Prosecution Replenish

Vol- X

Part – 10

October, 2022

Aano Bhadra Kratvo Yantu Viswatah (Rig Ved)

Let all Noble thoughts come to us from all directions

ज्ञातिभिर्वण्टयते नैव चोरेणापि न नीयते ।
दाने नैव क्षयं याति विद्यारत्नं महाधनम् ॥

विद्यारुपी (ज्ञान) रत्न महान धन है, जिसका बंटवारा नहीं हो सकता, जिसे चोर चोरी नहीं कर सकता, और दान करने से जिसमें कमी नहीं आती|

The gem of knowledge (knowledge) is a great wealth, which cannot be divided, which a thief cannot steal, and which is not reduced by giving.

CITATIONS

2022 0 Supreme(SC) 899; P. Dharamaraj Versus Shanmugam & Ors.; Criminal Appeal Nos. 1514-1516 of 2022 (@ Special Leave Petition (Crl.) D.No.11748 of 2022, Special Leave Petition (Crl.) no.1354 of 2022) Decided on : 08-09-2022

We are constrained to say that even a novice in criminal law would not have left the offences under the P.C. Act, out of the final report. The attempt of the I.O. appears to be of one, **"willing to strike but afraid to wound"** (the opposite of what Alexander Pope wrote in "Epistle to Dr.Arbuthnot") [15][Damn with faint praise, assent with civil leer, And without sneering, teach the rest to sneer, Willing to wound and yet afraid to strike, just hint a fault, and hesitate dislike.].

As seen from the final report filed in this case and the counter affidavit filed by the I.O., persons who have adopted corrupt practices to secure employment in the Transport Corporation fall under two categories namely, (i) those who paid money and got orders of appointment; and (ii) those who paid money but failed to secure employment. If persons belonging to the 2nd category are allowed to settle their dispute by taking refund of money, the same would affix a seal of approval on the appointment of persons belonging to the 1st category. Therefore, the High Court ought not to have quashed the criminal proceedings on the basis of the compromise.

it is clear from the march of law that the Court has to go slow even while exercising jurisdiction under Section 482 Cr.PC or Article 226 of the Constitution in the matter of quashing of criminal proceedings on the basis of a settlement reached between the parties, when the offences are capable of having an impact not merely on the complainant and the accused but also on others.

2022 0 Supreme(SC) 904;Ketan Kantilal Seth Versus State of Gujarat & Ors.; Transfer Petition (Criminal) Nos. 333348 of 2021 With I.A. No. 134476 of 2021; Decided on : 09-09-2022

It is a settled principle of law in criminal jurisprudence that intervention application filed by a third party should not ordinarily be allowed in criminal cases unless the Court is satisfied that on the grounds on which the person seeking intervention is directly or substantially related to the case and question of law which may affect him adversely; or in the opinion of Court, joining the intervenor in the case is expedient in public interest. Having perused the contents of intervention application, nothing is averred in the application, how non-joining of applicant may cause prejudice or affect the public interest. The applicant is neither a complainant in any of the cases of which transfer is being sought, nor he has any direct involvement or ground of his joining in public interest. The intervenor has no locus to intervene in the present petition, therefore, I am of the opinion that the grounds as mentioned by the intervenor are not proper to allow the application.

2022 0 Supreme(SC) 895; Shiv Kumar Vs. The State of Madhya Pradesh; Criminal Appeal No. 1503 of 2022, SLP (Crl.) No. 9141 of 2019; 07-09-2022

Although recovery of items was made, the prosecution must further establish the essential ingredient of knowledge of the appellant that such goods are stolen property. Reliance solely upon the disclosure statement of Co-accused will not otherwise be clinching, for the conviction under Section 411 of the IPC.

2022 0 Supreme(SC) 891; Sahebrao Arjun Hon Vs. Raosaheb S/o Kashinath Hon; Criminal Appeal No. 1499 of 2022, SLP (Criminal) No. 2353 of 2017; 06-09-2022

As far as the sentencing is concerned, the judicial discretion is always guided by various considerations such as seriousness of the crime, the circumstances in which crime was committed and the antecedents of the accused. The Court is required to go by the principle of proportionality. If undue sympathy is shown by reducing the sentence to the minimum, it may adversely affect the faith of people in efficacy of law. It is the gravity of crime which is the prime consideration for deciding what should be the appropriate punishment.

2022 0 Supreme(SC) 885; State Vs. R. Soundirarasu; Criminal Appeal Nos. 1452 – 1453 OF 2022 (Arising out of Special Leave Petition (Crl.) Nos. 3445-3446 of 2019): Decided On : 05-09-2022

Section 13(1)(e) of the Act 1988 makes a departure from the principle of criminal jurisprudence that the burden will always lie on the prosecution to prove the ingredients of the offences charged and never shifts on the accused to disprove the charge framed against him. The legal effect of Section 13(1)(e) is that it is for the

prosecution to establish that the accused was in possession of properties disproportionate to his known sources of income but the term “known sources of income” would mean the sources known to the prosecution and not the sources known to the accused and within the knowledge of the accused. It is for the accused to account satisfactorily for the money/assets in his hands. The onus in this regard is on the accused to give satisfactory explanation. The accused cannot make an attempt to discharge this onus upon him at the stage of Section 239 of the CrPC. At the stage of Section 239 of the CrPC, the Court has to only look into the prima facie case and decide whether the case put up by the prosecution is groundless.

The real test for determining whether the charge should be considered groundless under Section 239 of the CrPC is that whether the materials are such that even if unrebutted make out no case whatsoever, the accused should be discharged under Section 239 of the CrPC. The trial court will have to consider, whether the materials relied upon by the prosecution against the applicant herein for the purpose of framing of the charge, if unrebutted, make out any case at all.

the CrPC contemplates discharge of the accused by the Court of Sessions under Section 227 in a case triable by it, cases instituted upon a police report are covered by Section 239 and cases instituted otherwise than on a police report are dealt with in Section 245. The three Sections contain somewhat different provisions in regard to discharge of the accused. As per Section 227, the trial judge is required to discharge the accused if “the Judge considers that there is not sufficient ground for proceeding against the accused”. The obligation to discharge the accused under Section 239 arises when “the Magistrate considers the charge against the accused to be groundless”. The power to discharge under Section 245(1) is exercisable when “the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted would warrant his conviction”. Sections 227 and 239 resply provide for discharge being made before the recording of evidence and the consideration as to whether the charge has to be framed or not is required to be made on the basis of the record of the case, including the documents and oral hearing of the accused and the prosecution or the police report, the documents sent along with it and examination of the accused and after affording an opportunity to the parties to be heard. On the other hand, the stage for discharge under Section 245 is reached only after the evidence referred to in Section 244 has been taken.

While the expression "known sources of income" refers to the sources known to the prosecution, the expression "for which the public servant cannot satisfactorily account" refers to the onus or burden on the accused to satisfactorily explain and account for the assets found to be possessed by the public servant. This burden is on the accused as the said facts are within his special knowledge. Section 106 of the Evidence act applies. The explanation to Section 13(1)(e) is a procedural

Section which seeks to define the expression "known sources of income" as sources known to the prosecution and not to the accused. The explanation applies and relates to the mode and manner of investigation to be conducted by the prosecution, it does away with the requirement and necessity of the prosecution to have an open, wide and rowing investigation and enquire into the alleged sources of income which the accused may have. It curtails the need and necessity of the prosecution to go into the alleged sources of income which a public servant may or possibly have but are not legal or have not been declared. The undeclared alleged sources are by their very nature are expected to be known to the accused only and are within his special knowledge. The effect of the explanation is to clarify and reinforce the existing position and understanding of the expression "known sources of income" i.e. the expression refers to sources known to the prosecution and not sources known to the accused. The second part of the explanation does away with the need and requirement for the prosecution to conduct an open ended or rowing enquiry or investigation to find out all alleged/claimed known sources of income of an accused who is investigated under the PC Act, 1988. The prosecution can rely upon the information furnished by the accused to the authorities under law, rules and orders for the time being applicable to a public servant. No further investigation is required by the prosecution to find out the known sources of income of the accused public servant.

The Investigating Officer is only required to collect material to find out whether the offence alleged appears to have been committed. In the course of the investigation, he may examine the accused. He may seek his clarification and if necessary, he may cross check with him about his known sources of income and assets possessed by him. Indeed, fair investigation requires as rightly stated by Mr. A.D. Giri, learned Solicitor General, that the accused should not be kept in darkness. He should be taken into confidence if he is willing to cooperate. But to state that after collection of all material the Investigating Officer must give an opportunity to the accused and call upon him to account for the excess of the assets over the known sources of income and then decide whether the accounting is satisfactory or not, would be elevating the Investigating Officer to the position of an enquiry officer or a judge. The Investigating Officer is not holding an enquiry against the conduct of the public servant or determining the disputed issues regarding the disproportionality between the assets and the income of the accused. He just collects material from all sides and prepares a report which he files in the court as charge-sheet."

2022 0 Supreme(SC) 909; Chherturam @ Chainu Vs. State of Chhattisgarh; Criminal Appeal No.1317 of 2022; Decided On : 13-09-2022

We have to thus turn to the fact that there was no prior intent but in the sudden fight, injuries were inflicted. It is necessary to look to the injuries in this behalf which had

been enumerated hereinabove. There were eleven injuries! It is not only the number of injuries but where and in what manner they were inflicted, even if it is by a piece of Nagar Wood and not by a dangerous weapon. There were multiple injuries on the head – on the right side, on the front side, on the back left side, near the left ear, on the front and left side of the neck and on the left cheek. The sternum bone on the chest was broken and there was a blood clot beneath it. On the right chest, 4X4 inch area contusion was present due to which the second, third, fourth rib were broken and blood had accumulated beneath the broken rib. Similarly on the left chest, there was a 6X2 inches size contusion. The contusions were also present on the back and left abdominal side. It is clearly a case of mercilessly beating on all the vital parts of the body and reigning blows, albeit with a wood piece, on head and on different parts of the head again and again. With these kinds of blows, there would be no possibility of the deceased surviving. Maybe it was under the influence of liquor, but the nature of blows was such that the endeavour was to end the life of the deceased, the father. It was certainly an act in a cruel and brutal manner taking advantage of the situation even if there was no pre-meditation.

2022 0 Supreme(SC) 905; Vinod Katara Versus State of Uttar Pradesh; Writ Petition (Criminal) No. 121 of 2022; Decided On : 12-09-2022

This Court observed that when a person is around 18 years of age, the ossification test can be said to be relevant for determining the approximate age of a person in conflict with law. However, when the person is around 40-55 years of age, the structure of bones cannot be helpful in determining the age. In such circumstances, it will be a matter of debate as to what extent the new ossification test report that may come on record can be relied upon and to what extent the same would be helpful to the appellant herein.

2022 0 Supreme(SC) 873; The State of Madhya Pradesh Versus Nandu @ Nandua; Criminal Appeal No. 1356 of 2022; Decided On : 02-09-2022

The punishment for murder under Section 302 IPC shall be death or imprisonment for life and fine. Therefore, the minimum sentence provided for the offence punishable under Section 302 IPC would be imprisonment for life and fine. There cannot be any sentence/punishment less than imprisonment for life, if an accused is convicted for the offence punishable under Section 302 IPC.

2022 0 Supreme(SC) 917; Yashpal Singh Vs. State of Uttar Pradesh & Anr.; Criminal Appeal No.1509 of 2022; Decided on : 15-09-2022

it is required to be noted that the accused persons were known to the complainant. There was a prior enmity. They came in a tractor. Therefore, at this stage it could not have been concluded and/or opined that it was not possible to identify the

accused. Be that as it may, even otherwise the aforesaid can be said to be a defence on the part of the accused which is required to be considered at the time of trial. In the present case in the FIR the injured informant – complainant has specifically named the accused persons. Even in his statement recorded under Section 161 of the CrPC the informant has stood by what he has stated in the FIR.

2022 0 Supreme(SC) 973; Jigar @ Jimmy Pravinchandra Adatiya Versus State of Gujarat; Criminal Appeal No.1656 to 1660 of 2022 [Arising out of SLP (Crl.) No. 7696, 7609, 7678-7679, 7758 of 2021]; Decided on : 23-09-2022.

We have already dealt with the importance of the report of the public prosecutor and emphasised that he is neither a 'post office' of the investigating agency nor its 'forwarding agency' but is charged with a statutory duty. He must apply his mind to the facts and circumstances of the case and his report must disclose on the face of it that he had applied his mind to the twin conditions contained in clause (bb) of sub-Section (4) of Section 20. Since the law requires him to submit the report as envisaged by the section, he must act in the manner as provided by the section and in no other manner. A Designated Court which overlooks and ignores the requirements of a valid report fails in the performance of one of its essential duties and renders its order under clause (bb) vulnerable.

the grant of extension of time to complete the investigation takes away the indefeasible right of the accused to apply for default bail. It takes away the right of the accused to raise a limited objection to the prayer for the extension. The failure to produce the accused before the Court at the time of consideration of the application for extension of time will amount to a violation of the right guaranteed under Article 21 of the Constitution. Thus, prejudice is inherent and need not be established by the accused.

The accused may not be entitled to know the contents of the report but he is entitled to oppose the grant of extension of time on the grounds available to him in law.

When they applied for bail, the appellants had no notice of the extension of time granted by the Court. Moreover, the applications were made before the filing of charge sheet. Hence, the appellants are entitled to default bail. At this stage, we may note here that in the case of Sanjay Dutt as well as in the case of Bikramjit Singh, this Court held that grant of default bail does not prevent re-arrest of the petitioners on cogent grounds after filing of chargesheet. Thereafter, the accused can always apply for regular bail. However, as held by this Court in the case of Mohamed Iqbal Madar Sheikh & Ors. v. State of Maharashtra, (1996) 1 SCC 722, re-arrest cannot be made only on the ground of filing of charge sheet. It all depends on the facts of each case.

2022 0 Supreme(SC) 974; Aminuddin Vs. State Of Uttar Pradesh & Anr.; Criminal Appeal No. 1669 of 2022 (Arising Out Of SLP (Crl.) No. 5029 of 2021); Decided on : 23-09-2022.

when the bail granted to co-accused person has been disapproved by this Court and such grant of bail to co-accused had been the only reason for which the bail was granted to the respondent No. 2, the impugned order is liable to be set aside.

2022 0 Supreme(SC) 975; Navika Kumar Vs. Union of India and Others; Writ Petition (Criminal) No. 286 of 2022; Decided On : 23-09-2022

The FIRs/complaints which are transferred to IFSO unit of Delhi Police, in which the petitioner is also a co-accused, there cannot be two investigating agencies with respect to the same FIRs/complaints arising out of the same incident/occurrence with respect to different co-accused. On the aforesaid ground as well as on the ground of parity, the FIRs/complaints, referred to hereinabove, are also required to be transferred to IFSO unit of Delhi Police so far as the petitioner is concerned being co-accused.

https://indiankanoon.org/doc/12892785/; Chotkau vs The State Of Uttar Pradesh on 28 September, 2022; CRIMINAL APPEAL NOs.361362 OF 2018

It is necessary at this stage to note that by the very same Amendment Act 25 of 2005, by which Section 53A was inserted, Section 164A was also inserted in the Code. While Section 53A enables the medical examination of the person accused of rape, Section 164A enables medical examination of the victim of rape. Both these provisions are somewhat similar and can be saidapproximately to be a mirror image of each other. But there are three distinguishing features. They are:

(i) Section 164A requires the prior consent of the women who is the victim of rape. Alternatively, the consent of a person competent to give such consent on her behalf should have been obtained before subjecting the victim to medical examination. Section 53A does not speak about any such consent;

(ii) Section 164A requires the report of the medical practitioner to contain among other things, the general mental condition of the women. This is absent in Section 53A;

(iii) Under Section 164A(1), the medical examination by a registered medical practitioner is mandatory when, “it is proposed to get the person of the women examined by a medical expert” during the course of investigation. This is borne out by the use of the words, “such examination shall be conducted”. In contrast, Section 53A(1) merely makes it lawful for a registered medical practitioner to make an examination of the arrested person if “there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence”.

https://indiankanoon.org/doc/118515413/; Jonnalagadda Nageswara Rao vs The State on 27/09/2022; CRIMINAL PETITION NO.5240 OF 2021(APHC)

It is the well-settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing, especially in cases of matrimonial disputes whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of overimplication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding

The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

https://indiankanoon.org/doc/50112307/; Ramakrishna vs State Of Ap., on 27 September, 2022;CRIMINAL PETITION NO.3940 OF 2018

In our view, the offences complained of cannot be said to be part of the duties of the investigating officer while investigating an offence alleged to have been committed. It was no part of his duties to threaten the complainant or her husband to withdraw the complaint. In order to apply the bar of Section 197 CrPC each case has to be considered in its own fact situation in order to arrive at a finding as to whether the protection of Section 197 CrPC could be given to the public servant. The fact situation in the complaint in this case is such that it does not bring the case within the ambit of Section 197

https://indiankanoon.org/doc/28132563/; T.Shanmukha Reddy vs The State Of Andhra Pradesh on 27/09/2022; CRIMINAL PETITION No.6564 of 2022;(APHC)

an order under Section 451 Cr.P.C is not an interlocutory order and it does not attract the bar under Section 397(2) Cr.P.C and as such a Revision under Section 397(1) Cr.P.C is maintainable. Accordingly, the Learned Judge held that the Criminal Petition under Section 482 Cr.P.C is not maintainable.

https://indiankanoon.org/doc/23814438/; Endla Mallesh vs The State Of Acb, Warangal Range on 13 September, 2022; Criminal Appeal No.1404 OF 2007;

No prudent person having knowledge that a particular public servant is incompetent or has no power to do such official act that was requested by a person, the question of agreeing to pay bribe amount or even asking such public servant to do the said

official work does not arise. When it is known to a person that no purpose would be served if a bribe is given, the said person would never venture into parting any amount as bribe.

If the entire file was placed before the competent authority on proper application of mind, the competent authority may have refused to sanction prosecution in the background of the discrepancies in the prosecution case and the very basis for demand is belied by documents filed by prosecution. In the said circumstances, it can be said that the appellant was prejudiced for the reason of not placing the file granting sanction before the competent authority

https://indiankanoon.org/doc/159723740/; Marampalli Narasaiah And 4 Others vs The State Of AP on 16 September, 2022; CRIMINAL APPEAL No.538 OF 2014(DB)

it is crystal clear that the accused have not disputed much over the homicidal death of the deceased and in-fact it could be inferred from the suggestions given by learned defence counsel to the doctor that such death was on account of sustaining injuries when the deceased fell down in intoxicated condition due to old age and also due to ill-health but there is no record to show that either the deceased was suffering with any of the old age ailments or that he was under intoxicated condition at the time of incident.

Though the doctor (PW16) has answered positively stating that it is possible to receive such ante-mortem injuries, as mentioned in Ex.P18, if a person falls on hard surface in intoxicated condition, there is no evidence to that effect either elicited in the cross- examination of prosecution witnesses or by examining any defence witnesses. Be it stated that even while answering the questions relating to incriminating evidence found against them under Section 313 Cr.P.C., the accused have totally denied and did not offer any explanation nor explained the occurrence of the incident in tune with the suggestions given to PW16. Thus, a feeble and unsuccessful attempt was made by the defence to show that the deceased sustained injuries by a fall on hard surface in intoxicated condition and that such injuries were not inflected by any of the accused.

Locus Standi

Sanjay Tiwari vs. State of Uttar Pradesh & Another, 2020 SCC Online SC 1027;

Respondent No. 2 is in no way connected with initiation of criminal proceeding against the appellant. Respondent No. 2 in his application under Section 482 Cr. P. C in paragraph 6 has described him as social activist and an Advocate. An application by a

person who is in no way connected with the criminal proceeding or criminal trial under Section 482 Cr.P.C. cannot ordinarily be entertained by the High Court.

Appreciation of Confession of co-accused:

The law governing disclosure statement was discussed by the Apex Court in the case of Haricharan Kurmi and Another vs. State of Bihar, AIR 1964 SC 1184. It was observed:

> "12.....In dealing with a criminal case where the prosecution relies upon the confession of one accused person against another accused person, the proper approach to adopt is to consider the other evidence against such an accused person and if the said evidence appears to be satisfactory and the court is inclined to hold that the said evidence may sustain the charge framed against the said accused person, the court turns to the confession with a view to assure itself that the conclusion which it is inclined to draw from the other evidence is right....."

Age Determination under old and new enactments

in the case of Ram Vijay Singh v. State of U.P., (2021) SCC Online SC 142, this Court, while negativing the contention canvassed on behalf of the appellant convict therein that the procedure as contained in Rule 12(3)(b) of the 2007 Rules now being part of Section 94 of the 2015 Act and once the statute has provided the ossification test as the basis for determining juvenility, the findings of such ossification test cannot be ignored, held in paras 15 and 16 resply as under:-

> "15. We find that the procedure prescribed in Rule 12 is not materially different than the provisions of Section 94 of the Act to determine the age of the person. There are minor variations as the Rule 12(3)(a)(i) and (ii) have been clubbed together with slight change in the language. Section 94 of the Act does not contain the provisions regarding benefit of margin of age to be given to the child or juvenile as was provided in Rule 12(3)(b) of the Rules. The importance of ossification test has not undergone change with the enactment of Section 94 of the Act. The reliability of the ossification test remains vulnerable as was under Rule 12 of the Rules.

16. As per the Scheme of the Act, when it is obvious to the Committee or the Board, based on the appearance of the person, that the said person is a child, the Board or Committee shall record observations stating the age of the Child as nearly as may be without waiting for further confirmation of the age. Therefore, the first attempt to determine the age is by assessing the physical appearance of the person when brought before the Board or the Committee. It is only in case of doubt, the process of age determination by seeking evidence becomes necessary. At that stage, when a person is around 18 years of age, the ossification test can be said to be relevant for determining the approximate age of a person in conflict with law. However, when the person is around 40-55 years of age, the structure of bones cannot be helpful in determining the age. This Court in Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. held, in the context of certificate required under Section 65B of the Evidence Act, 1872,

that as per the Latin maxim, lex non cogit ad impossibilia, law does not demand the impossible. Thus, when the ossification test cannot yield trustworthy and reliable results, such test cannot be made a basis to determine the age of the person concerned on the date of incident. Therefore, in the absence of any reliable trustworthy medical evidence to find out age of the appellant, the ossification test conducted in year 2020 when the appellant was 55 years of age cannot be conclusive to declare him as a juvenile on the date of the incident."

Subsequent Bail Applications

The subsequent bail application by the same accused will be entertained only if there is change of circumstance for filing such application.

b) Subsequent bail application filed by the same accused shall be heard by the learned Judge who has considered and passed orders on the earlier bail application/ applications in the same crime, subject to availability of the Officer in the same Court

c) The application filed by the co-accused may be considered and ordered by any other learned Judge and such application need not be placed before the Judge who passed orders earlier on the application filed by another accused.

d) The subsequent bail application filed by the same accused in the same crime during vacation(s) may wait for orders till the end of the vacation, in case, if the learned Judge who has passed orders on the earlier application is not available for orders during the vacation or if he/she is not designated as a Vacation Judge.".

e) In case, if the subsequent bail application is filed by the same accused during summer vacation and if the learned Judge who passed earlier order is not available for passing orders or if he/she is not a designated as a Vacation Judge, bail application shall be listed before the learned Judge nominated to hear the bail applications during the summer vacation. However, the fact that an earlier bail application in the same crime is dismissed is to be brought to the notice of that Vacation Judge.

The factor of listing the matter during summer vacation or refusing to do so can be decided by the learned Vacation Judge sitting in summer vacation.

f) The counsel for the accused who is filing the subsequent application for bail in the same crime shall mention in the application seeking bail about the disposal of earlier bail application filed by this very accused. A copy of the order passed on such application earlier in respect of the same accused shall also be produced along with the second or successive bail applications.

g) It is the duty of the Public Prosecutor concerned to bring to the notice of the court, as far as possible, about the earlier bail application filed by the same accused as well as about any application filed by the co-accused in the same crime and the result thereof, either by filing the statement of objections or at least at the time of arguments on the bail application."

http://distcourts.tap.nic.in/hcorders/2017/crlp/crlp_24624_2017.pdf; 2018(2) ALT (Crl) 340(AP); Smt Kalpana Vs State of Telangana.

NEWS

- Prosecution Replenish congratulates the promoted prosecutors in Telangana Prosecution Department.

Sri Venkateshwarlu	Public Prosecutor/Joint Director of Prosecutions, Principal Sessions Court, Karimnagar.
Smt D.Srivani	Public Prosecutor/Joint Director of Prosecutions, Principal Sessions Court, Nalgonda
Sri Sambasiva Reddy	Public Prosecutor/Joint Director of Prosecutions, Directorate of Prosecutions, TS, Hyderabad
Sri N.Srinivas	Addl. PP Gr-I/Deputy Director of Prosecutions, Addl. Sessions Judge, Suryapet.
Sri D.Raghu	Addl. PP Gr-I/Deputy Director of Prosecutions, III Addl. Sessions Judge, Ranga Reddy District
Sri A.Ram Reddy	Addl. PP Gr-I/Deputy Director of Prosecutions, III AMSJ court, Hyderabad
Smt K.Srivani	Addl. PP Gr-I/Deputy Director of Prosecutions, IV AMSJ Court, Hyderabad
Smt T.Jyothi	Addl. PP Gr-I/Deputy Director of Prosecutions, Industrial Tribunal and Labour Court –cum- Addl. Sessions Court, Godavarikhani, Peddapalli.
Sri P. Rajkumar	Addl. PP Gr-II, ASJ Court, Medak
Sri V.Lakshmi Prasad	Addl. PP Gr-II, ASJ Court, Sircilla
Smt C.Nirmala	Addl. PP Gr-II, ASJ Court, Malkajgiri
Sri P.Laxminarsaiah	Addl. PP Gr-II, ASJ Court, Nizamabad
Sri T.Jayaram Naik	Addl. PP Gr-II, ASJ Court, Nalgonda
Smt B.Vanaja	Addl. PP Gr-II, ASJ Court, Hanmakonda

- Declaration of PFI as Unlawful Association- Gazette Notification -CG-DL-E-28092022-239179

- Gazette ID: CG-DL-E-28092022-239180- in exercise of the powers conferred by section 42 of the Unlawful Activities (Prevention) Act, 1967, the Central Government hereby directs that all powers exercisable by it under section 7 and section 8 of the said Act shall be exercised also by the State Government and the Union territory Administration in relation to the above said unlawful association
- the Criminal Procedure (Identification) Rules, 2022 notified , the 19th September, 2022 G.S.R. 708(E).
- MINISTRY OF WOMEN AND CHILD DEVELOPMENT NOTIFICATION New Delhi, the 23rd September, 2022 G.S.R. 726(E).—In exercise of the powers conferred under clause (c) of section 68 read with clause (3) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016) and in supersession of the Adoption Regulations, 2017, except as respects things done or omitted to be done before such supersession, the Central Government hereby notifies the following Adoption Regulations as framed by the Central Adoption Resource Authority
- MINISTRY OF WOMEN AND CHILD DEVELOPMENT NOTIFICATION New Delhi, the 1st September, 2022 G.S.R. 678(E).—amendments to the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 notified.
- MINISTRY OF WOMEN AND CHILD DEVELOPMENT NOTIFICATION New Delhi, the 31st August, 2022 S.O. 4127(E).—In exercise of the Powers conferred by sub-section (2) of section 1 of the Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 (23 of 2021), the Central Government hereby appoints the 1st day of September, 2022 as the date on which the said Act shall come into force.
- Declaration Of Office Of Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada As Police Station With Jurisdiction Over Entire State Of Andhra Pradesh - Clarification . [G.O.Ms.No.137, Home (Services-III), 14th September, 2022.]
- Public Services – Disciplinary Cases against the Government employees – Time schedule to expedite the process of disciplinary cases at various levels - Consolidated instructions – Orders – Issued.
- District And Sessions Judges, Senior Civil Judges And Junior Civil Judges - Retirements During The Year, 2023 On Attaining The Age Of Superannuation At 60 Years - Notified. [G.O.Rt.No.244, Law (LA & J - SC.F), 15th September, 2022.]
- Ban On Plastic Flexi Banners In The State Under Environment (Protection) Act, 1986 w.e.f. 01.11.2022. [G.O.Ms.No.65, Environment, Forests, Science & Technology (SEC.I), 22nd September, 2022.]
- The Andhra Pradesh Banning Of Unregulated Deposit Schemes Rules, 2022. [G.O.Ms.No. 134, Home (General.A), 4th September, 2022.]

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