Special Leave to Appeal (Crl.) No(s). 1400 of 2025; Decided On : 03-04-2025

Be that as it may, since the petitioner has suppressed material facts with regard to his involvement in criminal cases, he is not entitled to the discretionary relief of bail. Even otherwise, the trial has progressed reasonably and hence, no case for releasing the petitioner on bail has been set up.

orders dated 13th October, 2023 and 19th October, 2023 of this Court in SLP (Crl.) No. 12876 of 2023 [Kulwinder Singh v. State of Punjab] and SLP (Crl.) No. 2863 of 2023 [Sheikh Bhola v. State of Bihar], respectively, requiring steps to be initiated for eliciting proper and correct information from the

individuals seeking orders of regular bail/pre-arrest bail have not produced the desired results,

2025 0 INSC 462; 2025 0 Supreme(SC) 604; K. Gopi Vs. The Sub-Registrar and Others; Civil Appeal No. 3954 of 2025; 07-04-2025

The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.

Therefore, assuming that there is a power under Section 69 of the 1908 Act to frame the Rules, Rule 55A(i) is inconsistent with the provisions of the 1908 Act. Due to the inconsistency, Rule 55A(i) will have to be declared ultra vires the 1908 Act. The rule- making power under Section 69 cannot be exercised to make a Rule that is inconsistent with the provisions of the 1908 Act. Rule 55A(i) is accordingly declared as ultra vires the 1908 Act.

2025 0 INSC 471; 2025 0 Supreme(SC) 616; State of Karnataka Vs. Sri Channakeshava H.D. & Anr.; Criminal Appeal No. 1849 of 2025 @ Special Leave Petition (Criminal) No. 16212 of 2024; 08-04-2025

To sum up, this Court has held that in matters of corruption a preliminary enquiry although desirable, but is not mandatory. In a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for registration of FIR, the requirement of preliminary enquiry can be relaxed.

All the same, Mr. Ranjit Kumar, learned senior advocate for respondent no.1, would argue that respondent no.1 was never given a chance to explain his position before the registration of FIR. He would, further, argue that FIR has been used as an instrument to harass the public servant and this is a case

where no prior notice or hearing was given to the officer (respondent no.1), which could have taken place if a preliminary enquiry had been held.
Mr. Devadatt Kamat, senior counsel, has relied upon a recent Three-Judge Bench decision of this Court in CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135 where it was specifically stated that an accused public servant does not have any right to explain the alleged disproportionate assets before filing of an FIR. We are also of the opinion that this is the correct legal position as there is no inherent right of a public servant to be heard at this stage.

2025 0 INSC 477; 2025 0 Supreme(SC) 622; Serious Fraud Investigation Office Vs. Aditya Sarda; Criminal Appeal No. 1872 of 2025 (@ Special Leave Petition (Criminal) No. 13956 of 2023) & Batch; 09-04-2025
In view of the above settled legal position, it is no more res integra that economic offences constitute a class apart, as they have deep rooted conspiracies involving huge loss of public funds, and therefore such offences need to be viewed seriously. They are considered as grave and serious offences affecting the economy of the country as a whole and thereby posing serious threats to the financial health of the country. The law aids only the abiding and certainly not its resistants. When after the investigation, a chargesheet is submitted in the court, or in a complaint case, summons or warrant is issued to the accused, he is bound to submit himself to the authority of law. If he is creating hindrances in the execution of warrants or is concealing himself and does not submit to the authority of law, he must not be granted the privilege of anticipatory bail, particularly when the Court taking cognizance has found him prima facie involved in serious economic offences or heinous offences. In such cases when the court has reason to believe that the person against whom the warrant has been issued has absconded or is concealing himself so that warrant could not be executed, the concerned court would be perfectly justified in initiating the proclamation proceedings against him under Section 82 Cr.P.C. The High Courts should also consider the factum of issuance of non-bailable warrants and initiation of proclamation proceedings seriously and not casually, while considering the anticipatory bail application of such accused.
In a recent case in Union of India through Assistant Director vs. Kanhaiya Prasad, 2025 SCC Online SC 306 it has been observed by this Court that cryptic orders granting bail without adverting to **the facts** or the consideration of such restrictive conditions with regard to the bail are perverse and liable to be set aside.

It cannot be gainsaid that the judicial time of every court, even of Magistrate's Court is as precious and valuable as that of the High Courts and the Supreme Court. The accused are duty bound to cooperate the trial courts in proceeding further with the cases and bound to remain present in the Court as and when required by the Court. Not allowing the Courts to proceed further with the cases by avoiding execution of summons or warrants, disobeying the orders of the Court, and trying to delay the proceedings by hook or crook, would certainly amount to interfering with and causing obstruction in the administration of justice. As held in Srikant Upadhay's case (supra), when warrant of arrest is issued or proclamation proceedings are initiated, the accused would not be entitled to invoke, except in exceptional cases, the extraordinary power of the court to grant anticipatory bail. Granting anticipatory bail is certainly not the rule. The respondents-accused, who have continuously avoided to follow the due process of law, by avoiding attendance in the Court, by concealing themselves and thereby attempting to derail the proceedings, would not be entitled to the anticipatory bail. If the Rule of Law is to prevail in the society, every person would have to abide by the law, respect the law and follow the due process of law.

A faint attempt was made by the learned counsels for the Respondents to rely upon the decision in case of Tarsem Lal vs. Directorate of Enforcement Jalandhar Zonal Office, (2024) 7 SCC 61 to submit that if the respondents were not arrested by the SFIO during the course of investigation till the filing of the complaint, the Special Court while taking cognizance of the alleged offences should have issued a summons only to the respondents-accused and not a warrant. The said submission is bereft of merits. As discussed earlier, as per Section 204, Cr.P.C. in a complaint case, which appears to be a warrant case, the Court taking cognizance of the offence, has the discretion to issue warrant or summons as it thinks fit, for causing the accused to be brought or to appear before it. As held by three Judge Bench of this Court in case of Inder Mohan Goswami and Another (supra), the Court is empowered to issue even a non- bailable warrant to bring a person to the Court, when it is reasonable for the Court to believe that the person will not voluntarily appear in the Court or the police authorities are unable to find the person to serve him with a summons. There cannot be a strait jacket formula, as sought to be submitted by the learned advocates for the Respondents that the Court must first issue a summons even in case of a warrant case, irrespective of the gravity or seriousness of the offence. As well settled by now, whether the attendance of the accused can be best secured by issuing a bailable warrant or non-bailable warrant, would be a matter, which entirely rests at the discretion of the concerned Court. [10][State of U.P. vs.

Poosu (1976) 3 SCC 1 (Para-49)] Although the discretion should be exercised judiciously, diverse considerations such as the nature and seriousness of the offence, the circumstances peculiar to the accused, possibility of his concealing or absconding, larger interest of public and state etc. also must be seriously considered by the court.

2025 0 INSC 482; 2025 0 Supreme(SC) 627; Pinki Vs. State of Uttar Pradesh and Another; Criminal Appeal No. 1927 of 2025 [Arising Out of SLP (Crl.) No. 4658 of 2025], Criminal Appeal No. 1928 of 2025 [Arising Out of SLP (Crl.) No. 592 of 2025], Criminal Appeal No. 1929 of 2025 [Arising Out of SLP (Crl.) No. 590 of 2025], Criminal Appeal No. 1930 of 2025 [Arising Out of SLP (Crl.) 4660 of 2025], Criminal Appeal No. 1931 of 2025 [Arising Out of SLP (Crl.) 4661 of 2025], Criminal Appeal No. 1932 of 2025 [Arising Out of SLP (CRL.) 4662 of 2025], Criminal Appeal No. 1933 of 2025 [Arising Out of SLP (Crl.) 4664 of 2025], Criminal Appeal No. 1934 of 2025 [Arising Out of SLP (Crl.) 4665 of 2025], Criminal Appeal No. 1935 of 2025 [Arising Out of SLP (Crl.) 4666 of 2025], Criminal Appeal No. 1936 of 2025 [Arising Out of SLP (Crl.) 4667 of 2025], Criminal Appeal No. 1937 of 2025 [Arising Out of SLP (Crl.) 4668 of 2025], Criminal Appeal No. 1938 of 2025 [Arising Out of SLP (Crl.) 4670 of 2025], Criminal Appeal No. 1939 of 2025 [Arising Out of SLP (Crl.) 4671 of 2025], Criminal Appeal No. 1940 of 2025 [Arising Out of SLP (CRL.) 4672 of 2025], Criminal Appeal No. 1941 of 2025 [Arising Out of SLP (Crl.) 4673 of 2025], Criminal Appeal No. 1942 of 2025 [Arising Out of SLP (Crl.) 4674 of 2025], Criminal Appeal No. 1943 of 2025 [Arising Out of SLP (Crl.) 4675 of 2025], Criminal Appeal No. 1944 of 2025 [Arising Out of SLP (Crl.) 4676 of 2025]; 15-04-2025

The final word: The true test to ascertain whether discretion has been judiciously exercised or not is to see whether the court has been able to strike a balance between the personal liberty of the accused and the interest of the State, in other words, the societal interests. Each bail application should be decided in the facts and circumstances of the case having regard to the various factors germane to the well settled principles of grant or refusal of bail. In the words of Philip Stanhope, “Judgment is not upon all occasions required, but discretion always is.”

We want to convey a message to one & all more particularly the parents across the country that they should remain extremely vigilant and careful with their children. A slight carelessness or negligence or laxity on their part may prove to be extremely costly. The pain and agony which any parents may have to face when the child dies is different from the pain and agony that the

parents may have to face when they lose their children to such gangs engaged in trafficking. When the child dies, the parents may with passage of time resign to the will of the Almighty but when the child is lost and not found they have to suffer the pain and agony for the rest of their life. It is worst than death. Therefore, we humbly urge to one and all to remain very cautious and vigilant.

If any newborn infant is trafficked from any hospital, the immediate action against the hospital should be suspension of licence to run the hospital over and above other actions in accordance with law. When any lady comes to deliver her baby in any hospital, it is the responsibility of the administration of the hospital to protect the newborn infant in all respects.

2025 0 INSC 488; 2025 0 Supreme(SC) 634; R. Baiju Vs. The State of Kerala; Special Leave Petition (Crl.) No.12926 of 2024; 16-04-2025

The High Court rightly relied on State of Karnataka v. K. Yarappa Reddy (1999) 8 SCC 715, to find that even when the probity of investigation is suspect, the rest of the evidence must be scrutinised meticulously to ensure that criminal justice is not rendered a causality.

Obviously, in retaliation of the incidents that happened earlier, on the same day A6 had seen the accused picking up the wooden logs and entering the house and alsso had exhorted them from outside the house. A6 definitely had the knowledge that the attack perpetrated on the accused could lead to death and the attack was carried out under his watch- full eyes. As rightly held by the High Court, though the heightened intention to cause death cannot be attributed in the incident, the knowledge that the attack, as established in the trial, is likely to cause death can definitely be pinned down on A6, at whose instance and connivance as also active instigation, the attack was carried out.

2025 0 INSC 498; 2025 0 Supreme(SC) 644; Directorate of Revenue Intelligence Vs. Raj Kumar Arora & Ors.; Criminal Appeal No. 1319 of 2013 With Criminal Appeal No. 272 of 2014; Decided On : 17-04-2025

It cannot be said that the dealing in of “Buprenorphine Hydrochloride” would not amount to an offence under Section 8 of the NDPS Act owing to the fact that the said psychotropic substance only finds mention under the Schedule to the NDPS Act and is not listed under Schedule I of the NDPS Rules. There exists nothing to indicate that Rules 53 and 64 of the NDPS Rules respectively, are the governing rules in their respective Chapters, more so, when the language of the other rules in Chapters VI and VII respectively, are

clear about their application to the substances mentioned under the Schedule to the Act as well.

All the psychotropic substances mentioned under the Schedule to the Act have potential grave and harmful consequences to the individual and the society at large, when abused. Some psychotropic substances mentioned under the Schedule to the NDPS Act are also mentioned under the D&C Act and the rules framed thereunder. This is only because those substances while capable of being abused for their inherent properties could also be used in the field of medicine. However, the mere mention of certain psychotropic substances under the D&C regime would not take them away from the purview of the NDPS Act, if they are also mentioned under the Schedule to the NDPS Act.

There arises no occasion for us to declare the interpretation given to Section 8 of the NDPS Act and the relevant NDPS Rules, by the decision in Sanjeev V. Deshpande (2014 13 SCC 1), as prospectively applicable. There exists no overwhelming reason for us to do so. On the other hand, in order to meet the ends of justice and with a view to ensure that public interest is safeguarded and to give effect to the salutary object behind the enactment of the NDPS Act, the decision must necessarily be retrospectively applicable. This Court in Sanjeev V. Deshpande (supra), perhaps, did not think fit to confine or restrict its interpretation of Section 8 of the NDPS Act to future cases only. This is evinced from the fact that whilst overruling Rajesh Kumar Gupta (2007) 1 SCC 355), it deliberately chose not to discuss the doctrine of prospective overruling let alone resort to it. This conspicuous silence in Sanjeev Deshpande (supra) as regards the prospective or retrospective effect of overruling Rajesh Kumar Gupta (supra) has to be borne in mind and given due deference. As a natural corollary to the aforesaid, we see no reason why we should deviate from the default rule of retrospectivity and instead, resort to the doctrine of prospective overruling. Therefore, pending cases, if any, which were instituted before the decision of this Court in Sanjeev V. Deshpande (supra) would also be governed by the law as clarified by it.

Furthermore, the retrospective application of the dictum in Sanjeev V. Deshpande (supra) would not give rise to any implications as regards the rights of the accused persons under Article 20(1) of the Constitution. This is because while overruling the decision in Rajesh Kumar Gupta (supra), the decision in Sanjeev V. Deshpande (supra) has only clarified the law as it stood from its inception and given true effect to the meaning assigned to the relevant provisions of the NDPS Act and the Rules thereunder, by the lawmakers. The same cannot be construed as creating a new offence.

Additionally, the overruling of a decision cannot be equated to the enactment of an ex-post facto law, especially when the interpretation given to the statute/provision in the overruling decision is not a novel and unreasonably expansive interpretation of the provision in question such that it was completely unforseeable. It cannot be reasonably argued that the indiscriminate dealing in of substances which are only mentioned under the Schedule to the NDPS Act and absent under Schedule I of the NDPS Rules, was indubitably legal and allowed by the legislation, prior to the decision in Sanjeev V. Deshpande (supra). Therefore, there remains no doubt in our minds that giving retrospective effect to the decision in Sanjeev V. Deshpande (supra) would be necessary considering the facts and circumstances in the background of which we are called upon to adjudicate these matters

However, having held that the decision in Sanjeev V. Deshpande (supra) must be given retrospective effect, we find it necessary to clarify that acquittals which have already been recorded as a consequence of the decision in Rajesh Kumar Gupta (supra) and have attained finality, would not be unsettled in light of the overruling decision in Sanjeev V. Deshpande (supra) or the observations made by us.

2025 0 INSC 499; 2025 0 Supreme(SC) 645; Subhash Aggarwal Vs. The State of NCT of Delhi; Criminal Appeal No. 2038 of 2025 (@ Special Leave Petition (Crl.) No.1069 of 2025); Decided On: 17-04-2025

Another plea taken by the learned counsel was that the best evidence of gunshot residue in the hands of the deceased was suppressed. True, the IO spoke of the doctor who conducted the post-mortem having taken swabs from the hands of the deceased; the result of analysis of which has not been placed before Court. We cannot but observe that even if gunshot residue was found in the hands of the deceased that would not lead to a definite conclusion of a self-inflicted injury, since the shot fired was in close range, as deposed by PW-20, which could even otherwise have left gunshot residue on the hands of the injured who was shot. **'Medical Jurisprudence'** by Dr. R.M. Jhala and Sh. V.B. Raju, Retired Judge, speaks of the **"Nature of injuries whether suicidal, homicidal or accidental"** in the following manner:

> "The most important and interesting point from legal point of view in the fire-arm injuries is the nature. It is always necessary to decide the question of the suicidal, homicidal or accidental nature of the injury. However, it should be realized and appreciated that the question cannot be answered correctly and confidently. A useful policy, from point

of view of investigation would be to consider every fire-arm injury as homicidal unless proved otherwise. As with other types, of injuries, accessibility is the main factor. Certain situations are very often preferred in case of suicide. About 80% of the wounds are in the region of temple. It is peculiar that heart is rarely the site for suicide, while chest is often the choice of homicidal fire-arm injury. Cadaveric spasm when present with revolver grasped firmly in hand is a very important confirmatory sign pointing to suicidal nature. The other important sign helping in determining the nature is the distance from which the weapon is alleged to be fired. As discussed in the earlier pages, the distance can be assessed from the type of the injury, powder marks, marks of explosion and burning. These prove useful in arriving at an authentic opinion as to the alleged weapon as well as the way in which it could be caused. In suicidal cases generally signs of firing from close vicinity and in accessible areas are present."

(underlining by us for emphasis)

Motive remains hidden in the inner recesses of the mind of the perpetrator, which cannot, oftener than ever, be ferreted out by the investigation agency. Though in a case of circumstantial evidence, the complete absence of motive would weigh in favour of the accused, it cannot be declared as a general proposition of universal application that, in the absence of motive, the entire inculpatory circumstances should be ignored and the accused acquitted.

The accused, admittedly a right-handed person, had gunshot residue particles in his right hand. There were also gunshot residue particles around the gunshot wound by reason of which the son succumbed. Though a definitive opinion was not given by the doctor as to whether the wound was homicidal, no question was put to the ballistic expert. In fact, the suggestion was that since the gun did not have a butt, it could cause injury to the person shooting, which was denied based on the tests carried out. The doctor deposed that the wound was not from a contact range. The circumstances coupled with the falsity of the claim made by the accused immediately after the detection of the body, to the onlookers and the false explanation given by the accused in his statement under Section 313, regarding both his hands having been forcefully smeared with gunshot residue provides further links in the chain of circumstances which is complete and leads only to the hypothesis of the guilt of the accused and not to any hypothesis of innocence.

2025 0 INSC 502; 2025 0 Supreme(SC) 648; Shahed Kamal & Ors. Vs. M/s A. Surti Developers Pvt. Ltd. & Anr.; Criminal Appeal No. 2033 of 2025 (@ Special Leave Petition (Criminal) No. 9942 of 2024); 17-04-2025

We may not be understood to undermine the High Courts' powers saved by Section 482 CrPC; such powers are always available to be exercised ex debito justitiae i.e. to do real and substantial justice for administration of which alone the High Courts exist. However, the tests laid down for quashing an FIR or criminal proceedings arising from a police report by the High Courts in exercise of jurisdiction under Section 482 CrPC not being substantially different from the tests laid down for quashing of a process issued under Section 204 read with Section 200, **the High Courts on recording due satisfaction are empowered to interfere if on a reading of the complaint, the substance of statements on oath of the complainant and the witness, if any, and documentary evidence as produced, no offence is made out and that proceedings, if allowed to continue, would amount to an abuse of the legal process.** This too, would be impermissible, if the justice of a given case does not overwhelmingly so demand."

2025 0 INSC 503; 2025 0 Supreme(SC) 649; State of Himachal Pradesh Vs. Shamsher Singh; Criminal Appeal No. 476 of 2015; 17-04-2025

It may be emphasized that to attract Section 307 IPC, it is not necessary that the hurt should be grievous or of any particular degree. If hurt of any nature is caused and it is proved that there was intention or knowledge to cause death, Section 307 IPC would stand attracted.

There is no denial of the fact that the injured had sustained four injuries, two each on both the upper thighs and they were of grievous nature. The injuries may not be life threatening, but it leaves no doubt that there was intention to cause death.

2025 0 INSC 504; 2025 0 Supreme(SC) 650; Kamal & Ors. Vs. State of Gujarat & Anr.; Criminal Appeal No. 2042 of 2025 [arising out of SLP(Crl.) No. 9167 of 2024]; Decided On : 16-04-2025

Even if we assume that there are some allegations of assault and of physical and mental torture of the complainant, but they are against the husband. As against the parents in law, the allegations are only of extending taunts and of not parting with the money for managing household expenses. Specific details in respect of those taunts have not been disclosed. Moreover, a few taunts here and there is a part of everyday life which for happiness of the family are usually ignored. Interestingly, as per own allegations in the FIR, the complainant admits that when she reported those issues to her parents

and uncle, she was counselled to bear patience. In the circumstances, in our considered view, no case to proceed against the parents in law, namely, the second and third appellant is made out. In so far as the first appellant is concerned, there are allegations of physical and mental torture of the complainant at his behest. Consequently, the case may proceed qua the first appellant.

2025 0 INSC 505; 2025 0 Supreme(SC) 651; Sushila and Others Vs. State of U.P. and Others; Criminal Appeal No. 2020 of 2025 [Arising Out of SLP (Crl.) No. 270 of 2022]; Decided On : 16-04-2025

In such view of the matter, we are of the considered view that allowing the trial to proceed against the appellants shall amount to vexatious trial only for the reason that they are relatives of the husband.

2025 0 INSC 509; 2025 0 Supreme(SC) 654; N. Eswaranathan Vs State Represented By The Deputy Superintendent Of Police; SLP (Criminal) Diary No(s). 55057 of 2024; Decided On : 17-04-2025

The “Standards of Professional Conduct and Etiquette” of the Bar Council of India Rules cast a duty upon Advocates to restrain and prevent their client from resorting to sharp or unfair practices. It is well settled that an Advocate cannot forget what he owes to himself and more importantly to the Court and not to mis-state facts. In Mohit Chaudhary, in Re. (2017) 16 SCC 78, this Court has observed that the fundamentals of the profession require an Advocate not to be immersed in a blind quest of relief for his client. The dignity of the institution cannot be violated in this quest as “law is no trade, briefs no merchandise.”

2025 0 INSC 512; 2025 0 Supreme(SC) 657; Rikhab Birani & Anr. Vs. State Of Uttar Pradesh & Anr.; Criminal Appeal No. 2061 of 2025 (arising out of SLP(Crl.) No. 8592 of 2024); Decided on : 16-04-2025

It is the duty and obligation of the court to exercise a great deal of caution in issuing process, particularly when the matter is essentially of civil nature. [13][G. Sagar Suri and Another v. State of U.P. and Others, (2000) 2 SCC 636] The prevalent impression that civil remedies, being time-consuming, do not adequately protect the interests of creditors or lenders should be discouraged and rejected as criminal procedure cannot be used to apply pressure. [14][Vijay Kumar Ghai and Others v. State of West Bengal and Others, (2022) 7 SCC 124.] Failure to do so results in the breakdown of the rule of law and amounts to misuse and abuse of the legal process.

21. In yet another case, again arising from criminal proceedings initiated in the State of Uttar Pradesh, [15][Deepak Gaba and Others v. State of Uttar Pradesh and Another, (2023) 3 SCC 423] this Court was constrained to note recurring cases being encountered wherein parties repeatedly attempted to invoke the jurisdiction of criminal courts by filing vexatious complaints, camouflaging allegations that are ex facie outrageous or are pure civil claims. These attempts must not be entertained and should be dismissed at the threshold. Reference was made to a judgment of this Court in Thermax Limited and Others v. K.M. Johny and Others, (2011) 13 SCC 412 which held that courts should be watchful of the difference between civil and criminal wrongs, though there can be situations where the allegation may constitute both civil and criminal wrongs. Further, there has to be a conscious application of mind on these aspects by the Magistrate, as a summoning order has grave consequences of setting criminal proceedings in motion. Though the Magistrate is not required to record detailed reasons, there should be adequate evidence on record to set criminal proceedings into motion. The Magistrate should carefully scrutinize the evidence on record and may even put questions to the complainant/investigating officer etc. to elicit answers to find out the truth about the allegations. The summoning order has to be passed when the complaint or chargesheet discloses an offence and when there is material that supports and constitutes essential ingredients of the offence. The summoning order should not be passed lightly or as a matter of course.

2025 0 INSC 515; 2025 0 Supreme(SC) 660; B.S Yeddiyurappa Vs. A Alam Pasha & Ors.; Special Leave Petition (Crl.) No. 520 of 2021 With SLP(Crl) No. 758 of 2021 SLP(Crl) No. 2318 of 2021 SLP(Crl) No. 2753 of 2021 SLP(Crl) No. 3372 of 2021 SLP(Crl) No. 9361 of 2021 SLP(Crl) No. 8675 of 2022 SLP(Crl) No. 5333-5347 of 2016; Decided On : 21-04-2025
As for maintaining judicial discipline a coordinate bench of this Court has refrained from proceeding further in deciding the underlying issue[7] [Whether the bar of Section 19 of the PC Act would be applicable on exercise of power under Section 156 (3) of CrPC.], which is under reference to a larger bench, we deem it appropriate to tag these petitions with the referred matter “Manju Surana vs. Sunil Arora & Ors.”

2025 0 INSC 519; 2025 0 Supreme(SC) 664; Lilaben Vs. State of Gujarat & Anr.; Criminal Appeal No. 2101 of 2025 (Arising out of SLP(Crl) No. 18017 of 2024); Decided On : 21-04-2025

When an accused person applies to the Appellate Court for suspension of sentence and succeeds in getting the Court to make an order in his favour, what gets stayed is only the execution of the sentence and nothing more. The sentence remains and is only, not acted upon [See: K. Prabhakaran v. P. Jayarajan, (2005) 1 SCC 754]. In doing so, there has to be a recording of reasons, which, of course, can only be possible after due consideration [See: State of Haryana v. Hasmat, (2004) 6 SCC 175; Vijay Kumar v. Narendra, (2002) 9 SCC 364 and Ramji Prasad v. Rattan Kumar Jaiswal, (2002) 9 SCC 366]. The rationale behind such power is appropriately captured in the words of Bhagwati J., (as his Lordship then was) in the case of Kashmira Singh v. State of Punjab, (1977) 4 SCC 291.

Till and such time, the finding of the Trial Court is examined independently by the High Court, and proven to be incorrect, it has to be taken as the position in law. So, at the present moment, it is proven that Respondent No.2 has committed the offences for which he stands convicted, subject to confirmation or setting aside by the High Court in the pending appeal. Considering this, and also the nature of offence on one hand, and his age on the other, in the attending facts and circumstances, we are of the considered view, that the High Court ought not to have suspended the sentence as was imposed by the Trial Court.

The judicious use of this power being the path to be adopted by the Courts, as held in Angana v. State of Rajasthan, (2009) 3 SCC 767 and also the said exercise not being at the cost of 'legitimate public aspirations' which here would be, all things considered, Respondent No.2 be confined in jail, both do not justify the conclusion arrived at by the High Court. Respondent No.2 is accordingly directed to surrender before the competent authority forthwith. It is clarified that if the appeal pending before the High Court is not heard in eighteen months, he shall be at liberty to approach the High Court seeking regular bail.

2025 0 INSC 539; 2025 0 Supreme(SC) 684; Central Bureau of Investigation Vs. Ramesh Chander Diwan; Criminal Appeal No. 1527 of 2025; With Ashok Kumar Manuja Vs. Central Bureau of Investigation and Another; Criminal Appeal No. 1528 OF 2025; 22-04-2025

This legal position is fortified by a recent decision of this Court in A. Sreenivasa Reddy v. Rakesh Sharma, (2023) 8 SCC 711 where a coordinate Bench has held that protection of sub-section (1) of Section 197,

Cr. PC is available only to such public servants whose appointing authority is the Central Government or the State Government and not to every public servant.

2025 0 INSC 540; 2025 0 Supreme(SC) 685; Chellammal and Another Vs. State Represented by the Inspector of Police; Criminal Appeal No. 2065 of 2025 [Arising Out of SLP (Crl.) No. 368 of 2020]; 22-04-2025

Summing up the legal position, it can be said that while an offender cannot seek an order for grant of probation as a matter of right but having noticed the object that the statutory provisions seek to achieve by grant of probation and the several decisions of this Court on the point of applicability of Section 4 of the Probation Act, we hold that, unless applicability is excluded, in a case where the circumstances stated in sub-section (1) of Section 4 of the Probation Act are attracted, the court has no discretion to omit from its consideration release of the offender on probation; on the contrary, a mandatory duty is cast upon the court to consider whether the case before it warrants releasing the offender upon fulfilment of the stated circumstances. The question of grant of probation could be decided either way. In the event, the court in its discretion decides to extend the benefit of probation, it may upon considering the report of the probation officer impose such conditions as deemed just and proper. However, if the answer be in the negative, it would only be just and proper for the court to record the reasons therefor.

2025 0 INSC 556; 2025 0 Supreme(SC) 701; Ramachandraiah & Anr. Vs. M. Manjula & Ors.; Criminal Appeal No(s). 2179 of 2025 (Arising out of SLP(Crl.) No(s). 10449 of 2022) With D.A Srinivas & Anr. Vs M. Manjula & Ors.; Criminal Appeal No(s). 2180 of 2025 (Arising out of SLP(Crl.) No(s). 10515 of 2022); Decided On : 23-04-2025

Therefore, we are of the considered view that once an FIR is registered and investigation has taken place, direction for an investigation by the CBI is not open to challenge by the prospective suspect or accused. The matter for entrusting investigation to a particular agency is basically at the discretion of the Court.

2025 0 INSC 560; 2025 0 Supreme(SC) 705; Pramila Devi & Ors. Vs The State Of Jharkhand & Anr.; Crl Appeal No. 2551 of 2024; 23-04-2025

Here, the Court would pause to delve on what is the scope of the exercise of application of mind on the police papers/case diary for deciding as to whether to take cognizance or not - it has only to be seen whether there is material forthcoming to indicate commission of the offence(s) alleged. The concerned

Court is not empowered to go into the veracity of the material at that time. That is why, the law provides for a trial where it is open to both the parties i.e., the prosecution as well as the defence to lead evidence(s) either to prove the materials which have come against the accused or to disprove such findings.

2025 0 INSC 562; 2025 0 Supreme(SC) 707; Muppidi Lakshmi Narayana Reddy & Ors. Vs. The State of Andhra Pradesh & Anr.; Criminal Appeal No(s). 2137 of 2025 (Arising out of SLP(Crl.) No(s). 2570 of 2018); Decided On : 23-04-2025

There is no denial of the fact that the appellants reside at Hyderabad whereas the de-facto complainant stayed at Guntur in her marital house. There is no specific date as to when the present appellants visited Guntur and joined accused nos. 1 to 3 in demanding dowry from de-facto complainant. Considering the growing trend of the dowry victim arraigning the relatives of the husband, this Court in the matter of Geeta Mehrotra & Anr. vs. State of Uttar Pradesh & Anr., (2012) 10 SCC 741 has deprecated the practice involving the relatives of the husband for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act, 1961.

https://indiankanoon.org/doc/196476446/; Sri.Kathi.Kanakal Reddy vs High Court For The State Of Telangana; CRIMINAL PETITION No.15820 of 2024 Date: 15.04.2025

it is significant to note Sections 27 and 28 of the PCPNDT Act. although the police may file an FIR and investigate, the Court may only take cognizance based on a complaint filed in accordance with Section 28 of the Act.

https://indiankanoon.org/doc/32300612/;S. Janaki Ramaiah vs The State Of Telangana, CRIMINAL PETITION No.15346 OF 2024; 15.04.2025

It is settled proposition of law that a second complaint can lie on fresh facts or even on previous facts only if a special case is made out.

Contentions canvassed by learned counsel for petitioner/accused that a second FIR cannot be maintained on the same set of allegations is a valid contention.

https://indiankanoon.org/doc/24643334/; Padala Venkata Sadananda Bhavani Sen, vs The State Of Telangana, CRIMINAL PETITION No.15828 of 2024 Date: 15.04.2025

Applying the same reasoning to the present case, there is no illegality in directing the accused to undergo DNA testing. Further, in the case

of Selvi (supra), the Hon'ble Supreme Court held that obtaining blood samples for scientific testing does not amount to self-incrimination under Article 20(3) of the Constitution of India. Therefore, the apprehension of the petitioner that collecting his sample would violate his rights is unfounded.

Mere procedural irregularities, such as non-compliance with certain timelines under the SOP, cannot override the need for reliable scientific evidence in the investigation of serious offences. The offences alleged against the petitioner are of grave nature and require thorough investigation supported by modern forensic techniques.

https://indiankanoon.org/doc/109813641/;Pendem Laxmi vs The State Of Telangana on 15 April, 2025;CRLP 4175/2022

https://indiankanoon.org/doc/16229433/; Sri Dadi Subba Rao And Another vs State Of Telangana And Another Through on 17 April, 2025; CRLP 5295/2022

Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Therefore, the Courts are bound to ensure whether there is any prima facie case against the husband and his family members before prosecuting the husband and his family members.

https://indiankanoon.org/doc/10867879/; Kareddy Bucha Reddy vs The State Of Telangana on 15 April, 2025; WP 5575/2025

Since, the petitioner has admittedly set in motion the civil jurisdiction by filing a suit vide OS.No.1218 of 2022, wherein he having obtained an order of injunction against respondent No.3 herein restraining from interfering in the suit schedule property, this Court is of the view that the petitioner should be directed to avail further remedies as provided under CPC and for the said reason, cannot approach the respondents-authorities by lodging a complaint.

https://indiankanoon.org/doc/85443444/;L.Vickey, Secunderabad., vs State Of Telangana, Rep Pp., on 16 April, 2025;CRLP 1392/2014

At best, when the deponent is in the witness box, their earlier statement recorded under Section 164 Cr.P.C. can be used for contradiction or

corroboration under Section 145 or 157 of the Indian Evidence Act. In the instant matter, such elicitation has not been done by the defence.
Further, it is also well settled that witnesses, based on their understanding and comprehension, have every likelihood of variance and improving or exaggerating the witnessed events. In a similar context, the Hon'ble Supreme Court in Subal Ghore v. State of West Bengal (2013) 4 SCC 607 held in para 38 that experience shows that witnesses do exaggerate; however, on account of such embellishments, the evidence of witnesses need not be discarded if it is corroborated on material aspects by the other evidence on record.

https://indiankanoon.org/doc/94576016/;T.John vs The State Of Telangana; CRIMINAL PETITION No.7173 OF 2020 Dt. 16.04.2025
The learned Sessions Judge dismissed the petition filed by the petitioner under Section 311 of Cr.P.C. seeking to recall P.Ws.1 to 3 for the purpose of marking their statements recorded under Section 164 Cr.P.C., mainly on the ground that statements recorded under Section 164 Cr.P.C. are equivalent to the statements recorded under Section 161 Cr.P.C. Only for the purpose of contradictions or omissions, statements can be used. Learned Sessions Judge did not commit any error in dismissing the application. The statements under Section 164 Cr.P.C. can be marked on record only to confront to the witnesses for adducing any contradictions or omissions.

https://indiankanoon.org/doc/147881668/;Chekka Raju vs The State Of Telangana on 17 April, 2025;CRLA Nos .2634 & 2604/2018
The Magistrate has recorded the dying declaration on a printed proforma. In the printed proforma, the questions are already typed in the Telugu language. Apart from the printed questions, the learned Magistrate did not put any other questions to the deceased to satisfy himself about the mental condition of the deceased. In fact, it is mentioned in the dying declaration that the Magistrate introduced himself and that he came to record the statement. Such a typed, printed proforma and questionnaire give rise to doubt as to whether the learned Magistrate applied his independent mind to the situation or merely posed the questions mechanically to satisfy himself about the mental condition of the patient. Further, the Magistrate ought to have questioned the deceased, to rule out any possibility of tutoring, since the Magistrate admitted that several elders were present when he went to the burns ward. Such mechanical functioning by the learned Magistrate raises doubt about the manner in which the dying declaration was recorded.

https://indiankanoon.org/doc/82009348/; N.Suresh vs The State Of Telangana on 21 April, 2025; WRIT PETITION Nos.1591 AND 2884 OF 2025, 35951, 36532 AND 36554 OF 2024

In Arnab Ranjan Goswami vs Union of India , the Apex Court, on examination of the facts therein, more particularly, registration of multiple F.I.Rs against the petitioner therein, based on TV show aired on a particular day i.e. 21.04.2020, the facts mentioned in all the F.I.Rs. was the same, and that it was held that no subsequent FIR can be registered in respect of same, the incident arising out of the same occurrence or incident.

In Jakka Vinod Kumar Reddy vs. The State of Telangana 11, this Court discussed various decisions held that in following cases multiple FIRs are maintainable:

20. The sum and substance of the above said judgments is that there is no embargo for registration of two FIRs on the following circumstances/grounds:

(a) where the allegations made in both the FIRs are from different spectrum, where there are different versions from different persons;

(b) same set of facts may constitute different offences;

(c) where there are two distinct offences having different ingredients;

(d) where the allegations are different and distinct;

(e) when there are rival versions in respect of same episode, they would normally take shape of two different FIRs and investigation can be carried out under both of them by the same Investigating Agency.

In the light of the said discussion and the principle laid down by the Apex Court and this Court, registration of multiple FIRs against the petitioners is impermissible. If they relates to the occurrence of same incident and investigation is same, arising out of the same cause of action, registration of multiple FIRs is impermissible even in case of different incidents. This Court has to see if the alleged incident or offences are identical or not or commonality between the accused and the complainant exists or not. Registration of subsequent FIRs are impermissible, if they are filed only to improve the case of the prosecution or to fill up lacunae in the earlier complaint.

https://indiankanoon.org/doc/171005009/; Salapu Suresh vs The State Of Andhra Pradesh; Criminal Petition Nos.1461, 2147, 2697, 2274, 3329, 3344 and 3454 of 2025 Date: 21.04.2025

Therefore, the Registry is directed to place the matter before the Hon'ble the Chief Justice for the constitution of an appropriate Bench to decide the following reference:

"Whether, in cases where the alleged offence does not attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:
(i) An application for anticipatory bail is maintainable exclusively before the Special Court or the Exclusive Special Court, and the High Court is confined to exercising appellate jurisdiction only under Section 14A(2) of the Act; or
(ii) Does the High Court retain its concurrent original jurisdiction under Section 438 of the Criminal Procedure Code to entertain such applications?

https://indiankanoon.org/doc/114924477/; G.Bhanu Satish vs The State Of AP on 22 April, 2025; WP no. 10054/2025
However, in the present case, the departmental proceedings were initiated against the petitioner based on his involvement in Crime No.677 of 2023 for the offences punishable under Sections 420, 376 and 506 of IPC. The list of witnesses mentioned in the charge sheet and witnesses in departmental proceedings are more or less the same. In the circumstances, if the disciplinary proceedings are allowed to continue, the petitioner is required to divulge his defence and it will cause prejudice to the petitioner.
Accordingly, the departmental proceedings initiated against the petitioner shall remain stayed for one year. The learned VI Additional Metropolitan Magistrate, Vijayawada, shall commit the above PRC to the competent Sessions Court, so as to enable the (2016) 9 SCC 491 HCGR, J Session Judge to complete the trial as expeditiously as possible, preferably within one (01) year, since the departmental proceedings initiated are stayed, pending disposal of the criminal case. It is needless to mention here that the petitioner shall cooperate during the trial of the criminal case without asking for adjournments.

https://indiankanoon.org/doc/37880423/;Nandigam Dharma Raju vs Alapati Brahmanda Rao on 22 April, 2025;CRLRC 498/2025
As seen from the record, both the parties compromised the matter though Lok Adalat is not supposed to record the compromise pertaining to Crl.A.No.350 of 2019, but the compromise was recorded.
(The Lok-Adalat Court recorded the compromise, while the subject matter was pending in revision before the Hon'ble High Court)

https://indiankanoon.org/doc/114082014/;P. Anusha Reddy vs The State Of Telangana on 22 April, 2025; CRLP 4737/2025

Further, having regard to the nature of the offences and depth of allegations against the petitioner and except the alleged offence under Section 409 of I.P.C., rest of the accusations are punishable with an imprisonment upto seven years and considering the fact that the petitioner is running rice mill industry and the Government's contract is disclosing petitioner's well rooted place in the society and the aspects that the prosecution has not raised any impediment in securing the presence of the petitioner for investigation and the readiness of the petitioner to cooperate with the investigation, without entering into merits and keeping all prerogatives of the Investigation open and to maintain parity, directing the Investigating Agency for issuance of notice under Section 41-A Cr.P.C., on the petitioner/accused No.3 in Crime No.138 of 2023 and to adhere the guidelines of Arnesh Kumar v. State of Bihar before proceeding against the petitioner/accused No.3, is found appropriate. Accordingly, ordered. In unison, the petitioner/accused No.3 is directed to submit explanation and materials, if any, and shall cooperate with the investigation.

(Sec 41A CrPC notice is directed to be served on an accused, accused of sec 409 IPC, punishable with more than 7 years)

https://indiankanoon.org/doc/18762367/; Madamsetti Manjula vs The State Of Telangana on 22 April, 2025; CRLP 4635/2025

Further, having regard to the nature of the offences and depth of allegations against the petitioner and except the alleged offence under Section 316(5) of BNS, 2023, rest of the accusations are punishable with an imprisonment upto seven years and considering the fact that the petitioner is running rice mill industry and the Government's contract is disclosing petitioner's well rooted place in the society and the aspects that the prosecution has not raised any impediment in securing the presence of the petitioner for investigation and the readiness of the petitioner to cooperate with the investigation, without entering into merits and keeping all prerogatives of the investigation open and to maintain parity, directing the Investigating Agency for issuance of Section 35(3) of BNSS, 2023 notice on the petitioner in Crime No.54 of 2025 and to adhere the guidelines of Arnesh Kumar v. State of Bihar 2 before proceeding against the petitioner, is found appropriate. Accordingly, ordered. In unison, the petitioner is directed to submit explanation and materials, if any, and shall cooperate with the investigation.

(Sec 35(3) BNSS notice is directed to be served on an accused, accused of sec 409 IPC, punishable with Life imprisonment)

https://indiankanoon.org/doc/121658484/;Pallapu Raghu vs The State Of Telangana on 22 April, 2025; CRLP 5289/2025

Section 37 of the NDPS Act mandates that offences involving commercial quantities be non-bailable, requiring reasonable grounds to believe the accused is not guilty and unlikely to commit further offences while on bail. Hence, since the allegations levelled against the petitioner are serious in nature, this Court is not satisfied that conditions for granting bail under Section 37 are met. Therefore, the criminal petition lacks merit and the same is liable to be dismissed.

https://indiankanoon.org/doc/21317500/;Reddy vs State Of AP And Ors.; 22.04.2025; SUO MOTO Contempt Case no.1075/2025

This Court has been categorically holding that invocation of section 111 of BNS has to be sparing the use Only in deserving Cases. As the intention of the legislature -In incorporating under Section 111 of BNS is completely different. The same is being merrily misused by the Police inspite of specific directions by this court passed in the matter of Pappula Chalama Reddy Vs. State of Andhra Pradesh and Ors.'In W.P.No.2054 of 2O24 and in ,the Crl.P.No.8201 of 2024.

The action of the investigation officer amounts tO over reaching the authority of this court and also the rule of Law. When a specific direction is issued by this court, the attempt of the investigating officer to circumvent the orders of this court has incorporated additional sections including Section 111 of the B.N.S. This is a deliberate contempt committed by the investigating officer. The investigating officer -In a latent manner has blatantly attempted to violate the orders of this Court and issued the notice under Section 35(3) of B.N.S.S. by incorporating the additional offences including Section 111 of B.N.S. This is a classic case of non-application of mind by the investigating officer in incorporating Sec 111 of B.N.S. for the alleged interview given by the petitioner to a media channel.

This requires serious consideration of this Court. Accordingly, issue Form-1 notice to the Investigating Officer i.e, M.Murali Krishna, Inspector of police, sullurpet Circle, Tirupati District.

https://indiankanoon.org/doc/179051986/;Valaboju Manohar Chary vs The State Of Telangana, on 22 April, 2025; CRLA 25/2025

This Criminal Appeal is filed by the appellant/accused aggrieved by the judgment passed in Special Sessions Case No.40 of 2019 on the file of the Special Judge for Trial of Offences under S.Cs. & S.Ts. (POA) Act-cum-VI Additional Sessions Judge, Secunderabad, whereunder he was convicted for the offences under Section 307 of the Indian Penal Code, 1860 (for short, 'the IPC') and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'SCs & STs (POA) Act') and sentenced to undergo rigorous imprisonment for a period of ten (10) years and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for one months for the offence under Section 307 of the IPC and also sentenced to undergo rigorous imprisonment for a period of ten (10) years and to pay fine of Rs.1,000/-, in default of payment of fine, to undergo simple imprisonment for a period of one month for the offence under Section 3(2)(V) of the SCs & STs (POA) Act.

During the pendency of the present Criminal Appeal, at the instance of the well wishers, relatives and elders, the parties have settled the dispute and entered compromise and filed joint memo dated 27.01.2025. Accordingly, the appellant and PWs.1 and 2 filed I.A.Nos.2 and 3 of 2025 to permit them to compound the offences and to record the compromise entered between them.

In view of the said report and also in view of the compromise entered between the appellant and PWs.1 and 2 as well as the submissions made by PWs.1 and 2, I.A.Nos.2 and 3 of 2025 are allowed. Consequently, the judgment dated 30.12.2024 passed by the learned Special Judge for Trial of Offences under S.Cs. & S.Ts. (POA) Act-cum-VI Additional Sessions Judge, Secunderabad, in Special Sessions Case No.40 of 2019 is set aside. However, this Court is of the considered view that the appellant has to pay costs on the ground that the parties have consumed the valuable time of the trial Court more than five years and prosecuted the proceedings.

(Sec 307 IPC and Section 3(2)(V) of the SCs & STs (POA) Act, compounded)

https://indiankanoon.org/doc/93680872/;Rajkumar Sahani vs The State Of Telangana; CRIMINAL PETITION No. 5446 OF 2025 Date: 22.04.2025; the Investigating Officer shall issue fresh notice on the petitioners under Section 35 (3) of BNSS, 2023

(Second 41A CrPC notice ordered)

https://indiankanoon.org/doc/107512437/;M/S Src Aviations Pvt Ltd, vs The State Of Andhra Pradesh, on 24 April, 2025; CRLP 2275 OF 2024

On careful perusal of all the listed witnesses and their statements recorded by the investigating officer none of the witnesses have spoken about the involvement of the petitioner in the Commission of the alleged offenses. Evidently the investigating officer has not conducted investigation on the veracity of the documents submitted by the petitioner to the investigating officer along with a covering letter dated 09.08.2016.

In absence of any evidence, a mere vague statement in the charge sheet against the petitioner without any corroborative evidence either in the form of a document or in the form of a statement recorded by the investigating officer continuation of the criminal proceedings against the petitioner would only cause unwanted harassment to the petitioner.

https://indiankanoon.org/doc/198011027/;Banjaru Vamshi Krishna Mangali Vamsi, ... vs The State Of Andhra Pradesh, Rep Pp., (DB) on 24 April, 2025; CRLA 1345/2017

The learned Senior Counsel further contends that P.W.9 - Sister of the deceased, in her 161 Cr.P.C., statement has stated that the deceased, mistakenly revealed the name of A1 as the person who poured diesel on him and set fire to him, instead of name of „Ashok". The said portion of 161 Cr.P.C., statement of P.W.9 was marked by the defence under Ex.D.5.

Further, Ex.D.5 is the relevant portion in Section 161 Cr.P.C., statement of P.W.9 - Elder sister of the deceased, however, the same can be ignored as it was recorded during the course of investigation by the police.

https://indiankanoon.org/doc/125012775/;Sri Dodda Ramakrishna vs The State Of Andhra Pradesh; CRIMINAL PETITION NOs: 3375, 3493 & 3455 / 2025 Date: 25.04.2025

https://indiankanoon.org/doc/77334745/; Vidadala Venugopinath Gopi vs The State Of Andhra Pradesh on 25 April, 2025;

The offences under Sections 7 and 7A of the Prevention of Corruption Act, with which the petitioners are charged, are punishable with imprisonment of up to seven years. Furthermore, this Court finds reason to doubt the applicability of Section 386 of the Indian Penal Code, instead, Section 384 IPC, which was originally invoked and carries a lesser punishment of up to three years, may be more appropriately applicable.

As a result, Criminal Petitions Nos.3375 and 3455 of 2025 are disposed of, directing the investigating officer to strictly follow the procedure laid down

under Section 41A of the Cr.P.C., / Section 35(3) of the BNSS, and also the guidelines set forth by the Hon'ble Supreme Court in Arnesh Kumar V. State of Bihar and another. The petitioners / A.1 and A.4, shall cooperate with the investigation in compliance to the procedure contemplated under section 35(3) of the BNSS, by furnishing information and documents sought by them in completing the investigation.

2025 0 INSC 576; 2025 0 Supreme(SC) 723; K. P. Tamilmaran Vs. The State By Deputy Superintendent of Police; Criminal Appeal No. 2253 of 2025 [@ Special Leave Petition (Criminal) No. 1522 of 2023] With Criminal Appeal No. 2254 of 2025 [@ Special Leave Petition (Criminal) No. 123 of 2023] With Criminal Appeal No. 2255 of 2025 [@Special Leave Petition (Criminal) No. 11241 of 2022] With Criminal Appeal No. 2256 of 2025 [@Special Leave Petition (Criminal) No. 11242 of 2022] With Criminal Appeal No. 2257 of 2025 [@Special Leave Petition (Criminal) No. 4151 of 2023] With Criminal Appeal No. 2258 of 2025 [@Special Leave Petition (Criminal) No. 126 of 2023] With Criminal Appeal Nos. 2259-2260 of 2025 [@Special Leave Petition (Criminal) No. 124-125 of 2023] And Criminal Appeal No. 2261 of 2025 [@Special Leave Petition (Criminal) No. 3616 of 2023]; Decided On : 28-04-2025

The phrase ‘hostile witness’ is commonly used in criminal jurisprudence and court proceedings. We too cannot escape the blame of using the term ‘hostile witness’ in our judgment. We do it for pragmatic reasons. Some words like ‘hostile witness’ in this case are now a part of our legal vocabulary. There is no point in inventing or substituting new words or phrases, at least in the present case, and we leave that for the future. But what is necessary, however, is to explain the meaning of the term as it is now to be understood. The phrase ‘hostile witness’ has come to be used for a witness who gives a statement contrary to the story of the side for which he/she is a witness. All the same, because a witness has supported some, though not all, aspects of a case, it would not automatically mean that this witness has to be declared ‘hostile’. A party can cross-examine its own witness under Section 154 Evidence Act, even without getting a declaration of ‘hostility’. The only restriction to cross-examination under Section 154 Evidence Act is that the party, who seeks to cross-examine its own witness, must obtain the leave of the Court. Whether there is a declaration of ‘hostility’ or not, one thing is clear that evidence of witness, who has been cross-examined under Section 154 Evidence Act by the party who called such witness, cannot be washed off entirely and it is for the Court to see what can be retrieved from such evidence.

It is though trite and much overstated but the maxim “falsus in uno, falsus in omnibus”[3] [false in one thing, false in everything] is not applicable to our criminal justice system. It is for the Court to distinguish the wheat from the chaff while dealing with the depositions of a hostile witness. Courts can rely upon that part of the deposition of a hostile witness which is corroborated by other evidence on record.

it is a settled position of law that the Court cannot ignore the testimonies of witnesses only because they are close relatives of the victim.

As is clear from the language of the provision itself, there is a wide discretion with the Courts under Section 311 Cr.P.C. These powers can be exercised suo moto or on an application moved by either side. After all, the object is that the Court must not be deprived of the benefit of any valuable evidence. It is absolutely necessary that the Court must be apprised of the best evidence available. Thus, Courts have been given wide powers to decide on their own if a witness is required to be called or recalled for examination or re-examination. This power under Section 311 Cr.P.C. can be invoked at any stage of the trial, even after the closing of the evidence. Section 311 Cr.P.C. can also be read along with Section 165 of the Evidence Act, as the powers of the Court under Section 165 of the Evidence Act are complementary to Section 311 of Cr.P.C. As discussed above, powers under Section 311 Cr.P.C. can either be exercised on an application moved by either side to the case or suo moto by the Court. In case a person is not listed as a witness in the charge-sheet but later, the prosecution desires to bring that person as an additional prosecution witness, then the prosecution can move an application to bring this person as a prosecution witness. It is then for the Court to decide whether such a person is required as a witness or not. If the Court finds that such a person should have been examined as a prosecution witness and he/she was omitted from the list of witnesses due to some oversight, mistake or for any other reason, the Court may allow the application and such a person can be examined as a prosecution witness. Thereafter, the normal course of examination-in-chief, cross-examination, etc. would follow as per the procedure. On the other hand, when the Court calls a person as a Court witness, there are some restrictions regarding the cross-examination of such witness.

In a case where neither party is interested in examining a person as a witness yet the Court feels that the evidence of such a person is necessary for a just decision, the Court though cannot compel either the prosecution or the defence to call a witness, but it can invoke its power under Section 311 Cr.P.C. read with Section 165 of the Evidence Act and call such a person as a Court witness. Whether a person is required to be examined as a witness

for a just decision is again a question which has to be decided by the Court on the basis of the facts of that particular case.

The government servant confession panch witness who stated that he was made to copy the confession panchanama as prepared by the Police Officer and sign them, was recalled after 4 years and he turned volte-face and stated that the accused had confessed the crime. The Hon'ble court held that the IO had conducted devious and dishonest investigation from the very beginning.

The purpose of an investigation, like the purpose of a trial, is to reach to the truth. The duty of an Investigating Officer is to lawfully collect evidence. In the present case, the Investigating Officer (A-15) not only covered evidence but fabricated his own. Instead of collecting evidence, he created evidence and tried to implicate the innocent and set the guilty loose. In order to fulfil his wicked design, he has deliberately and willfully violated the mandate of Sections 154 and 157(1) of Cr.P.C. as well as Section 23 and 24 of the Police Act, 1861.

Reading of the above provision should not be misunderstood to mean that the police is empowered to register FIR only in cases where some informant comes forward and provides information regarding the commission of a cognizable offence to the police. Once the police gets information regarding the commission of a cognizable offence, whether it is through any informant/complainant or otherwise, police is empowered to register the case and proceed with the investigation. This becomes clear from the bare reading of Sections 156 and 157 of Cr.P.C.

It is not the case that Lalita Kumari (Supra) had made the registration of FIR obligatory for the first time; it was always there in the statute. Thus, even in the absence of a formal informant, the police is duty-bound to register the case whenever they receive any information regarding the commission of a cognizable offence.

When public, political, and media pressure builds up, A-15 (nine days after the double murders had taken place), manufactures an extra-judicial confession of A-1 and registers the FIR against four Dalits (family members of Murugesan) and four Vanniyars. A-15 then went further and manufactured the confessions of the other accused. These facts are particularly glaring in light of the fact that A-15 knew about the incident right from the date of its occurrence i.e. 08.07.2003, but still took no action and made no effort whatsoever to uncover the truth.

2025 0 INSC 577; 2025 0 Supreme(SC) 724; Chunni Bai Vs. State Of Chhattisgarh; Criminal Appeal No. 2265 of 2025 (@ Special Leave Petition (Crl.) No. 13119 of 2024); Decided On : 28-04-2025

Once homicide is proved being committed by the appellant, the next consideration will be whether such homicide was “culpable homicide” within the meaning of Section 299 IPC. If it is found to be “culpable homicide”, further consideration will be whether it is “culpable homicide not amounting to murder” which is punishable under Section 304 IPC or “murder” as defined under Section 300 IPC, punishable under Section 302 IPC, under which the appellant has been convicted and punished by the Trial Court which was upheld by the High Court.

When a person performs an act, he is attributed with the intention to cause the natural consequences that follows from the act performed. There may be situations when the person makes the intention for performing an act known clearly by oral declaration or otherwise. However, it can be illusive when intention is not clearly spelt out or discernible, and the same has to be gathered from the surrounding facts and circumstances and the acts of the accused.

It is generally accepted in every society, especially in Indian society that one of the most sacred relationships amongst all human relationships is that of a mother and child. A mother is the life giver as well as the nurturer of a child. Since time immemorial we have not only been hearing but also observing the essence of the lines ^^iwr diwr lqus cgqrsjs] ekrk lquh u dqekrk^^ which means that a son can be a bad son, but a mother can never be a bad mother. Of course, it cannot be a legal dictum that mothers can never be an offender but that in the present case, in complete absence of motive, a mother assaulting her children of tender ages to death, that too when it is admitted that there was no animosity, but only love for her children, is contrary to lived human experiences.

Even though the statements recorded under Section 161 of CrPC cannot be used for any purposes in a trial due to the embargo placed under Section 162 CrPC, however, the power of the Trial Court under Section 165 Evidence Act is wide enough to put questions based on the statement under Section 161 CrPC to any witness or party at any stage to secure the ends of justice.

2025 0 INSC 582; 2025 0 Supreme(SC) 726; Punit Beriwala Vs The State of NCT of Delhi And Ors.; Criminal Appeal No.1834 of 2025 (Arising out of Special Leave Petition (Crl.) No. 11042 of 2022); Decided On : 29-04-2025

It is trite law that mere institution of civil proceedings is not a ground for quashing the FIR or to hold that the dispute is merely a civil dispute. This Court in various judgments, has held that simply because there is a remedy provided for breach of contract, that does not by itself clothe the Court to conclude that civil remedy is the only remedy, and the initiation of criminal proceedings, in any manner, will be an abuse of the process of the court. This Court is of the view that because the offence was committed during a commercial transaction, it would not be sufficient to hold that the complaint did not warrant a further investigation and if necessary, a trial. [See: Syed Aksari Hadi Ali Augustine Imam v. State (Delhi Admin.) (2009) 5 SCC 528, Lee Kun Hee v. State of UP (2012) 3 SCC 132 and Trisuns Chemicals v. Rajesh Aggarwal (1999) 8 SCC 686]

It is settled law that delay in registration of the FIR for offences punishable with imprisonment of more than three years cannot be the basis of interdicting a criminal investigation. The delay will assume importance only when the complainant fails to give a plausible explanation and whether the explanation is plausible or not, has to be decided by the Trial Court only after recording the evidence. In this context, the Supreme Court in Skoda Auto Volkswagen (India) Private Limited v. State of Uttar Pradesh and Others (2021) 5 SCC 795 has held, “The mere delay on the part of the third respondent complainant in lodging the complaint, cannot by itself be a ground to quash the FIR. The law is too well settled on this aspect to warrant any reference to precedents…..”

Even though the above decision was rendered in respect of trial of cross cases, this Court is of the opinion that in cases involving cross-FIRs, it would be prudent and fair if the investigation was carried out in a comprehensive manner. After all, the object of the investigation is the discovery of truth.

NOSTALGIA

LOK ADALAT AWARD = CIVIL COURT DECREE and it is EXECUTABLE

In K.N.Govindan Kutty Menon Vs. C.D.Shaji [(2012) 2 SCC 51] , the Hon'ble Apex Court held as follows:

26. From the above discussion, the following propositions emerge:

(1) In view of the unambiguous language of Section 21 of the Act, every award of the Lok Adalat shall be deemed to be a decree of a civil court and as such it is executable by that court.

(2) The Act does not make out any such distinction between the reference made by a civil court and a criminal court.

(3) There is no restriction on the power of the Lok Adalat to pass an award based on the compromise arrived at between the parties in respect of cases referred to by various courts (both civil and criminal), tribunals, Family Court, Rent Control Court, Consumer Redressal Forum, Motor Accidents Claims Tribunal and other forums of similar nature.

(4) Even if a matter is referred by a criminal court under Section 138 of the Negotiable Instruments Act, 1881 and by virtue of the deeming provisions, the award passed by the Lok Adalat based on a compromise has to be treated as a decree capable of execution by a civil court.

In Arun Kumar Vs. Anita Mishra (2020) 16 SCC 118, the Hon'ble Apex Court held thus:

"13. Every award of the Lok Adalat is, as held in K.N. Govindan Kutty Menon v. C.D. Shaji [(2012) 2 SCC 51], deemed to be decree of a civil court and executable as a legally enforceable debt ... ."

G.D. Entry is FIR or Not

2003 0 AIR(SC) 4140; 2003 1 ALD(Cri)(SC) 860; 2003 0 CrLJ 2322; 2003 6 SCC 175; 2003 0 SCC(Cri) 1305; 2003 0 Supreme(SC) 451; 2003(3) Supreme 349; Superintendent of Police, C.B.I. & Ors. Vs. Tapan Kr. Singh; Criminal Appeal No. 938 of 1995; Decided on 10-4-2003

The parties before us did not dispute the legal position that a G.D. Entry may be treated as a First Information Report in an appropriate case, where it discloses the commission of a cognizable offence. If the contention of the appellants is upheld, the order of the High Court must be set aside because if there was in law a First Information Report disclosing the commission of a cognizable offence, the police had the power and jurisdiction to investigate, and in the process of investigation to conduct search and seizure. It is, therefore, not necessary for us to consider the authorities cited at the Bar on the question of validity of the preliminary enquiry and the validity of the search and seizure.

Similarly, the question as to whether the G.D. Entry, or the F.I.R. formally recorded on October 20, 1990, is the F.I.R. in the case, is a matter which may be similarly agitated before the Court. Where two informations are recorded and it is contended before the Court that the one projected by the prosecution as the F.I.R. is not really the F.I.R. but some other information recorded earlier is the F.I.R, that is a matter which the Court trying the accused has jurisdiction to decide. Similarly, the mentioning of a particular Section in the F.I.R is not by itself conclusive as it is for the Court to frame charges having regard to the material on record. Even if a wrong Section is mentioned in the F.I.R., that does not prevent the Court from framing appropriate charges.

Cancellation of Bail

it would be appropriate to bear in mind the law laid down by this Court in the matter of Deepak Yadav vs. State of Uttar Pradesh & Anr., (2022) 8 SCC 559 as to when bail once granted should be cancelled by the same Court or by the higher Court. The following is held in paras 31 to 36:

> "31. This Court has reiterated in several instances that bail once granted, should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during trial. Having said that, in case of cancellation of bail, very cogent and overwhelming circumstances are necessary for an order directing cancellation of bail (which was already granted).
>
> 32. A two-Judge Bench of this Court in Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237] laid down the grounds for cancellation of bail which are:
>
> (i) interference or attempt to interfere with the due course of administration of justice;
>
> (ii) evasion or attempt to evade the due course of justice;
>
> (iii) abuse of the concession granted to the accused in any manner;
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> (iv) possibility of the accused absconding;
>
> (v) likelihood of/actual misuse of bail;
>
> (vi) likelihood of the accused tampering with the evidence or threatening witnesses.
>
> 33. It is no doubt true that cancellation of bail cannot be limited to the occurrence of supervening circumstances. This Court certainly has the inherent powers and discretion to cancel the bail of an accused even in the absence of supervening circumstances. Following are the illustrative circumstances where the bail can be cancelled:

33.1. Where the court granting bail takes into account irrelevant material of substantial nature and not trivial nature while ignoring relevant material on record.
33.2. Where the court granting bail overlooks the influential position of the accused in comparison to the victim of abuse or the witnesses especially when there is prima facie misuse of position and power over the victim.
33.3. Where the past criminal record and conduct of the accused is completely ignored while granting bail.
33.4. Where bail has been granted on untenable grounds.
33.5. Where serious discrepancies are found in the order granting bail thereby causing prejudice to justice.
33.6. Where the grant of bail was not appropriate in the first place given the very serious nature of the charges against the accused which disentitles him for bail and thus cannot be justified.
33.7. When the order granting bail is apparently whimsical, capricious and perverse in the facts of the given case.
34. In Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527], the accused was granted bail by the High Court. In an appeal against the order [Mitthan Yadav v. State of U.P., 2014 SCC Online All 16031] of the High Court, a two-Judge Bench of this Court examined the precedents on the principles that guide grant of bail and observed as under : (SCC p. 513, para 12)
"12. … It is well settled in law that cancellation of bail after it is granted because the accused has misconducted himself or of some supervening circumstances warranting such cancellation have occurred is in a different compartment altogether than an order granting bail which is unjustified, illegal and perverse. If in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail have not been taken note of or it is founded on irrelevant considerations, indisputably the superior court can set aside the order of such a grant of bail. Such a case belongs to a different category and is in a separate realm. While dealing with a case of second nature, the court does not dwell upon the violation of conditions by the accused or the supervening circumstances that have happened subsequently. It, on the contrary, delves into the justifiability and the soundness of the order passed by the court." (emphasis supplied)
35. This Court in Mahipal [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] held that : (SCC p. 126, para 17)
"17. Where a court considering an application for bail fails to consider relevant factors, an appellate court may justifiably set aside the order granting bail. An appellate court is thus required to consider whether the order granting bail suffers from a non-application of mind or is not borne out from a prima facie view of the

evidence on record. It is thus necessary for this Court to assess whether, on the basis of the evidentiary record, there existed a prima facie or reasonable ground to believe that the accused had committed the crime, also taking into account the seriousness of the crime and the severity of the punishment."

36. A two-Judge Bench of this Court in Prakash Kadam v. Ramprasad Vishwanath Gupta, (2011) 6 SCC 189 : (2011) 2 SCC (Cri) 848] held that : (SCC p. 195, paras 18-19)

"18. In considering whether to cancel the bail, the court has also to consider the gravity and nature of the offence, prima facie case against the accused, the position and standing of the accused, etc. If there are very serious allegations against the accused, his bail may be cancelled even if he has not misused the bail granted to him. …

19. In our opinion, there is no absolute rule that once bail is granted to the accused then it can only be cancelled if there is likelihood of misuse of bail. That factor, though no doubt important, is not the only factor. There are several other factors also which may be seen while deciding to cancel the bail."

Dowry Harassment case against close relatives of husband

This Court in the matter of Geeta Mehrotra and Another vs. State of Uttar Pradesh and Another, (2012) 10 SCC 741 has deprecated the practice of involving the relatives of the husband for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act, 1961. The following has been held in Para 18:

"18. Their Lordships of the Supreme Court in Ramesh Case (2005) 3 SCC 507 : 2005 SCC (Cri) 735, had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge-sheet, none of the alleged offences under Sections 498-A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the proceedings against the appellants were quashed and the appeal was allowed."

11. In a recent judgment in the matter of Dara Lakshmi Narayana and Others vs. State of Telangana and Another, (2024) INSC 953 : (2024) 12 SCR 559, this Court has again reiterated and deprecated the practice of involving the relatives of the

husband in dowry related matters. The following has been held in Paras 24, 25, 28, 30, 31 & 32:

> "24. Insofar as appellant Nos.2 to 6 are concerned, we find that they have no connection to the matter at hand and have been dragged into the web of crime without any rhyme or reason. A perusal of the FIR would indicate that no substantial and specific allegations have been made against appellant Nos.2 to 6 other than stating that they used to instigate appellant No. 1 for demanding more dowry. It is also an admitted fact that they never resided with the couple namely appellant No. 1 and respondent No. 2 and their children. Appellant Nos.2 and 3 resided together at Guntakal, Andhra Pradesh. Appellant Nos. 4 to 6 live in Nellore, Bengaluru and Guntur respectively.
>
> 25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No. 1 have been living in different cities and have not resided in the matrimonial house of appellant No. 1 and respondent No. 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.
>
> 28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned

against prosecuting the husband and his family in the absence of a clear prima facie case against them.

30. In the above context, this Court in G.V. Rao vs. L.H.V. Prasad, (2000) 3 SCC 693 observed as follows:

"12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle 572 [2024] 12 S.C.R. Digital Supreme Court Reports down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts."

31. Further, this Court in Preeti Gupta vs. State of Jharkhand, (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realties into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

Role of an Advocate

As held in Chandra Shashi vs. Anil Kumar Verma, (1995) 1 SCC 421 anyone who takes recourse to fraud, deflects the courts of judicial proceedings, the same interferes with the administration of justice, and such persons are required to be properly dealt with, not only to punish them for the wrong done, but also to deter others from indulging in similar acts which shake the faith of people in the system of administration of justice. It is further observed in Para-8 thereof that: -

"8. To enable the courts to ward off unjustified interference in their working, those who indulge in immoral acts like perjury, prevarication and motivated falsehoods have to be appropriately dealt with, without which it would not be possible for any court to administer justice in the true sense and to the satisfaction of those who approach it in the hope that truth would ultimately prevail. People would have faith in courts when they would find that "सत्यमेव जयते" (truth alone

triumphs) is an achievable aim there; or "यतो धर्मस्ततो जय" (it is virtue which ends in victory) is not only inscribed in emblem but really happens in the portals of courts."

8. A Three-Judge Bench of this Court in similar circumstances has made very apt observations after reviewing the judicial precedents and texts in respect of the conduct of an advocate, in Mohit Chaudhary, Advocate, In Re, (2017) 16 SCC 78. The observations are worth reproducing hereinbelow: -

"16. We consider it appropriate to review some of the judicial precedents and texts in respect of the conduct of an advocate. We recognise the duty of an advocate to put his best case for the litigant before the Court. This, however, does not absolve him of the responsibility as an officer of the Court. It is a dual responsibility. The right of an Advocate-on-Record in the Supreme Court, is not an automatic right coming from the enrolment at the Bar. Something more has to be done. The rigours of an examination have to be gone through, which tests the advocate, not only on his legal ability of drafting and knowledge of law, but on ethical practices. It is only after going through the rigorous exercise that an advocate is enlisted as an Advocate-on-Record, giving him the right to act and file pleadings before this Court, in accordance with the Supreme Court Rules, 2013.

17. ……

18. To borrow the words of P.B. Sawant, J. in Vinay Chandra Mishra, In re [Vinay Chandra Mishra, In re, (1995) 2 SCC 584]: (SCC p. 616, para 38)

"38. … Brazenness is not outspokenness and arrogance is not fearlessness. Use of intemperate language is not assertion of right nor is a threat an argument. Humility is not servility and courtesy and politeness are not lack of dignity. Self-restraint and respectful attitude towards the court, presentation of correct facts and law with a balanced mind and without overstatement, suppression, distortion or embellishment are requisites of good advocacy. A lawyer has to be a gentleman first. His most valuable asset is the respect and goodwill he enjoys among his colleagues and in the court."

19. That the practice of law is not akin to any other business or profession as it involves a dual duty — nay a primary duty to the Court and then a duty to the litigant with the privilege to address the Court for the client is best enunciated in the words of Mookerjee, J. in Emperor v. Rajani Kanta Bose [Emperor v. Rajani Kanta Bose, 1922 SCC OnLine Cal 15 : ILR (1922) 49 Cal 732 : 71 IC 81] : (SCC OnLine Cal)

"… The practice of law is not a business open to all who wish to engage in it; it is a personal right or privilege … it is in the nature of a franchise from the State…."

That you are a member of the legal profession is your privilege; that you can represent your client is your privilege; that you can in that capacity claim audience in court is your privilege. Yours is an exalted profession in which your privilege is your duty and your duty is your privilege. They both coincide.

20. Warvelle's Legal Ethics, 2nd Edn. at p. 182 sets out the obligation of a lawyer as:

"A lawyer is under obligation to do nothing that shall detract from the dignity of the court, of which he is himself a sworn officer and assistant. He should at all times pay deferential respect to the Judge, and scrupulously observe the decorum of the courtroom."

21. The contempt jurisdiction is not only to protect the reputation of the Judge concerned so that he can administer justice fearlessly and fairly, but also to protect "the fair name of the judiciary". The protection in a manner of speaking, extends even to the Registry in the performance of its task and false and unfair allegations which seek to impede the working of the Registry and thus the administration of justice, made with oblique motives cannot be tolerated. In such a situation in order to uphold the honour and dignity of the institution, the Court has to perform the painful duties which we are faced with in the present proceedings. Not to do so in the words of P.B. Sawant, J. in Ministry of Information & Broadcasting, In re [Ministry of Information & Broadcasting, In re, (1995) 3 SCC 619], would: (SCC p. 635, para 20)

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ON A LIGHTER VEIN

Why Roads Are Not Playgrounds – A Tragicomic Analysis

Some drivers seem to think the road is an *open-world game* – unfortunately without a "respawn" feature.

- "Signs? Just decor!" – Why follow rules when you can drive *creatively*?

- "Turn signals are outdated!" – Who needs communication when you have *telepathic* driving skills?

- "Parking? My car is modern art!" – The curb is merely a suggestion, says the flat tire.

And the best part? Everyone thinks they're the *hero of the road* – meanwhile, most drive like NPCs with broken AI.

Bottom line: If you play *GTA* in real life, don't be surprised when your "mission" ends with a fender bender.

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