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

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ॐ सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः।
सर्वे भद्राणि पश्यन्तु मा कश्चिद्दुःखभाग्भवेत्।
ॐ शान्तिः शान्तिः शान्तिः॥
Shanti Paath | resanskrit.com
सभी सुखी हों, सभी रोगमुक्त रहें,
सभी मंगलमय घटनाओं के साक्षी बनें और
किसी को भी दुःख का भागी न बनना पड़े।
ॐ शांति शांति शांति॥
Re संस्कृत

CITATIONS

2024 0 INSC 919; 2024 0 Supreme(SC) 1120; Ashok vs. State of Uttar Pradesh; Criminal Appeal No. 771 of 2024; Decided On : 02-12-2024 (THREE JUDGE BENCH)

Our conclusions and directions regarding the role of the Public Prosecutor and appointment of legal aid lawyers are as follows:

a. It is the duty of the Court to ensure that proper legal aid is provided to an accused;

b. When an accused is not represented by an advocate, it is the duty of every Public Prosecutor to point out to the Court the requirement of providing him free legal aid. The reason is that it is the duty of the Public Prosecutor to ensure that the trial is conducted fairly and lawfully;

c. Even if the Court is inclined to frame charges or record examination-in-chief of the prosecution witnesses in a case where the accused has not engaged any advocate, it is incumbent upon the Public Prosecutor to request the Court not to proceed without offering legal aid to the accused;

d. It is the duty of the Public Prosecutor to assist the Trial Court in recording the statement of the accused under Section 313 of the CrPC. If the Court omits to put any material circumstance brought on record against the accused, the Public Prosecutor must bring it to the notice of the Court while the examination of the accused is being recorded. He must assist the Court in framing the questions to be put to the accused. As it is the duty of the Public Prosecutor to ensure that those who are guilty of the commission of offence must be punished, it is also his duty to ensure that there are no infirmities in the conduct of the trial which will cause prejudice to the accused;

e. An accused who is not represented by an advocate is entitled to free legal aid at all material stages starting from remand. Every accused has the right to get legal aid, even to file bail petitions;

f. At all material stages, including the stage of framing the charge, recording the evidence, etc., it is the duty of the Court to make the accused aware of his right to get free legal aid. If the accused expresses that he needs legal aid, the Trial Court must ensure that a legal aid advocate is appointed to represent the accused;

g. As held in the case of Anokhilal5, in all the

cases where there is a possibility of a life sentence or death sentence, only those learned advocates who have put in a minimum of ten years of practice on the criminal side should be considered to be appointed as amicus curiae or as a legal aid advocate. Even in the cases not covered by the categories mentioned above, the accused is entitled to a legal aid advocate who has good knowledge of the law and has an experience of conducting trials on the criminal side. It would be ideal if the Legal Services Authorities at all levels give proper training to the newly appointed legal aid advocates not only by conducting

lectures but also by allowing the newly appointed legal aid advocates to work with senior members of the Bar in a requisite number of trials;

h. The State Legal Services Authorities shall issue directions to the Legal Services Authorities at all levels to monitor the work of the legal aid advocate and shall ensure that the legal aid advocates attend the court regularly and punctually when the cases entrusted to them are fixed;

i. It is necessary to ensure that the same legal aid advocate is continued throughout the trial unless there are compelling reasons to do so or unless the accused appoints an advocate of his choice;

j. In the cases where the offences are of a very serious nature and complicated legal and factual issues are involved, the Court, instead of appointing an empanelled legal aid advocate, may appoint a senior member of the Bar who has a vast experience of conducting trials to espouse the cause of the accused so that the accused gets best possible legal assistance;

k. The right of the accused to defend himself in a criminal trial is guaranteed by Article 21 of the Constitution of India. He is entitled to a fair trial. But if effective legal aid is not made available to an accused who is unable to engage an advocate, it will amount to infringement of his fundamental rights guaranteed by Article 21;

l. If legal aid is provided only for the sake of providing it, it will serve no purpose. Legal aid must be effective. Advocates appointed to espouse the cause of the accused must have good knowledge of criminal laws, law of evidence and procedural laws apart from other important statutes. As there is a constitutional right to legal aid, that right will be effective only if the legal aid provided is of a good quality. If the legal aid advocate provided to an accused is not competent enough to conduct the trial efficiently, the rights of the accused will be violated.

2024 0 INSC 924; 2024 0 Supreme(SC) 1126; Irfan Khan Vs. State (NCT of Delhi); Criminal Appeal No(s). of 2024 (Arising out of SLP(Crl.) No(s). 12510 of 2023); Decided On : 03-12-2024

it may be noted that on going through the allegations as set out in the charge-sheet supra, there is not even a whisper that the appellant was carrying the buttondar knife of the dimensions stated above, for the purpose of sale or test. Hence, the proceedings sought to be undertaken against the appellant in pursuance of the impugned charge-sheet for the offence under Sections 25, 54 and 59 of the Arms Act, tantamount to an abuse of the process of law and deserve to be quashed.

2024 0 INSC 930; 2024 0 Supreme(SC) 1132; Kabir Shankar Bose Vs. State Of West Bengal & Ors.; Writ Petition (Crl.) No. 416 of 2020; Decided on : 04-12-2024

We are conscious of the legal position that no party, either the accused or the complainant/informant, is entitled to choose the investigating agency or to insist for investigation of a crime by a particular agency.

It is well recognised that investigation should not only be credible but also appear to be credible vide R.S. Sodhi vs. State of U.P., 1994 Supp (1) SCC 143. Even otherwise, the law requires that justice may not only be done but it must appear to have been done. Thus, following the above dictum, to ensure a fair investigation in the matter, there appears to be weight in the argument of the learned counsel for the petitioner to transfer the investigation in relation to the two FIRs to an independent agency, more particularly keeping in mind the factual background and circumstances of the case.

The matter of entrusting investigation to a particular agency is basically at the discretion of the court which has to be exercised on sound legal principles. Therefore, the presence of complainant/informants are not very necessary before the Court.

2024 0 INSC 937; 2024 0 Supreme(SC) 1144; Kunhimuhammed @ Kunheethu Vs. The State of Kerala; Criminal Appeal No. 5097 of 2024 (Arising out of SLP (Crl.) No.4403 of 2023) Decided on : 06-12-2024

The doctrine of parity ensures fairness in sentencing when co-accused persons are similarly situated and share the same level of culpability. However, parity is not an automatic entitlement; the role, intent, and actions of each accused must be individually assessed to determine their degree of involvement in the crime.

The Court is cognizant of the appellant's advanced age and deteriorating medical condition, considerations that warrant a humane and compassionate approach to justice. These factors, when presented in cases of serious offences, often invite the judiciary to weigh individual circumstances against the broader interest of justice. However, the Court is also tasked with balancing these personal hardships against the severity and nature of the offence, as well as its impact on the rule of law and societal harmony.

Furthermore, the offence occurred in a context of political rivalry, a factor that exacerbates its gravity. Crimes rooted in such motives often have far-reaching consequences beyond the immediate loss of life, contributing to social unrest and weakening public confidence in the rule of law. The Court must therefore ensure that its decisions reinforce the principle of accountability and deter the recurrence of such violent acts, particularly those that disrupt public order.

2024 0 INSC 1019; 2024 0 Supreme(SC) 1228; Digambar and Another Vs. The State of Maharashtra and Another; Criminal Appeal No. 5542 of 2024 [Arising Out of SLP (Crl.) No. 2122 of 2020]; 20-12-2024

The ingredients for an offence to be made out under Section 498-A of IPC require that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The second part of this Section refers to harassment with a view to satisfy an unlawful demand for any property or

valuable security raised by the husband or his relatives. In the present case, no allegations which would fulfil the requirement of the second part are found.
it was clear that 'cruelty' is not enough to constitute the offence. It must be done with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself.
It would again, be apposite to refer to the case of Dara Lakshmi Narayana (supra) wherein this Court has discussed the objective of Section 498-A of IPC and has also raised its concerns over the misuse of this Section in matrimonial disputes. This Court observed thus:

> "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.
>
> 29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

2024 0 INSC 1032; 2024 0 Supreme(SC) 1241; Shambhu Debnath Vs. The State Of Bihar & Ors.; Criminal Appeal No. 5579 of 2024 (Arising out of SLP (Crl.) No. 961 of 2024); Decided On : 20-12-2024

As for the matter with regard to grant of anticipatory bail to the respondents-accused, the law has been enunciated by this Court in Sushila Aggarwal v. State

(NCT of Delhi), (2020) 5 SCC 1, wherein it was held that the following factors have to be considered while granting the relief of anticipatory bail, which are as follows:

> "92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court."

Considering the above laid law and the fact that there are specific averments in the FIR against all the accused persons including the respondents herein that all of them had set the deceased on fire with an intention to kill him, we fail to understand as to how the High Court had granted relief of anticipatory bail to the respondents in an offence under Section 302 of the IPC. The High Court has erred in granting the relief in a cryptic and mechanical manner without considering the materials available on record including the chargesheet which stated that the case has been found true against all the accused persons of such a heinous offence of murder by pouring kerosene oil and setting the deceased on fire.

2024 0 INSC 1010; 2024 0 Supreme(SC) 1219; The State of Orissa Vs. Pratima Behera; Criminal Appeal No. 3175 of 2024 (@ SLP (Crl.) No. 10262 of 2024); Decided On : 19-12-2024

the very scope of Section 239, Cr. P.C. as at the stage of consideration of a petition for discharge what is to be considered whether there is a 'prima facie' case and certainly, the endeavour cannot be to find whether 'clinching' materials are there or not. In the common parlance the word 'clinch' means 'point' or circumstance that settles the issue. We have no hesitation to hold that such meticulous consideration for presence or absence of clinching material is beyond the scope of power of the Court while considering the question of discharge under Section 239, Cr. P.C. as also while considering the question of quashing of charge framed by the Trial Court, while exercising the revisional jurisdiction. It is to be noted that at that stage the materials collected by the prosecution would not mature into evidence and therefore, beyond the question of existence or otherwise prima facie case based on materials, the question whether they are clinching or not could not be gone into.

2024 0 INSC 1008; 2024 0 Supreme(SC) 1217; Rajeev Kumar Upadhyay Vs Srikant Upadhyay & Ors.; Criminal Appeal 4831 of 2024 (Arising out of SLP (Crl.) No. 10447 of 2024); Decided On : 19-12-2024

Turning our attention back to witchcraft, the seriousness and drastic ill effects of such accusations and what follows thereafter have been noticed at the World stage. Of relatively recent vintage is the Resolution of the Human Rights Council dated 12th July 2021 passed in its 47th session, the relevant extract of which read as under:

"1. Urges States to condemn harmful practices related to accusations of witchcraft and ritual attacks that result in human rights violations;
2. Also urges States to take all measures necessary to ensure the elimination of harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, and to ensure accountability and the effective protection of all persons, particularly persons in vulnerable situations;
…
4. Invites States, in collaboration with relevant regional and international organizations, to promote bilateral, regional and international initiatives to support the protection of all persons vulnerable to harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks, while noting that, in providing protection, attention to local context is critical;
....
6. Emphasizes that States should carefully distinguish between harmful practices amounting to human rights violations related to accusations of witchcraft and ritual attacks and the lawful and legitimate exercise of different kinds of religion or beliefs, in order to preserve the right to freely manifest a religion or a belief, individually or in a community with others, including for persons belonging to religious minorities;
7. Encourages human rights mechanisms, including relevant special procedures of the Human Rights Council and treaty bodies, to compile and share information on harmful practices related to accusations of witchcraft and ritual attacks and their impact on the enjoyment of human rights;
…" (Emphasis Supplied)

2024 0 INSC 987; Sambhubhai Raisangbhai Padhiyar Vs, State of Gujarat; Criminal Appeal Nos. of 2024 (@ Special Leave Petition (Crl.) Nos. 9015-9016 of 2019) With Special Leave Petition (Crl.) No. 9162/2021; 17-12-2024

Irrespective of the admissibility of the discovery, panchnama (Exh.18) and the recovery panchnama Exh. 21 and irrespective of the admissibility of the recovery of the clothes of the deceased on the statement of the accused, we find that the conduct of the appellant in leading the investigation team and the panchas and pointing out where the apparel of the deceased was hidden would be admissible. In this case PW-17, the Investigating Officer has clearly deposed that the accused showed willingness to show the place where he had thrown the clothes. PW-17, his team and the panchas reached by walking to the place as indicated by the accused. This Court in A.N. Venkatesh and another v. State of Karnataka (2005) 7 SCC 714 relying on Prakash Chand v. State (Delhi Admn.), (1949) 3 SCC 90 held as under:

"9. By virtue of Section 8 of the Evidence Act, the conduct of the accused person is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact. The evidence of the circumstance, simpliciter, that the

accused pointed out to the police officer, the place where the dead body of the kidnapped boy was found and on their pointing out the body was exhumed, would be admissible as conduct under Section 8 irrespective of the fact whether the statement made by the accused contemporaneously with or antecedent to such conduct falls within the purview of Section 27 or not as held by this Court in Prakash Chand v. State (Delhi Admn.) [(1979) 3 SCC 90 : 1979 SCC (Cri) 656 : AIR 1979 SC 400] . Even if we hold that the disclosure statement made by the accused-appellants (Exts. P-15 and P-16) is not admissible under Section 27 of the Evidence Act, still it is relevant under Section 8. The evidence of the investigating officer and PWs 1, 2, 7 and PW 4 the spot mahazar witness that the accused had taken them to the spot and pointed out the place where the dead body was buried, is an admissible piece of evidence under Section 8 as the conduct of the accused. Presence of A-1 and A-2 at a place where ransom demand was to be fulfilled and their action of fleeing on spotting the police party is a relevant circumstance and are admissible under Section 8 of the Evidence Act."

We take this as an additional link in the chain of circumstances.

However, keeping the overall conspectus of the case in mind, we do not think that not conducting DNA test was fatal to the prosecution.

2024 0 INSC 994; 2024 0 Supreme(SC) 1203; Ayub Khan Vs. The State of Rajasthan; Criminal Appeal No. 5388 of 2024 (Arising out of Special Leave Petition (Crl.) No. 10587 of 2023); Decided On : 17-12-2024

The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents. In such cases, the question of incorporating details of antecedents in a tabular form does not arise. If the directions in the case of Jugal Kishore[1] are to be strictly implemented, the Court may have to adjourn the hearing of the bail applications to enable the prosecutor to submit the details in the prescribed tabular format.

No Constitutional Court can direct the Trial Courts to write orders on bail applications in a particular manner.

2024 0 INSC 995; 2024 0 Supreme(SC) 1204; Athar Parwez Vs. Union of India; Criminal Appeal No. 5387 of 2024 [Arising Out Of Slp (Crl) No. 9209 of 2024];Decided On : 17-12-2024

At the initial stage, the legislative policy needs to be appreciated and followed by the Courts. Keeping the statutory provisions in mind but with the passage of time the effect of that statutory provision would in fact have to be diluted giving way to the mandate of Part III of the Constitution where the accused as of now is not a convict and is facing the charges. Constitutional right of speedy trial in such circumstances will have precedence over the bar/strict provisions of the statute and cannot be made the sole reason for denial of bail. Therefore, the period of incarceration of an accused could also be a relevant factor to be considered by the constitutional courts not to be merely governed by the statutory provisions.

21. Reference can also be made to the judgments of this Court in Thwaha Fasal v. Union of India, (2022) 14 SCC 766 as also Javed Gulam Nabi Shaikh v. State of Maharashtra and Anr., 2024 SCC OnLine SC 1693 where again, the Court was dealing with the provisions of UAPA, 1967 and had reiterated the abovesaid principles. Giving precedence to the protection of Fundamental Rights and emphasising upon their primacy over the statutory provisions in case of delayed trial. In the above judgments, this Court had even gone to the extent of asserting that the seriousness of the crime for which the accused is facing the trial would not be material as an accused is presumed to be innocent until proven guilty.

2024 0 INSC 986; 2024 0 Supreme(SC) 1195; 2024 0 Supreme(SC) 1196; Ankush Vipan Kapoor Vs. National Investigation Agency; Special Leave Petition (Criminal) No. 2819 of 2024 With Ankush Vipan Kapoor Vs.Union Of India & Another; Writ Petition (Criminal) No.168 of 2024; 16-12-2024

Epilogue:

The Ripple Effects of Illicit Drug Trade and Drug Abuse:

9. Before parting with these cases, although we are mindful that the present matter concerns cancellation of bail and challenge to the Central Government Orders directing the NIA to investigate certain offences under the provisions of NDPS Act against the petitioner here, we would like to record our earnest disquiet about the proliferation of substance abuse in India.

9.1 The ills of drug abuse seem to be shadowing the length and breadth of our country with the Central and every State Government fighting against the menace of substance abuse. The debilitating impact of drug trade and drug abuse is an immediate and serious concern for India. As the globe grapples with the menace of escalating Substance Use Disorders (“SUD”) and an ever accessible drug market, the consequences leave a generational imprint on public health and even national security. Article 47 of the Constitution makes it a duty of the State to regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular the State shall endeavour to bring about prohibition of the consumption except for

medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The State has a responsibility to address the root causes of this predicament and develop effective intervention strategies to ensure that India's younger population, which is particularly vulnerable to substance abuse, is protected and saved from such menace. This is particularly because substance abuse is linked to social problems and can contribute to child maltreatment, spousal violence, and even property crime in a family.

9.2 Despite the efforts of the State, an unprecedented scale of coordination and profit seeking has sustained this menace so hard- hitting and multifaceted that it causes suffering cutting across age groups, communities, and regions. Worse than suffering and pain, is the endeavour to profit from it and use the proceeds thereof for the committing of other crimes against society and the State such as conspiracy against the State and funding terrorist activities. Profits from drug trafficking are increasingly used for funding terrorism and supporting violence.

9.3 From heroin and synthetic drugs to prescription medication abuse, India is grappling with an expanding drug trade and a rising addiction crisis. The Ministry of Social Justice and Empowerment's 2019 Report ("MoSJE 2019 Report") on 'Magnitude of Substance Use in India' revealed that nearly 2.26 crore people use opioids in India. It was also borne out that substance use exists in all the population groups; however, adult men bear the brunt of substance use disorders. After alcohol, cannabis and opioids are the next most commonly used substances in India. About 2.8% of the population (3.1 crore individuals) reported having used cannabis and its products, of which 1.2% (approximately 1.3 crore persons) was illegal cannabis and its products.

9.4 Alarmingly, the rate of opioid dependence is pacing at an alarming rate, partly due to the ongoing narcotic trade across the country's borders and their consequent ease of availability. According to the MoSJE 2019 Report, there are approximately 77 lakh problem opioid users – the Report defines "problem users" as those using the drug in harmful or dependent pattern in India. More than half of 77 Lakh problem opioid users in India are spread throughout the States of Uttar Pradesh, Punjab, Haryana, Maharashtra, Madhya Pradesh, Delhi, Andhra Pradesh, West Bengal, Rajasthan and Orissa.

9.5 Studies across the globe suggest that easy access to narcotic substances, peer pressure, and mental health challenges particularly in the context of academic pressure and family dysfunction could be significant contributors to this disturbing trend. Addiction at a young age can derail academic, professional and personal aims, leading to long-term socio-economic instability of almost an entire generation. The psychological impact of drug abuse, including depression, anxiety, and violent tendencies, further exacerbates the problem.

9.6 The reasons behind this rise in juvenile addiction are complex. Peer pressure, lack of parental affection, care and guidance, stress from academic pressures and the easy availability of drugs contribute to this alarming trend. In many cases,

adolescents resort to drugs as a form of escapism, trying to cope with personal and emotional issues.

9.7 Preventing drug addiction among adolescents requires a concerted effort from multiple stakeholders: parents and siblings, schools and the community. Given the disturbing rise in adolescent drug use, urgent interventions are needed.

9.8 The MoSJE 2019 Report found that only one among four persons suffering from dependence on illicit drugs had ever received any treatment and only one in twenty persons with illicit drug dependence ever received any in-patient treatment. Given the scale of the issue, there is need for a more comprehensive view of the solutions to the grave problem.

Parents:

9.9 Parents have a crucial role in the prevention of drug abuse among adolescents. Parental awareness, communication, and support are key in mitigating the risk of drug addiction. The first step in the effective preventive leap should start within the household. In our view, the most important yearning of children is love and affection and a sense of security emanating from parents and family. Domestic violence and discord between parents; lack of time being spent by parents with children due to various reasons and compensating the same by pumping pocket money are some of the reasons why young adolescents are being veered towards escapism and substance abuse. Affectionate and friendly conversations between parents and children and a continuous assessment of the direction in which a child is proceeding is a duty which each parent must undertake. This is to build a sense of emotional security around a child for, in our view, an emotionally secure child would not become vulnerable and be lured towards substance abuse as a possible path towards seeking what is lacking in life. No longer should drug abuse be treated as a taboo that parents disengage from. Instead, open discussions about drug use and its ill consequences will provide parents and children a safe space and equip children with the knowledge to help themselves out of peer pressure.

Schools and Colleges:

9.10 Of equal importance is the need for schools and colleges to aid the government programs in educating students about the perils of drug abuse. They must include prevention of drug abuse in their curriculum, focusing on the physical, emotional, and legal consequences of drug abuse. Naturally, all efforts should be backed by scientific evidence and experiential learning. It is an urgent need that the Ministry of Social Justice and Empowerment's framework of National Action Plan for Drug Demand Reduction and other programs are given a boost and truly imbibed in drug education programs run by schools and colleges in the country.

Local Communities and NGOs:

9.11 Local communities should work with NGOs and law enforcement agencies to create awareness campaigns that address the risks of drug abuse with a special focus on schools and youth centres. Either through awareness campaigns, community outreach or peer education, communities can play a critical role in creating knowledgeable safe space that curb the use of drugs.

NALSA:

9.12 The National Legal Services Authority and State Legal Authorities must devise awareness programs and implement them particularly in vulnerable regions of the States and territories more exposed to drug menace.

NCPCR and NCB:

9.13 There is a need for more synergies along the lines of Joint Action Plan on "Prevention of Drugs and Substance Abuse among Children and Illicit Trafficking" developed by the National Commission for Protection of Child Rights ("NCPCR") in collaboration with Narcotics Control Bureau ("NCB").

To the Youth of India:

9.14 For youngsters just beginning to explore the world, the consumption of drugs in popular culture has propelled the cultural push towards a dangerous lifestyle, one that incorrigibly applauds drugs use as 'cool' and a fashionable display of camaraderie. We implore the youth to take charge of their decisional autonomy and firmly resist peer pressure and desist from emulation of certain personalities who may be indulging in drugs.

9.15 It is sad that vulnerable children turn to drugs as an escapism from emotional distress and academic pressures or due to peer pressure. The unfortunate reality is that victims of substance abuse are not limited to the unfortunate ones who have fallen prey to it but also include their family and peers. Our approach towards the victims of drug abuse must not be to demonize the victims but to rehabilitate them.

9.16 Deep-rooted in our constitutional philosophy and social fabric is the vision to facilitate every citizen to be a constructive citizen, the best they can be. This vision hopes that the State's obligation is met with a commitment to contribute as constructive citizens to the nation's development. Part and parcel of this constructive citizenship is the positive aspect of uplifting oneself and those around towards a more participative polity and dynamic economy. Inextricably linked to this commitment is also the negative aspect of constructive citizenship, that is, to actively refrain from contributing against the interest of the community and the nation. It is a need of the times that the end consumers of the illicit drug trade exercise community-friendly decision making and refuse to sustain the bottom-line of drug traffickers.

9.17 The arc and web of drug trade cannot be permitted to corrode the shine of the youth of India!

2024 0 INSC 974; 2024 0 Supreme(SC) 1183; George Vs. The State of Tamil Nadu And Others; CRIMINAL APPEAL NO. OF 2024 (Arising out of SLP(Crl.) No. 5902 of 2021); Decided On : 13-12-2024

No doubt that a conviction could be based on the sole testimony of a witness. Equally the principle that falsus in uno, falsus in omnibus is not applicable in Indian criminal jurisprudence.

No doubt that merely because a witness is an interested witness, it cannot be a ground to discard the testimony of such a witness. However, the testimony of such a witness has to be scrutinized with greater caution and circumspection.

2024 0 INSC 975; 2024 0 Supreme(SC) 1184; Partha Chatterjee Vs. Directorate of Enforcement; Criminal Appeal No. 5266 of 2024 (Arising out of SLP (Crl.) No. 13870 of 2024); Decided On : 13-12-2024

this Court has emphatically clarified that while an accused person's official status should not be grounds for denying bail, it also cannot constitute a special consideration to grant bail if otherwise no case is made out to provide such relief. Official positions, regardless of their stature, lose their relevance for the purpose of exercising judicial discretion judiciously.

2024 0 INSC 976; 2024 0 Supreme(SC) 1185; Bharti Arora Vs, The State of Haryana; Criminal Appeal No. 1699 of 2011; Decided On : 13-12-2024

It is thus clear that the learned Special Judge could not have conducted the proceedings against the present appellant for the offence punishable under Section 58 of the NDPS Act inasmuch as such proceedings could have been conducted only by a Magistrate. Undisputedly, the procedure as required under Chapter XX i.e. Sections 251 to 256 of the Cr.P.C. has also not been followed

It could be seen that this Court observed that anything done with due care and attention, which is not mala fide, is presumed to have been done in good faith. It has been observed that there should not be personal ill will or malice, no intention to malign and scandalise. It has been observed that good faith and public good are though a question of fact, they are required to be proved by adducing evidence. This Court held that as to whether the performance of duty acting in good faith either done or purported to be done in the exercise of the powers conferred under the relevant provisions can be protected under the immunity clause or not, would depend upon the facts of each case and cannot be a subject matter of any hypothesis. It has been held that for availing such immunity, the act has to be official and not private.

2024 0 INSC 979; 2024 0 Supreme(SC) 1188; Om Prakash Yadav Vs. Niranjan Kumar Upadhyay & Ors.; Criminal Appeal Nos. 5267-5268 of 2024 (Arising out of S.L.P. (Crl.) Nos. 8239-8240 of 2018); Decided On : 13-12-2024

the legal position that emerges from a conspectus of all the decisions referred to above is that it is not possible to carve out one universal rule that can be uniformly applied to the multivarious facts and circumstances in the context of which the protection under Section 197 CrPC is sought for. Any attempt to lay down such a homogenous standard would create unnecessary rigidity as regards the scope of application of this provision.

The legal position that emerges from the discussion of the aforesaid case laws is that:

(i) There might arise situations where the complaint or the police report may not disclose that the act constituting the offence was done or purported to be done in the discharge of official duty. However, the facts subsequently coming to light may establish the necessity for sanction. Therefore, the question whether sanction is required or not is one that may arise at any stage of the proceeding and it may reveal itself in the course of the progress of the case.
(ii) There may also be certain cases where it may not be possible to effectively decide the question of sanction without giving an opportunity to the defence to establish that what the public servant did, he did in the discharge of official duty. Therefore, it would be open to the accused to place the necessary materials on record during the trial to indicate the nature of his duty and to show that the acts complained of were so interrelated to his duty in order to obtain protection under Section 197 CrPC. (iii) While deciding the issue of sanction, it is not necessary for the Court to confine itself to the allegations made in the complaint. It can take into account all the material on record available at the time when such a question is raised and falls for the consideration of the Court. (iv) Courts must avoid the premature staying or quashing of criminal trials at the preliminary stage since such a measure may cause great damage to the evidence that may have to be adduced before the appropriate trial court.

it is settled law that a statement recorded under Section 161 CrPC does not constitute substantive evidence and can only be utilized for the limited purpose of proving contradictions and/or omissions as envisaged under Section 145 of the Evidence Act, 1872. This has been laid down in a catena of decisions including in Parvat Singh and Others v. State of Madhya Pradesh reported in (2020) 4 SCC 33 which observed as follows:

"13.1…However, as per the settled proposition of law a statement recorded under Section 161 CrPC is inadmissible in evidence and cannot be relied upon or used to convict the accused. As per the settled proposition of law, the statement recorded under Section 161 CrPC can be used only to prove the contradictions and/or omissions. Therefore, as such, the High Court has erred in relying upon the statement of PW 8 recorded under Section 161 CrPC while observing that the appellants were having the lathis." (emphasis supplied)

78. The aforesaid position of law was reiterated in Birbal Nath v. State of Rajasthan reported in 2023 SCC OnLine SC 1396 which observed as thus:

"19. Statement given to police during investigation under Section 161 cannot be read as an "evidence". It has a limited applicability in a Court of Law as prescribed under Section 162 of the Code of Criminal Procedure (Cr.P.C.) .
20. No doubt statement given before police during investigation under Section 161 are "previous statements" under Section 145 of the Evidence Act and therefore can be used to cross examine a witness. But this is only for a limited purpose, to "contradict" such a witness. Even if the defence is successful in contradicting a witness, it would not always mean that the contradiction in her two statements would result in totally discrediting this witness. It is here that we

feel that the learned judges of the High Court have gone wrong." (emphasis supplied)

2024 0 INSC 1040; 2024 0 Supreme(SC) 1249; Amar Sardar Vs. The State of West Bengal; Criminal Appeal No. 5234 of 2024 [SLP (Crl.) No. 14976 of 2024];Decided On : 12-12-2024

While hearing the appeals under Section 374(2) of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") the High Court is exercising its appellate jurisdiction. There shall be independent application of mind in deciding the criminal appeal against conviction. It is the duty of an appellate court to independently evaluate the evidence presented and determine whether such evidence is credible. Even if the evidence is deemed reliable, the High Court must further assess whether the prosecution has established its case beyond reasonable doubt. The High Court though being an appellate Court is akin to a Trial Court, must be convinced beyond all reasonable doubt that the prosecution's case is substantially true and that the guilt of the accused has been conclusively proven while considering an appeal against a conviction.

10. The necessity of this exercise arises from the fact that a conviction curtails the personal liberty of the accused in the incessant future. Hence, the High Court must provide clear reasons for accepting the evidence on record. Mere concurrence with the findings of the Trial Court is insufficient unless supported by a well-reasoned indepenent justification. As the first appellate court, the High Court is expected to evaluate the evidence including the medical evidence, statement of the victim, statements of the witnesses and the defence's version with due care.

11. While the judgment need not be excessively lengthy, it must reflect a proper application of mind to crucial evidence. Albeit the High Court does not have the advantage to examine the witnesses directly, the High Court shall, as an appellate Court, re-assess the facts, evidence on record and findings to arrive at a just conclusion in deciding whether the Trial Court was justified in convicting the accused or not. We are also cognizant of the large pendency of cases bombarding our courts. However, the same cannot come in the way of the Court's solemn duty, particularly, when a person's liberty is at stake.

2024 0 INSC 968; 2024 0 Supreme(SC) 1178; Arjun S/O Ratan Gaikwad Vs. The State of Maharashtra And Others; Criminal Appeal No. 5204 of 2024 (Arising out of SLP (Crl.) No. 12516 of 2024); 11-12-2024

As to whether a case would amount to threat to the public order or as to whether it would be such which can be dealt with by the ordinary machinery in exercise of its powers of maintaining law and order would depend upon the facts and circumstances of each case. For example, if somebody commits a brutal murder within the four corners of a house, it will not be amounting to a threat to the public order. As against this, if a person in a public space where a number of people are present creates a ruckus by his behaviour and continues with such activities, in a

manner to create a terror in the minds of the public at large, it would amount to a threat to public order. Though, in a given case there may not be even a physical attack.

2024 0 INSC 955; 2024 0 Supreme(SC) 1164; Nusrat Parween Vs. State of Jharkhand; Criminal Appeal No(s). 458 of 2012 With Criminal Appeal No(s). 2032 of 2017; Decided On : 10-12-2024

Firstly, we proceed to consider the theory of motive. It is trite law that proof of motive is not sine qua non in a case of murder. However, in a case based purely on circumstantial evidence, motive if properly established, assumes great significance and would definitely provide an important corroborative link in the chain of incriminating circumstances and strengthen the case of prosecution. The reliance in this regard may be placed on the case of Nandu Singh v. State of Chhattisgarh, 2022 SCC Online SC 1454.

2024 0 INSC 953; 2024 0 Supreme(SC) 1162; Dara Lakshmi Narayana and Others Vs. State of Telangana and Another; Criminal Appeal No. of 2024 (Arising Out of Special Leave Petition (Criminal) No. 16239 of 2024) Decided On : 10-12-2024

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.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily

due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

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 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.

https://indiankanoon.org/doc/128332158/; Kvr Vidyasagar vs The State Of Andhra Pradesh on 9 December, 2024; CRLP No. 8385/2024

It then states that cognizance could be taken only on the complaint in writing of that Court or by such officer of the Court as that Court may authorize in writing in this behalf, or of some other Court to which that Court is subordinate. The above provision show to us that it covers Sections 193 (the offence covered for this is defined in Section 192 I.P.C.) 195 and 211 I.P.C. These are principal allegations against this petitioner/A.1. Courts can act upon only on the complaint in writing given by a Court. A little more elaboration is required in this regard. Section 192 I.P.C. speaks about judicial proceedings. Section 193 I.P.C. speaks about any stage of a judicial proceeding. Section 211 I.P.C. speaks about institution of any criminal proceedings. Crime No.90 of 2024 is still open and investigation is on and a police report charging the accused therein or a final report requesting the Court to drop the charges against the accused culminating into any order of the court has not yet been done so far. In the said Crime No.90 of 2024 the accused was arrested and was produced before the competent Magistrate. In terms of Section 167 Cr.P.C. the learned Magistrate had evaluated the material placed before the

Court. On such evaluation a judicial decision was taken to remand the accused. It is also a matter on record that there was police custody proceedings where a hearing took place before the Court and thereafter there was bail application where once again a judicial proceeding took place. On all those occasions judicial decisions were rendered. Offence such as Section 211 I.P.C. cannot then be invoked except on the complaint in writing of that Court. That much is clear from what is stated by the Courts in Abdul Rehman vs. K.M.Anees-ul-Haq((2011) 10 SCC 696). Every F.I.R. must finally finds its culmination in the orders passed by competent Criminal Court. Overlooking these basic principles by the investigation agency do not augur well.

https://indiankanoon.org/doc/58989801/; Jala Venkata Raju, vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE No.543 of 2024: 18.12.2024

One may also notice that in Sainaba V. State of Kerala {2002 (10) SCC 283 2022 SCC Online SC 1784 }, the Hon'ble Supreme Court of India had the occasion to deal with the prayer for interim custody of a Maruti Suzuki car involved in NDPS offence. Their Lordships pointed out that Section 36c read with Section 51 of NDPS Act discloses that applications for interim custody and petitions filed under Cr.P.C. have to be addressed and necessary orders are to be passed. The principle that has to be seen from that ruling is that where claim for interim custody is made by registered owner of the vehicle and if the record does not indicate that such claimant had any role in the crime that was committed and if it is also seen that such claimant had no knowledge of the alleged usage of the vehicle in such crime, the Courts have to grant interim custody of the vehicle.

In fact, in page No.3 of the impugned order the learned Additional Sessions Judge observed that in terms of Sections 60 to 63 of NDPS Act the investigation officer did not take any steps. The aspects concerning confiscation can be considered by the Court below when appropriate proceedings are taken before it and the present order of this Court is no hindrance for the Court below to take appropriate decision in such proceedings.

https://indiankanoon.org/doc/47950053/; Maddukuri Jayachandra Naidu vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 892/2023: 17.12.2024

Section 198 (1) Cr.P.C. deals with prosecution of offences against marriage. It would speak that no Court shall take cognizance of an offence punishable under Chapter XX of I.P.C., except upon a complaint made by some person aggrieved by the offence. Therefore, a reading of Section 198 (1) Cr.P.C. clearly shows that Court cannot take cognizance of an offence punishable under Section 494 of I.P.C. unless a complaint is filed and certain conditions stated therein are fulfilled. Therefore, the police report within the meaning of Section 173(2) Cr.P.C., no way enable the Court to take cognizance of such an offence punishable under Section 494 of I.P.C., the same being an offence conveyed or covered by the Chapter XX of I.P.C. In this regard, the Gauhati High Court in the case Krishnakanta Nag vs.

State of Tripura (2012 CriLJ 2179), in detail, considered the law relating to Section 198 Cr.P.C. and held that Section 173 (2) Cr.P.C. is no way enable a Court to take cognizance of an offence punishable under Section 494 of I.P.C., same being an offence covered by the Chapter XX of I.P.C.

(It appears that the judgment of the Hon'ble Apex Court in A.Subash Babu Vs State of A.P, was not brought to the notice of the Hon'ble High Court, in which, the amendment of CrPC to the effect of making 494 to 496 as Cognizable and non-bailable has been referred and upheld "What is relevant to be noticed is that the Code of Criminal Procedure (Andhra Pradesh Second Amendment) Act, 1992 was reserved by the Governor of Andhra Pradesh on the 21st October, 1991 for consideration and assent of the President. The Presidential assent was received on 10th February, 1992 after which the Code of Criminal Procedure (Andhra Pradesh Second Amendment) Act, 1992 was published on the 15th February, 1992 in the Andhra Pradesh Gazette Part IV-B (Ext.). Thus there is no manner of doubt that Sections 494 and 495 IPC are cognizable offences so far as State of Andhra Pradesh is concerned."

"In view of the above settled legal position, this Court has no doubt that the amendment made in the First Schedule to the Code of Criminal Procedure, 1973 by the Code of Criminal Procedure (Andhra Pradesh Second Amendment) Act, 1992, shall prevail in the State of Andhra Pradesh, notwithstanding the fact that in the Criminal Procedure Code, 1973 offences under Section 494 and 495 are treated as cognizable offences. The reasoning given by the Division Bench of High Court of Andhra Pradesh in Mavuri Rani Veera Bhadranna that though the State Legislation amended the Schedule making the offence under Section 494 IPC cognizable, the legislation made by the Parliament i.e. Section 198 of the Criminal Procedure Code remains and in the event of any repugnancy between the two legislations, the legislation made by the Parliament would prevail, because, Section 198 of the Criminal Procedure Code still holds the field despite the fact that the State Legislation made amendment to the Schedule of Criminal Procedure Code, with respect, is erroneous and contrary to all cannons of interpretation of statute. Once First Schedule to the Code of Criminal Procedure, 1973 stands amended and offences punishable under Sections 494 and 495 IPC are made cognizable offences, those offences will have to be regarded as cognizable offences for all purposes of the Code of Criminal Procedure, 1973 including for the purpose of Section 198 of the Criminal Procedure Code."}

https://indiankanoon.org/doc/41508446/; Manappuram General Finance And Leasing ... vs The State Of Telangana on 17 December, 2024; WRIT PETITION Nos.37182 of 2021; 41686 and 42682 of 2022; 2368, 6180 and 31018 of 2023 and 83, 2418, 5675, 7481, 8346, 13233, 16060, 21206, 23253 and 25844 of 2024

Having considered the said proviso, it is clear that the domain of the Investigating Officer to seize any article upon property suspected to have been stolen and in the case on hand also committed robbery and stolen and pledged with the petitioner

and the same is not in dispute and also in connection with the crime and the investigation is on and it is the domain of the Investigating Officer to seize the same and report to the superior if he is a subordinate officer and also report the seizure to the Magistrate having jurisdiction to dispose of the same and it is subject to speedy and natural decay. Hence, it is clear that powers are vested with the Investigating Officer to seize the same. This Court would also like to rely upon Section 59 of Cr.P.C. and it is to be noted that that no person who has been arrested by a police officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate. Hence, it is clear that powers are vested with the Investigating Officer and no courts shall also interfere with the domain of the Investigating Officer.

it is clear that it is the duty of the petitioners who run financial institutions also should not encourage the thief to pledge repeatedly and it is their duty to enquire into the matter and should not be hand in glove with the accused and having responsibility to cooperate with the Investigating Officer for investigation and assist for recovery at the instance of the accused.

In the case on hand, it has to be noted the fact is discovered at the instance of the accused and made the voluntary statement that they pledged all the articles with the petitioners and the Investigating Officer ought to have invoked Section 102 of Cr.P.C. to seize the same and report the same to his superior officers if he is subordinate and as per the new insertion of proviso, the Investigating Officer has to report the same to the concerned jurisdictional Magistrate but instead of invoking Section 102 of Cr.P.C., the Investigating Officer has committed an error in issuing notice invoking section 91 of Cr.P.C. and Section 94 of BNSS.

No right is created in favour of petitioner company to retain the jewellery as said jewellery is subject matter of crime and agreement between petitioner company and accused which has been secured on basis of fraud and misrepresentation, is void under Section 24 of the Contract Act, therefore, petitioner in aid of said agreement cannot refuse to obey the notice given by concerned police station under Section 102 of the Cr.P.C.

2024 0 INSC 1010; 2024 0 Supreme(SC) 1219; The State of Orissa Vs. Pratima Behera; Criminal Appeal No. 3175 of 2024 (@ SLP (Crl.) No. 10262 of 2024); Decided On : 19-12-2024

it was held by the High Court that there is no clinching material showing that the appellant abetted her husband or made any conspiracy or instigated him in the alleged acquisition of disproportionate assets. This observation itself would go against the very scope of Section 239, Cr. P.C. as at the stage of consideration of a petition for discharge what is to be considered whether there is a ‘prima facie’ case and certainly, the endeavour cannot be to find whether ‘clinching’ materials are there or not. In the common parlance the word ‘clinch’ means ‘point’ or circumstance that settles the issue. We have no hesitation to hold that such meticulous consideration for presence or absence of clinching material is beyond

the scope of power of the Court while considering the question of discharge under Section 239, Cr. P.C. as also while considering the question of quashing of charge framed by the Trial Court, while exercising the revisional jurisdiction. It is to be noted that at that stage the materials collected by the prosecution would not mature into evidence and therefore, beyond the question of existence or otherwise prima facie case based on materials, the question whether they are clinching or not could not be gone into.

2024 0 INSC 1011; 2024 0 Supreme(SC) 1220; Ashok Verma Vs. The State of Chhattisgarh; Criminal Appeal No. 815 of 2022; Decided On : 19-12-2024

In short, going by the case of the prosecution or that of the defence even after seeing Pushpa hanged using her dupatta, he did not care to cut the noose then and there and had chosen to do so, only after witness(es) were brought to the scene of occurrence.

In the above context, it is also relevant to note the absence of self-inflicted injuries like scratches on the body of the deceased, going by the necroscopical evidence consisting of the oral evidence of PW-11, Dr. P. Akhtar with his report. When this be the evidence on record how can the appellant contend that he made a bid to save the life of the deceased wife Pushpa and in that regard cut the noose of the ligature and took her to the hospital. Had it been a bona fide, genuine attempt on his part to save her life, he would have cut the noose of the ligature then and there itself upon seeing her hanged, before going to inform the aforesaid witness(es) that she had hanged herself. We are of the considered opinion that the contention of the counsel for the appellant as aforesaid regarding the lifesaving attempt, will be of no assistance in the face of evidence of the facts established.

it is relevant to note that in the case on hand, the appellant was bound to explain what happened on that day at his house by virtue of Section 106 of the Evidence Act since the appellant and the deceased were man and wife and the incident had occurred in the house where they were residing. Therefore, he was bound to explain and establish the same as it is a fact, exclusively within his knowledge, by concrete evidence, if he fails to establish the plea of ‘alibi’.

The effect of false plea of alibi was considered by this Court in Babudas v. State of M.P., (2003) 9 SCC 86 and in G. Parshwanath v. State of Karnataka, (2010) 8 SCC 593; 2010 INSC 525. In G. Parshwanath’s case, this Court held that when the accused gave a false plea that he was not present on the spot, his statement would be regarded as additional circumstance against him strengthening the chain of circumstances already found firm.

In the decision in Babudas’s case (supra), this Court held that in a case of circumstantial evidence, a false plea of alibi set up by the accused would be a link in the chain of circumstances but then it could not be the sole link or sole circumstances based on which a conviction could be passed.

In the decision in Paramjeet Singh v. State of Uttarakhand, (2010) 10 SCC 439, 2010 INSC 647 this Court held that the aid of false defence led on behalf of

accused could be used to lend assurance to the Court when the case of the prosecution is established on the basis of circumstantial evidence.

2024 0 INSC 1012; 2024 0 Supreme(SC) 1221; Karan Talwar Vs. The State of Tamil Nadu; Criminal Appeal No. 5484 of 2024 (@ SLP (Crl.) No. 10736 of 2022); Decided On : 19-12-2024

the sole material available against the appellant is the confession statement of the co-accused viz., accused No.1, which undoubtedly cannot translate into admissible evidence at the stage of trial and against the appellant. When that be the position, how can it be said that a prima facie case is made out to make the appellant to stand the trial. There can be no doubt with respect to the position that standing the trial is an ordeal and, therefore, in a case where there is no material at all which could be translated into evidence at the trial stage it would be a miscarriage of justice to make the person concerned to stand the trial.

2024 0 INSC 1032; 2024 0 Supreme(SC) 1241; Shambhu Debnath Vs. The State Of Bihar & Ors.; Criminal Appeal No. 5579 of 2024 (Arising out of SLP (Crl.) No. 961 of 2024); Decided On : 20-12-2024

the fact that there are specific averments in the FIR against all the accused persons including the respondents herein that all of them had set the deceased on fire with an intention to kill him, we fail to understand as to how the High Court had granted relief of anticipatory bail to the respondents in an offence under Section 302 of the IPC. The High Court has erred in granting the relief in a cryptic and mechanical manner without considering the materials available on record including the chargesheet which stated that the case has been found true against all the accused persons of such a heinous offence of murder by pouring kerosene oil and setting the deceased on fire.

https://indiankanoon.org/doc/151896683/; Maaz Hassan Farooq Maaz vs The State Of Telangana on 23 December, 2024; CRLA 427/2024

Sections 227, 239 and 0245 and of The Code of Criminal Procedure, 1973 provide for discharge of an accused before commencement of trial. The Cr.P.C. contemplates discharge of the accused at 3 different stages of the proceedings. Section 227 of the Cr.P.C. contemplates discharge in a case triable before a Court of Session; Section 239 contemplates discharge on cases instituted upon considering police report and section 245 contemplates cases instituted otherwise than on a police report. The aforesaid provisions contain minute differences with regard to discharge of the accused. While the trial Judge under Section 227 is required to discharge the accused if the MB,J & SN,J Judge considers that there is no sufficient ground for proceeding against the accused, Section 239 contemplates the obligation to discharge the accused when the Magistrate considers the charge against the accused to be groundless. The power to discharge under Section 245(1) arises where the Magistrate considers that no

case has been made out against the accused which, if un-rebutted, would warrant conviction of the accused. The Magistrate must record his reasons for passing the order.

https://indiankanoon.org/doc/181740507/;Bodepalli Dhninjaya Rao, Wg.Dt., vs State Of Ap., Rep Pp., on 26 December, 2024; Crl.A.No.690 OF 2017

Learned counsel for the appellant contends that both MOs 4 and 5 do not belong to the accused. But P.Ws. 8 and 9 were not at all cross-examined on those lines. In the cross-examination, the contention of the accused was that P.W.13 is not competent to pluck the hair from the head of the accused without permission of the Court. The said suggestion itself indicates that MOs.4 and 5 belong to the accused and the defence did not suggest either to P.W.8 or P.W.13 that they do not belong to the accused.

Further though the accused raised objections stating that MOs.4 and 5 do not belong to him, but he did not sought for recourse under Sections 53 Cr.P.C. or 54 Cr.P.C. submitting himself to the medical examination particularly with regard to his hair.

https://indiankanoon.org/doc/68544983/;Golasu Narsaiah Golusu Narsaiah vs M. Sairamana on 27 December, 2024; Contempt Case No.251 of 2024

I have no hesitation to hold that the contemnor is guilty of civil contempt for deliberate and willful disobedience of the orders of this Court dated 11.12.2023. As already discussed, i) the contemnor having knowledge of the orders of this Court resorted to arresting the petitioner/accused without serving 41-A Cr.P.C notice as claimed in both the affidavits, ii) filed counter before the Magistrate Court on 19.12.2023 without adverting to this Court's orders though it was specifically mentioned in the bail petition of the petitioner/accused and according to the Contemnor the orders of this Court were dispatched on 18.12.2023 itself. The Public Prosecutor's office informs every officer concerned about the quash petition being filed and also the orders of this Court.

The unconditional apology tendered by the contemnor is unacceptable. His conduct as discussed above clearly reflects his deliberate and arrogant approach in violating this Court's order and coming up with a false version that he tried to follow procedure under Section 41-A of Cr.P.C., when questioned by this Court. There is absolutely no remorse or contrition and therefore the apology does not merit acceptance.

The deliberate act of the contemnor in violating this Court's order resulted in the petitioner being jailed for seven days. Under Article-21 of the Constitution, personal liberty is a fundamental right and can only be deprived in accordance with procedure established by law. It is the duty and responsibility of a public servant to uphold the law and not misuse his official position to deprive an individual of his personal liberty by deliberately flouting Court orders. The State is responsible for the acts of public servants. However keeping in view the manner in which the

contemnor acted undermining the order of this Court, the petitioner has to be compensated at the cost of the Contemnor. The Contemnor shall pay compensation of Rs.50,000/- to the petitioner.

https://indiankanoon.org/doc/176777691/;Oleti Rangarao vs The State Of Andhra Pradesh on 24.12.2024; CRLP Nos.7703 and 8222 of 2024

Though seemingly the title over immovable property is in dispute, the crux of the case is not about title dispute. The criminal acts alleged in this case pertain to the affidavit dated 18.02.2023. The affidavit by its terms would show that it was executed by the de facto complainant in the presence of a notary. The case of prosecution and the case of the victim is that she did not execute such an affidavit and she never appeared before the alleged advocate-cum-notary who is also one of the accused in the present crime. In the written information lodged by the victim, it is mentioned that the victim was a Government servant and worked in Zilla Parishad and retired from service and that she never had any passport and never visited the USA or any other country and never possessed any Green Card of any other nation. However, the affidavit dated 18.02.2023 shows as if the deponent therein was holding such passport and Green Card. According to prosecution that part of the affidavit thus really indicates that it was never from the hand of the victim-cum de facto complainant. Thus, it is with reference to that disputed affidavit the criminal acts are alleged against the accused. In the light of the contentions raised by the prosecution, it emerges clearly that such serious acts of forgery and fabrication of documents require thorough investigation. In such cases, the claim for pre-arrest bail on part of A.1 and A.2 cannot be acceded to.

https://indiankanoon.org/doc/60315935/;Chandra Srinivasu vs The State Of Andhra Pradesh on 24 December, 2024; CRLP No.8655 of 2024

A plea for regular bail or anticipatory bail is one that is governed by provisions of BNSS, and the learned Special Court draws its power to entertain such bail petitions even in those cases where offences under the SCs and STs Act, 1989 are alleged.

It has to be mentioned here that Sub-Section (2) of Section 14A of the SCs and STs Act, 1989 mentions that notwithstanding anything provided for appeals, an appeal as against an order of bail or an order of refusing to grant bail passed by the Special Court the applicant is permitted to prefer an appeal before the High Court. When the statute had made it clear that the jurisdiction to consider a regular bail or an anticipatory bail is only on appellate side by the High Court, by very implication it is clear that High Court cannot entertain such applications on its original concurrent jurisdiction. The principle is quite simple. A Court which is vested with the appellate jurisdiction cannot also hold original jurisdiction since both the jurisdictions cannot lie with one forum.

https://indiankanoon.org/doc/193166756/; Reddy Naidu vs The State Of AP; CRIMINAL PETITION No.9000 of 2024 Date: 24.12.2024

The present petitioner is A.1. The prime submission of the learned counsel for the petitioner is about non-application of mind by the investigation officer. It is argued that since 01.07.2024 BNSS came into effect and this F.I.R. was registered thereafter on 20.09.2024. However, the F.I.R. was registered in terms of the repealed enactment, namely, the Code of Criminal Procedure. The further submission is that even as per the remand report, the statements of witnesses were recorded only under the provisions of the Code of Criminal Procedure. Another submission is that the remand report is a mere cut and copy since it mentions that arrested accused were speaking in Tamil language the arresting officer utilized the services of a translator. This statement is questioned on the ground that the petitioner is a permanent resident of Andhra Pradesh State and speaks Telugu language.

It is distressing to note that the investigation officer has not been alive with duties, as he has incorporated provisions of repealed enactments instead of mentioning the law that is applicable when the crime was registered. However, these procedural lapses cannot be considered overshadowing the substance of the crime alleged. Prosecution case discloses the petitioner as a man with history of criminal antecedents going back for more than a decade. According to prosecution, the vehicle from where it was seized belonged to this A.1. More than 20 kgs. of Ganja is commercial quantity. Therefore, presumption under Section 37 of the NDPS Act operates. Unless the petitioner is able to demonstrate facts that would rebut the presumption, it is difficult to concede to the prayer of the petitioner while the investigation is still under progress.

NOSTALGIA

Confession

in the recent judgment of Babu Sahebgouda Rudragoudar v. State of Karnataka, (2024) 8 SCC 149, while referring to the earlier judgments on this point, examined the aspect regarding the standard of proof of information provided by the accused to the Investigating Officer under Section 27 IEA in the following terms:-

> "60. We would now discuss about the requirement under law so as to prove a disclosure statement recorded under Section 27 of the Evidence Act, 1872 (hereinafter being referred to as "the Evidence Act") and the discoveries made in furtherance thereof.
>
> 61. The statement of an accused recorded by a police officer under Section 27 of the Evidence Act is basically a memorandum of confession of the accused recorded by the investigating officer during interrogation which has been taken down in writing. The confessional part of such statement is inadmissible and only the part which distinctly leads to discovery of fact is admissible in evidence as laid down

by this Court in State of U.P. v. Deoman Upadhyaya [State of U.P. v. Deoman Upadhyaya, 1960 SCC OnLine SC 8 : AIR 1960 SC 1125] .

62. Thus, when the investigating officer steps into the witness box for proving such disclosure statement, he would be required to narrate what the accused stated to him. The investigating officer essentially testifies about the conversation held between himself and the accused which has been taken down into writing leading to the discovery of incriminating fact(s).

63. As per Section 60 of the Evidence Act, oral evidence in all cases must be direct. The section leaves no ambiguity and mandates that no secondary/hearsay evidence can be given in case of oral evidence, except for the circumstances enumerated in the section. In the case of a person who asserts to have heard a fact, only his evidence must be given in respect of the same.

64. The manner of proving the disclosure statement under Section 27 of the Evidence Act has been the subject matter of consideration by this Court in various judgments, some of which are being referred to below.

65. In Mohd. Abdul Hafeez v. State of A.P. [Mohd. Abdul Hafeez v. State of A.P., (1983) 1 SCC 143 : 1983 SCC (Cri) 139], it was held by this Court as follows : (SCC p. 146, para 5)

"5. … If evidence otherwise confessional in character is admissible under Section 27 of the Evidence Act, it is obligatory upon the investigating officer to state and record who gave the information; when he is dealing with more than one accused, what words were used by him so that a recovery pursuant to the information received may be connected to the person giving the information so as to provide incriminating evidence against that person."

66. Further, in Subramanya v. State of Karnataka [Subramanya v. State of Karnataka, (2023) 11 SCC 255], it was held as under : (SCC pp. 299-300, paras 76 to 78)

"76. Keeping in mind the aforesaid evidence, we proceed to consider whether the prosecution has been able to prove and establish the discoveries in accordance with law. Section 27 of the Evidence Act reads thus:

'27. How much of information received from accused may be proved.—Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.'

77. **The first and the basic infirmity in the evidence of all the aforesaid prosecution witnesses is that none of them have deposed the exact statement said to have been made by the appellant herein which ultimately led to the discovery of a fact relevant under Section 27 of the Evidence Act.**

78. If, it is say of the investigating officer that the appellant-accused while in custody on his own free will and volition made a statement that he would

lead to the place where he had hidden the weapon of offence, the site of burial of the dead body, clothes, etc. then the first thing that the investigating officer should have done was to call for two independent witnesses at the police station itself. Once the two independent witnesses would arrive at the police station thereafter in their presence the accused should be asked to make an appropriate statement as he may desire in regard to pointing out the place where he is said to have hidden the weapon of offence, etc. When the accused while in custody makes such statement before the two independent witnesses (panch witnesses) the exact statement or rather the exact words uttered by the accused should be incorporated in the first part of the panchnama that the investigating officer may draw in accordance with law. This first part of the panchnama for the purpose of Section 27 of the Evidence Act is always drawn at the police station in the presence of the independent witnesses so as to lend credence that a particular statement was made by the accused expressing his willingness on his own free will and volition to point out the place where the weapon of offence or any other article used in the commission of the offence had been hidden. Once the first part of the panchnama is completed thereafter the police party along with the accused and the two independent witnesses (panch witnesses) would proceed to the particular place as may be led by the accused. If from that particular place anything like the weapon of offence or bloodstained clothes or any other article is discovered then that part of the entire process would form the second part of the panchnama. This is how the law expects the investigating officer to draw the discovery panchnama as contemplated under Section 27 of the Evidence Act. If we read the entire oral evidence of the investigating officer then it is clear that the same is deficient in all the aforesaid relevant aspects of the matter."

67. Similar view was taken by this Court in Ramanand v. State of U.P. [Ramanand v. State of U.P., (2023) 16 SCC 510 : 2022 SCC OnLine SC 1396], wherein this Court held that mere exhibiting of memorandum prepared by the investigating officer during investigation cannot tantamount to proof of its contents. While testifying on oath, the investigating officer would be required to narrate the sequence of events which transpired leading to the recording of the disclosure statement."(emphasis supplied)

'reasons for arrest' and 'grounds of arrest'

in Pankaj Bansal (supra), in Prabir Purkayastha vs. State (NCT of Delhi) 3, the Apex Court held that there is a significant difference in the phrase 'reasons for arrest' and 'grounds of arrest'. The 'reasons for arrest' as indicated in the arrest memo are purely formal parameters, viz., to prevent the accused person from committing any further offence; for proper investigation of the offence; to prevent the accused person from causing the evidence of the offence to disappear or tempering with such evidence in

any manner; to prevent the arrested person for making inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Investigating Officer. These reasons would commonly apply to any person arrested on charge of a crime whereas the 'grounds of arrest' would be required to contain all such details in hand of the Investigating Officer which necessitated the arrest of (2024) 8 SCC 254 the accused. Simultaneously, the grounds of arrest informed in writing must convey to the arrested accused all basic facts on which he was being arrested so as to provide him an opportunity of defending himself against custodial remand and to seek bail. Thus, the 'grounds of arrest' would invariably be personal to the accused and cannot be equated with the 'reasons of arrest' which are general in nature.

Framing of Charges

in Minakshi Bala v. Sudhir Kumar & Ors., (1994) 4 SCC 142; 1994 INSC 201 This Court on the question of quashing of charge by the High Court made the following pertinent observations: -

"7…To put it differently, once charges are framed under Section 240 CrPC the High Court in its revisional jurisdiction would not be justified in relying upon documents other than those referred to in Sections 239 and 240 CrPC; nor would it be justified in invoking its inherent jurisdiction under Section 482 CrPC to quash the same except in those rare cases where forensic exigencies and formidable compulsions justify such a course. We hasten to add even in such exceptional cases the High Court can look into only those documents which are unimpeachable and can be legally translated into relevant evidence.

8. Apart from the infirmity in the approach of the High Court in dealing with the matter which we have already noticed, we further find that instead of adverting to and confining its attention to the documents referred to in Sections 239 and 240 CrPC the High Court has dealt with the rival contentions of the parties raised through their respective affidavits at length and on a threadbare discussion thereof passed the impugned order. The course so adopted cannot be supported; firstly, because finding regarding commission of an offence cannot be recorded on the basis of affidavit evidence and secondly, because at the stage of framing of charge the Court cannot usurp the functions of a Trial Court to delve into and decide upon the respective merits of the case." (underline supplied)

ALIBI

In the decision in Binay Kumar Singh v. State of Bihar, AIR 1997 SC 322 ; 1996 INSC 1260 this Court took note of the meaning of the Latin word 'alibi' as 'elsewhere' and observed and held that the said plea would be available only if that 'elsewhere' is a place which is that much far off making it extremely impossible or improbable for the person concerned to reach the place of occurrence and participate in the offence

concerned on the relevant date and time. Paragraph 22 and 23 of the said decision which is relevant for the purpose reads thus: -

> "22. We must bear in mind that an alibi is not an exception (special or general) envisaged in the Penal Code, 1860 or any other law. It is only a rule of evidence recognised in Section 11 of the Evidence Act that facts which are inconsistent with the fact in issue are relevant.
>
> Illustration (a) given under the provision is worth reproducing in this context:
>
> "The question is whether A committed a crime at Calcutta on a certain date; the fact that on that date, A was at Lahore is relevant."
>
> 23. The Latin word alibi means "elsewhere" and that word is used for convenience when an accused takes recourse to a defence line that when the occurrence took place he was so far away from the place of occurrence that it is extremely improbable that he would have participated in the crime. It is a basic law that in a criminal case, in which the accused is alleged to have inflicted physical injury to another person, the burden is on the prosecution to prove that the accused was present at the scene and has participated in the crime. The burden would not be lessened by the mere fact that the accused has adopted the defence of alibi. The plea of the accused in such cases need be considered only when the burden has been discharged by the prosecution satisfactorily. But once the prosecution succeeds in discharging the burden it is incumbent on the accused, who adopts the plea of alibi, to prove it with absolute certainty so as to exclude the possibility of his presence at the place of occurrence. When the presence of the accused at the scene of occurrence has been established satisfactorily by the prosecution through reliable evidence, normally the court would be slow to believe any counter-evidence to the effect that he was elsewhere when the occurrence happened. But if the evidence adduced by the accused is of such a quality and of such a standard that the court may entertain some reasonable doubt regarding his presence at the scene when the occurrence took place, the accused would, no doubt, be entitled to the benefit of that reasonable doubt. For that purpose, it would be a sound proposition to be laid down that, in such circumstances, the burden on the accused is rather heavy. It follows, therefore, that strict proof is required for establishing the plea of alibi. This Court has observed so on earlier occasions (vide Dudh Nath Pandey v. State of U.P. [(1981) 2 SCC 166; State of Maharashtra v. Narsingrao Gangaram Pimple [(1984) 1 SCC 446."

As held in Binay Kumar Singh's case (supra), strict proof is required to establish the plea of alibi. There is absolutely no evidence establishing that DW-1 was there in the garden during the said period. Then, how his version could be relied on by the appellant to establish the plea of alibi. That apart, the very fact is that the appellant took up the plea of alibi on the ground that he was in a nearby garden itself would be sufficient to throw the case put forth by him as defence, in the light of Binay Kumar Singh's case (supra). The plea of alibi, in the light of the decision in Binay Kumar Singh's case (supra) can be applied only if the 'elsewhere place' is far away from the

place of occurrence so that it was extremely improbable or impossible for the person concerned to reach the place of occurrence and to participate in the crime on the relevant date and time of occurrence. In such circumstances, we are of the considered view that the said contention was rightly rejected by the Courts below.

The effect of false plea of alibi was considered by this Court in Babudas v. State of M.P., (2003) 9 SCC 86 and in G. Parshwanath v. State of Karnataka, (2010) 8 SCC 593; 2010 INSC 525. In G. Parshwanath's case, this Court held that when the accused gave a false plea that he was not present on the spot, his statement would be regarded as additional circumstance against him strengthening the chain of circumstances already found firm.

In the decision in Babudas's case (supra), this Court held that in a case of circumstantial evidence, a false plea of alibi set up by the accused would be a link in the chain of circumstances but then it could not be the sole link or sole circumstances based on which a conviction could be passed.

In the decision in Paramjeet Singh v. State of Uttarakhand, (2010) 10 SCC 439, 2010 INSC 647 this Court held that the aid of false defence led on behalf of accused could be used to lend assurance to the Court when the case of the prosecution is established on the basis of circumstantial evidence.

Discharge

This Court in P. Vijayan v. State of Kerala & Anr., (2010) 2 SCC 398; 2010 INSC 61, made an in-depth consideration regarding the scope of power under Section 227, Cr.P.C. and held thus: -

> "10. Before considering the merits of the claim of both the parties, it is useful to refer to Section 227 of the Code of Criminal Procedure, 1973, which reads as under:
>
> "227. Discharge. — If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing."
>
> If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal. Further, the words "not sufficient ground for proceeding against the accused" clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. In other words, the sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him."

6. While considering the scope of Section 227, Cr.P.C. in Sajjan Kumar v. Central Bureau of Investigation, (2010) 9 SCC 368; 2010 INSC 624, this Court laid down certain guiding principles for discharge as under: -

"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge:

(i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to

discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal."

DNA TEST – not mandatory.

in Veerendra v. State of Madhya Pradesh, (2022) 8 SCC 668, wherein it was held as under:

"53. In view of the nature of the provision under Section 53-ACrPC and the decisions referred to, we are also of the considered view that the lapse or omission (purposeful or otherwise) to carry out DNA profiling, by itself, cannot be permitted to decide the fate of a trial for the offence of rape especially, when it is combined with the commission of the offence of murder as in case of acquittal only on account of such a flaw or defect in the investigation the cause of criminal justice would become the victim. The upshot of this discussion is that even if such a flaw had occurred in the investigation in a given case, the court has still a duty to consider whether the materials and evidence available on record before it, are enough and cogent to prove the case of the prosecution. In a case which rests on circumstantial evidence, the Court has to consider whether, despite such a lapse, the various links in the chain of circumstances form a complete chain pointing to the guilt of the accused alone in exclusion of all hypothesis of innocence in his favour."

NEWS

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- AP- Amendment To Rule 16 Of The Andhra Pradesh State Judicial (Service And Cadre) Rules, 2007 I.E., Relating To Age Of Superannuation Of Judicial Officers.

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

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CITATIONS

2025 0 INSC 13; 2025 0 Supreme(SC) 11; Jayshree Kanabar Vs. State of Maharashtra & Ors.; Criminal Appeal No. of 2025 (@ SLP (Crl.) No. 15341 of 2023) With Criminal Appeal No. of 2025 (@ SLP (Crl.) No. 15820 of 2023); Decided on : 02-01-2025

When there is an embargo put in by a specific provision under a special enactment in the matter of grant of bail in respect of offences allegedly committed thereunder, the power to grant bail should necessarily be subject to satisfaction of the conditions mentioned in such specific provision. In the case on hand, such a specific provision is contained under Section 21(4) of the MCOCA. The learned counsel for the petitioners would submit that bail was granted to respondent Nos.2 and 3 herein sans considering their entitlement in view of the decision of this Court in Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwan & Anr., (2021) 6 SCC 230; 2021 INSC 265 At the same time, the learned counsel appearing for the respondent would submit that even in the case of offences under Prevention of Money Laundering Act (for short, 'the PMLA') which carries similar rigour in the matter of grant of bail under Section 45(1), PMLA, this Court held that such stringent provisions for the grant of bail would not take away the power of Constitution of Courts to grant bail on grounds of violation of Part-III of the Constitution of India. But we may hasten to add that a critical examination of the impugned order would reveal that bail was granted to respondent Nos.2 and 3 in

the case on hand not on the ground of violation of Part-III of the Constitution of India and instead, the High Court has considered the sufficiency or otherwise of the evidence against them available on record. There can be no doubt with respect to the position that materials collected during the investigation would not mature into evidence at the stage of consideration of an appeal and as such, the admissibility and evidentiary value are matters to be decided during the trial and are not matters for consideration at the present stage of the proceedings.

SEC 326 IPC= 118(2) BNS ALLOWED TO BE COMPOUNDED
2025 0 INSC 37; 2025 0 Supreme(SC) 39; H. N. Pandakumar Vs. The State of Karnataka; Miscellaneous Application No. 2667 of 2024 in SLP(Crl.) No. 895 of 2024; Decided On : 07-01-2025

The complainant and the petitioner reside in close proximity, with only a road separating their houses, making it essential to maintain a peaceful relationship between the two families. The parties are also distantly related, and any lingering hostility is likely to disturb the social fabric of their neighbourhood. The compromise covers not only the criminal case but also related property disputes, including the right of way, which had been a point of contention for years. The applicant/petitioner's commitment to paying the agreed compensation reflects a genuine effort to end the discord and uphold the terms of the settlement. This Court notes that the complainant's unequivocal support for the compromise further underscores the voluntary nature of the settlement and the shared desire to put an end to all disputes.

In light of the amicable settlement and the complainant's unequivocal consent, as evidenced by the Interlocutory Application, this Court finds it appropriate to allow the present M.A. While the offense under Section 326 IPC is non- compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court's inherent powers to give effect to the compromise.

2025 0 INSC 32; 2025 0 Supreme(SC) 35; Bishwajit Dey vS. The State of Assam; Criminal Appeal No. 87 of 2025 (Arising out of Special Leave Petition (Crl.)No.13370 of 2024); Decided On : 07-01-2025

Though seizure of drugs/substances from conveyances can take place in a number of situations, yet broadly speaking there are four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation

by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused.

This Court is of the view that criminal law has not to be applied in a vacuum but to the facts of each case. Consequently, it is only in the first two scenarios that the vehicle may not be released on superdari till reverse burden of proof is discharged by the accused-owner. However, in the third and fourth scenarios, where no allegation has been made in the charge-sheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated.

This Court clarifies that the aforesaid discussion should not be taken as laying down a rigid formula as it will be open to the trial Courts to take a different view, if the facts of the case so warrant.

2025 0 INSC 4; 2025 0 KLT(Online) 1008; 2025 0 Supreme(SC) 20; B.N. John vS. State Of U.P. & Anr.; Criminal Appeal No. of 2025 (@ Special Leave Petition (Crl.) No. 2184 of 2024); Decided On : 02-01-2025

We are mindful of the position that where, during the investigation of a cognizable or non-cognizable offence on the basis of an FIR lodged, new facts emerge that will constitute the commission of a non-cognizable offence under IPC, in which event, the police can continue with the investigation of the non-cognizable offence of which there cannot be any dispute.

Thus, even if it is assumed that in the course of the investigation of a cognizable offence, the ingredients of a non-cognizable offence are discovered then the police could have continued the investigation without the written complaint to the court or the order of the court in respect of such non-cognizable offence, as it would also be deemed to be a cognizable offence under Section 155(4) of the CrPC, but where the investigation of the cognizable office itself suffers from legal infirmity and without jurisdiction from the initial stage, the entire investigation would be vitiated. For this reason, the police cannot seek the shield under Section 155 (4) of the CrPC when the FIR did not disclose the commission of a cognizable offence.

2025 0 INSC 27; 2025 0 KLT(Online) 1029; 2025 0 Supreme(SC) 30; Omi @ Omkar Rathore & Anr. Vs The State Of Madhya Pradesh & Anr.; Special Leave Petition (CRL.) No(s). 17781 of 2024; Decided On : 03-01-2025

The principles of law as regards Section 319 of the CrPC may be summarised as under:

a. On a careful reading of Section 319 of the CrPC as well as the aforesaid two decisions, it becomes clear that the trial court has undoubted jurisdiction to add any person not being the accused before it to face the trial along with other accused persons, if the Court is satisfied at any stage of the proceedings on the evidence adduced that the persons who have not been arrayed as accused should face the trial. It is further evident that such person even though had initially been named in the F.I.R. as an accused, but not charge sheeted, can also be added to face the trial.

b. The trial court can take such a step to add such persons as accused only on the basis of evidence adduced before it and not on the basis of materials available in the charge- sheet or the case diary, because such materials contained in the charge sheet or the case diary do not constitute evidence.

c. The power of the court under Section 319 of the CrPC is not controlled or governed by naming or not naming of the person concerned in the FIR. Nor the same is dependent upon submission of the chargesheet by the police against the person concerned. As regards the contention that the phrase 'any person not being the accused' occurred in Section 319 excludes from its operation an accused who has been released by the police under Section 169 of the Code and has been shown in column No. 2 of the charge sheet, the contention has merely to be stated to be rejected. The said expression clearly covers any person who is not being tried already by the Court and the very purpose of enacting such a provision like Section 319(1) clearly shows that even persons who have been dropped by the police during investigation but against whom evidence showing their involvement in the offence comes before the Criminal Court are included in the said expression.

c. It would not be proper for the trial court to reject the application for addition of new accused by considering records of the Investigating Officer. When the evidence of complainant is found to be worthy of acceptance then the satisfaction of the Investigating Officer hardly matters. If satisfaction of Investigating Officer is to be treated as determinative then the purpose of Section 319 would be frustrated.

2025 0 INSC 28; 2025 0 KLT(Online) 1015; 2025 0 Supreme(SC) 31; Edakkandi Dineshan @ P. Dineshan and Others Vs. State of Kerala; Criminal Appeal No. 118 of 2013; Decided On : 06-01-2025

Crime creates a sense of societal fear and it affects adversely the societal conscience. It is inequitable and unjust if such a situation is allowed to perpetuate and continue in the society. In every civilized society, the purpose of criminal administrative system is to protect individual dignity and to restore societal stability and order and to create faith and cohesion in the society. The courts in the discharge of their duties are tasked with balancing of interests of the accused on one hand and the state/society on the other.

Either a partial, untrue version of one of the witnesses or an exaggerated version of a witness may not be a sole reason to discard the entire prosecution case which is otherwise supported by clinching evidence such as truthful version of the witnesses, medical evidence, recovery of the weapons etc.

Hence, the principle of law is crystal clear that on the account of defective investigation the benefit will not inure to the accused persons on that ground alone. It is well within the domain of the courts to consider the rest of the evidence which the prosecution has gathered such as statement of the eyewitnesses, medical report etc. It has been a consistent stand of this court that the accused cannot claim acquittal on the ground of faulty investigation done by the prosecuting agency.

Even if it is assumed that they are interested witnesses there is no such inconsistency in their statements which would raise a reasonable suspicion about their evidence being concocted and untruthful. They were present at the spot where the incident took place and they have delivered a version which is palpable one.

The entire submissions of the appellants were that since there are contradictions, the entire story of the prosecution is false. As we have already mentioned above, the principle of 'falsus in uno, falsus in omnibus' does not apply to the Indian criminal jurisprudence and only because there are some contradictions which in the opinion of this Court are not even that material, the entire story of the prosecution cannot be discarded as false. It is the duty of the Court to separate the grain from the chaff. In a given case, it is also open to the Court to differentiate the accused who had been acquitted from those who were convicted where there are a number of accused persons, like in the present case.

2025 0 INSC 30; 2025 0 KLT(Online) 1011; 2025 0 Supreme(SC) 33; Frank Vitus Vs. Narcotics Control Bureau And Ors.; Criminal Appeal Nos. 2814-2815 of 2024; Decided On : 06-01-2025

Under clause (b) of Section 3(2) of the Act, there is a power vested in the Central Government to issue an order generally or with respect to any particular foreigner or class of foreigners that they shall not depart from India or shall depart subject to observance of such conditions on departure as may be prescribed. The Rules do not impose any such restriction on departure from India. However, as noted earlier, according to clause 5(1)(b) of the Order, no foreigner shall leave India without the leave of the Civil Authority having jurisdiction. When a foreigner's presence is required in India to answer a criminal charge, permission to leave India must be refused. Under the Order, the Civil Authority can impose restrictions on the movements of a foreigner. Therefore, once a foreigner is released on bail, he cannot leave India without the permission of the Civil Authority, as provided in clause 5 of the Order. Under clause 11 and other clauses of the Order, various restrictions can be imposed on a foreigner while he is in India. The said power is

wholly independent of the power to grant bail. As of today, there is no order passed by the Central Government for giving effect to clause (g) of Section 3(2) of the Act. In any event, even if such an order is issued, the power to arrest or detain a foreigner under the Act is independent of the power of the criminal court to grant bail. Notwithstanding the bail granted by a criminal court, the power to arrest and detain a foreigner can be exercised, provided the Central Government makes an order in terms of clause (g) of Section 3(2) of the Act.

All that can be done is that while releasing a foreigner on bail, the Court should direct the investigating agency or the State, as the case may be, to immediately inform the concerned Registration Officer appointed under Rule 3 of the Rules about the grant of bail so that the Registration Officer can bring the fact of the grant of bail to the notice of concerned Civil Authority.

2025 0 INSC 50; 2025 0 Supreme(SC) 59; The State of Punjab Vs. Hari Kesh; Criminal Appeal No. 104 of 2025 (Arising out of SLP(Criminal) No.9114/2019); Decided On : 07-01-2025

In the instant case, it appears that the petition for quashing of Sanction Order was filed by the respondent after the trial court framed the charge and commenced the trial, rather after the prosecution examined five witnesses. It is pertinent to note that whether the Sanction has been granted by the competent authority or not, would be a matter of evidence. Further, as per the Explanation to sub-section (4), for the purpose of Section 19, error includes “competency of the authority to grant Sanction.” Therefore, in view of the settled legal position, the High Court should not have quashed the Sanction Order and the consequent proceedings, unless it was satisfied that the failure of justice had occurred by such error or irregularity or invalidity. There is not a whisper in the impugned order about any failure of justice having occurred on account of the impugned Sanction Order. The High Court also should not have entertained the petition for quashing the Sanction Order when the prosecution had already examined seven witnesses. In that view of the matter, we are of the opinion that the High Court has committed gross error in quashing the Sanction Order and the consequent proceedings vide the impugned order.

2025 0 INSC 47; 2025 0 Supreme(SC) 74; Goverdhan & Anr Vs. State Of Chhattisgarh; Criminal Appeal No. 116 of 2011; Decided on : 09-01-2025

It is also to be noted that the law does not contemplate stitching the pieces of evidence in a watertight manner, for the standard of proof in a criminal case is not proof beyond all doubts but only beyond reasonable doubt. In other words, if a clear picture emerges on piecing together all evidence which indicates beyond reasonable doubt of the role played by the accused in the perpetration of the crime, the court holds the accused criminally liable and punishes them under the provisions of the penal code, in contradistinction to the requirement of proof based on the preponderance of probabilities as in case of civil proceedings.

21. It will be relevant to discuss, at this juncture, what is meant by "reasonable doubt". It means that such doubt must be free from suppositional speculation. It must not be the result of minute emotional detailing, and the doubt must be actual and substantial and not merely vague apprehension. A reasonable doubt is not an imaginary, trivial or a merely possible doubt, but a fair doubt based upon reason and common sense as observed in Ramakant Rai v. Madan Rai, (2003) 12 SCC 395 wherein it was observed as under :

> "24. Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than the truth. To constitute reasonable doubt, it must be free from an overly emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt; but a fair doubt based upon reason and common sense. It must grow out of the evidence in the case."

22. While applying this principle of proof beyond reasonable doubt the Court has to undertake a candid consideration of all the evidence in a fair and reasonable manner as observed by this Court in State of Haryana v. Bhagirath (1999) 5 SCC 96 as follows:

> "8. It is nearly impossible in any criminal trial to prove all the elements with a scientific precision. A criminal court could be convinced of the guilt only beyond the range of a reasonable doubt. Of course, the expression 'reasonable doubt' is incapable of definition. Modern thinking is in favour of the view that proof beyond a reasonable doubt is the same as proof which affords moral certainty to the Judge.
>
> 9. Francis Wharton, a celebrated writer on criminal law in the United States has quoted from judicial pronouncements in his book Wharton's Criminal Evidence (at p. 31, Vol. 1 of the 12th Edn.) as follows:
>
> 'It is difficult to define the phrase "reasonable doubt". However, in all criminal cases a careful explanation of the term ought to be given. A definition often quoted or followed is that given by Chief Justice Shaw in the Webster case [Commonwealth v. Webster, 5 Cush 295 : 59 Mass 295 (1850)] . He says: "It is not mere possible doubt, because everything relating to human affairs and depending upon moral evidence is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of the jurors in that consideration that they cannot say they feel an abiding conviction to a moral certainty of the truth of the charge."'
>
> 10. In the treatise The Law of Criminal Evidence authored by H.C. Underhill it is stated (at p. 34, Vol. 1 of the 5th Edn.) thus:
>
> 'The doubt to be reasonable must be such a one as an honest, sensible and fair-minded man might, with reason, entertain consistent with a conscientious desire to ascertain the truth. An honestly entertained doubt of guilt is a

reasonable doubt. A vague conjecture or an inference of the possibility of the innocence of the accused is not a reasonable doubt. A reasonable doubt is one which arises from a consideration of all the evidence in a fair and reasonable way. There must be a candid consideration of all the evidence and if, after this candid consideration is had by the jurors, there remains in the minds a conviction of the guilt of the accused, then there is no room for a reasonable doubt.'

23. The concept of reasonable doubt has to be also understood in the Indian context, keeping in mind the social reality and this principle cannot be stretched beyond a reasonable limit to avoid generating a cynical view of law as observed by this Court in Shivaji Sahebrao Bobade v. State of Maharashtra, (1973) 2 SCC 793 as follows:

"6. Even at this stage we may remind ourselves of a necessary social perspective in criminal cases which suffers from insufficient forensic appreciation. The dangers of exaggerated devotion to the rule of benefit of doubt at the expense of social defence and to the soothing sentiment that all acquittals are always good regardless of justice to the victim and the community, demand especial emphasis in the contemporary context of escalating crime and escape. The judicial instrument has a public accountability. The cherished principles or golden thread of proof beyond reasonable doubt which runs through the web of our law should not be stretched morbidly to embrace every hunch, hesitancy and degree of doubt. The excessive solicitude reflected in the attitude that a thousand guilty men may go but one innocent martyr shall not suffer is a false dilemma. Only reasonable doubts belong to the accused. Otherwise any practical system of justice will then break down and lose credibility with the community. The evil of acquitting a guilty person light heartedly as a learned Author [Glanville Williams in 'Proof of Guilt'.] has sapiently observed, goes much beyond the simple fact that just one guilty person has gone unpunished. If unmerited acquittals become general, they tend to lead to a cynical disregard of the law, and this in turn leads to a public demand for harsher legal presumptions against indicted "persons" and more severe punishment of those who are found guilty. Thus, too frequent acquittals of the guilty may lead to a ferocious penal law, eventually eroding the judicial protection of the guiltless. For all these reasons it is true to say, with Viscount Simon, that "a miscarriage of justice may arise from the acquittal of the guilty no less than from the conviction of the innocent …." In short, our jurisprudential enthusiasm for presumed innocence must be moderated by the pragmatic need to make criminal justice potent and realistic. A balance has to be struck between chasing chance possibilities as good enough to set the delinquent free and chopping the logic of preponderant probability to punish marginal innocents. We have adopted these cautions in analysing the evidence and appraising the soundness of the contrary conclusions reached by the courts below. Certainly, in the last analysis

reasonable doubts must operate to the advantage of the appellant. In India the law has been laid down on these lines long ago."

24. Further, what would be the standard degree of "proof" which would be required in any particular case was also discussed in the aforesaid case of Ramakant Rai (supra) in the following words:

"23. A person has, no doubt, a profound right not to be convicted of an offence which is not established by the evidential standard of proof beyond reasonable doubt. Though this standard is a higher standard, there is, however, no absolute standard. What degree of probability amounts to "proof" is an exercise particular to each case. Referring to (sic) of probability amounts to "proof" is an exercise, the interdependence of evidence and the confirmation of one piece of evidence by another, as learned author says : [see The Mathematics of Proof II : Glanville Williams, Criminal Law Review, 1979, by Sweet and Maxwell, p. 340 (342)]

"The simple multiplication rule does not apply if the separate pieces of evidence are dependent. Two events are dependent when they tend to occur together, and the evidence of such events may also be said to be dependent. In a criminal case, different pieces of evidence directed to establishing that the defendant did the prohibited act with the specified state of mind are generally dependent. A juror may feel doubt whether to credit an alleged confession, and doubt whether to infer guilt from the fact that the defendant fled from justice. But since it is generally guilty rather than innocent people who make confessions, and guilty rather than innocent people who run away, the two doubts are not to be multiplied together. The one piece of evidence may confirm the other."

24. ……..

……..

25. The concepts of probability, and the degrees of it, cannot obviously be expressed in terms of units to be mathematically enumerated as to how many of such units constitute proof beyond reasonable doubt. There is an unmistakable subjective element in the evaluation of the degrees of probability and the quantum of proof. Forensic probability must, in the last analysis, rest on a robust common sense and, ultimately, on the trained intuitions of the judge. While the protection given by the criminal process to the accused persons is not to be eroded, at the same time, uninformed legitimisation of trivialities would make a mockery of the administration of criminal justice. This position was illuminatingly stated by Venkatachaliah, J. (as His Lordship then was) in State of U.P. v. Krishna Gopal [(1988) 4 SCC 302 : 1988 SCC (Cri) 928 : AIR 1988 SC 2154] ."

25. At this point, it may be also relevant to mention an observation made by Lord Denning, J. in Miller v. Miller of Pensions (1947) 2 All ER 372, 373 H:

"That degree is well settled. It need not reach certainty, but it must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof

beyond the shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the court of justice…."

26. Thus, the requirement of law in criminal trials is not to prove the case beyond all doubt but beyond reasonable doubt and such doubt cannot be imaginary, fanciful, trivial or merely a possible doubt but a fair doubt based on reason and common sense. Hence, in the present case, if the allegations against the appellants are held proved beyond reasonable doubt, certainly conviction cannot be said to be illegal.

We must also remember that the scene of the crime was in a rural area and the witness being rustic, their evidence has to be appreciated in the light of the behavioral pattern in the rural environment.

We must also keep in mind that in a trial, the assessment of evidence cannot be made in a technical manner and the realities of life must be kept in mind for arriving at the truth as observed by this Court in State of H.P. v. Lekh Raj (2000) 1 SCC 247 as follows;

"10. The High Court appears to have adopted a technical approach in disposing of the appeal filed by the respondents. This Court in State of Punjab v. Jagir Singh [(1974) 3 SCC 277 : 1973 SCC (Cri) 886] held: (SCC pp. 285-86, para 23)

'23. A criminal trial is not like a fairy tale wherein one is free to give flight to one's imagination and fantasy. It concerns itself with the question as to whether the accused arraigned at the trial is guilty of the crime with which he is charged. Crime is an event in real life and is the product of interplay of different human emotions. In arriving at the conclusion about the guilt of the accused charged with the commission of a crime, the court has to judge the evidence by the yardstick of probabilities, its intrinsic worth and the animus of witnesses. Every case in the final analysis would have to depend upon its own facts. Although the benefit of every reasonable doubt should be given to the accused, the courts should not at the same time reject evidence which is ex facie trustworthy on grounds which are fanciful or in the nature of conjectures.'

The criminal trial cannot be equated with a mock scene from a stunt film. The legal trial is conducted to ascertain the guilt or innocence of the accused arraigned. In arriving at a conclusion about the truth, the courts are required to adopt a rational approach and judge the evidence by its intrinsic worth and the animus of the witnesses. The hypertechnicalities or figment of imagination should not be allowed to divest the court of its responsibility of sifting and weighing the evidence to arrive at the conclusion regarding the existence or otherwise of a particular circumstance keeping in view the peculiar facts of each case, the social position of the victim and the accused, the larger interests of the society particularly the law and order problem and degrading values of life inherent in the prevalent system. The realities of life have to be kept in mind while appreciating the evidence for arriving at the truth. The courts are not obliged to make efforts either to give latitude to the prosecution or loosely

construe the law in favour of the accused. The traditional dogmatic hypertechnical approach has to be replaced by a rational, realistic and genuine approach for administering justice in a criminal trial. Criminal jurisprudence cannot be considered to be a utopian thought but have to be considered as part and parcel of the human civilisation and the realities of life. The courts cannot ignore the erosion in values of life which are a common feature of the present system. Such erosions cannot be given a bonus in favour of those who are guilty of polluting society and mankind."

Though both the witnesses have denied having any knowledge of the actual recovery of the weapons at the instance of the appellants, their denials do not appear convincing. However, since the IO of the case, PW-15 had proved the said seizure memos, we find no reason to hold that there was no seizure that was affected merely because the two seizure witnesses had turned hostile.

For convicting an accused recovery of the weapon used in commission of offence is not a sine qua non.

in Karamjit Singh v. State (Delhi Admn.), (2003) 5 SCC 291 in which it was observed that the testimony of the police personnel involved in recovery of articles need not be disbelieved and testimony of police personnel is to be treated similarly as testimony of any other witness. It was held that,

"8. Shri Sinha, learned Senior Counsel for the appellant, has vehemently urged that all the witnesses of recovery examined by the prosecution are police personnel and in the absence of any public witness, their testimony alone should not be held sufficient for sustaining the conviction of the appellant. In our opinion the contention raised is too broadly stated and cannot be accepted. The testimony of police personnel should be treated in the same manner as testimony of any other witness and there is no principle of law that without corroboration by independent witnesses their testimony cannot be relied upon.The presumption that a person acts honestly applies as much in favour of a police personnel as of other persons and it is not a proper judicial approach to distrust and suspect them without good grounds. It will all depend upon the facts and circumstances of each case and no principle of general application can be laid down. "

(emphasis added)

Thus, we do not find any reason to doubt the testimony of the police/I.O. (PW-15). we are of the opinion that even if there are certain embellishments and improvements and contradictions which are of minor nature, the evidence of PW-10 on the whole does appear to be consistent and we do not see any cogent reason to disbelieve her claim that she had witnessed the incident. Thus, we are of the opinion that there appears to be no patent illegality in the view taken by the trial court and the High Court.

the evidence of the sole eye witness, a hapless rustic illiterate woman visited with the vicissitude and tragedy of her son being fatally assaulted by co- villagers before her own eyes, has withstood intensive cross examination and judicial scrutiny. She

has answered the questions put to her during her cross examination with spontaneity without any jitteriness and her response was natural and not elusive and prevaricating, which all are signs of truthfulness of the witness. We, therefore, have no hesitation to hold that her testimony is trustworthy and reliable. Her evidence finds corroboration from the admissible part of the evidence of the complainant, and her husband even though they had turned hostile, and the medical evidence, evidence of the Investigating Officer and other official witnesses.

https://indiankanoon.org/doc/156655158/; Chalivendra Ramakrishna Salivendra vs The State Of Andhra Pradesh; CRIMINAL PETITION Nos.5197, 4896, 5230, 5256, 5367, 5475, 5487, 5503, 5550, 5553, 5585, 5652, 5718, 5724, 5752, 5839, 5920 and 9083 of 2024 Date: 06.01.2025

Informant would only put forth the facts before the registering officer and the Station House Officer on receiving such information using his own diligence incorporates the relevant penal provisions in the F.I.R. During investigation certain facts may be found incorrect and certain new facts may have been discovered and certain new accused may have been found having connection with the crime. There can be no legal hurdle in that regard since investigation is a voyage of truth. Therefore, the argument of the learned counsels for petitioners that provisions under the Act, 1989 were brought into effect during investigation and therefore have to be discarded is an argument that cannot be sustained. It may be recorded here that even to begin with in the case at hand the F.I.R. mentioned certain penal provisions of the Act, 1989. At the present also certain penal provisions of the Act, 1989 are alleged by the prosecution. Simply because at one stage such penal provisions were dropped does not mean that at a later stage they cannot be brought in. The argument that the new addition was not granted by the Superintendent of Police cannot be countenanced since the method of investigation is sole prerogative of the investigation officer. For the above reasons, the point is answered against the petitioners.

https://indiankanoon.org/doc/48881659/; Kalvakuntla Taraka Ram Rao vs The State Acb, Ciu on 7 January, 2025; CRLP No. 15847/2024

Section 13 of the PCA deals with criminal misconduct by a public servant. The essential ingredients of criminal misconduct are fraudulent or dishonest misappropriation or converting the property to one's own use. Further, such property needs to be entrusted to the public servant or such property should be in the public servant's control. From the facts, it is prima facie clear that HMDA's funds were under the control of the Petitioner. Whether the Petitioner dishonestly misappropriated the same or not is a factual aspect to be investigated. Therefore, a prima facie case is made out against the Petitioner.

In the present case, the allegations indicate that the Petitioner herein without any approval from the State Cabinet or the finance department directed the HMDA to

pay huge sums of money to a foreign company. Whether the Petitioner directed the said payments with a dishonest intention to cause gain to himself or third parties is required to be investigated. The allegations when read together make out a prima facie case of wrong doing and misappropriation of funds of the HMDA. The same are enough to warrant an investigation.
In the present case too, the Complaint was lodged on 18.12.2024 and the FIR was registered on 19.12.2024. Immediately and on the very next day i.e., on 20.12.2024, the Petitioner herein filed the present criminal petition. The investigating agency should have a reasonable opportunity to investigate and collect evidence. Therefore, this Court cannot haste and thwart the investigation in the present case.

https://indiankanoon.org/doc/5011470/; Kanthi Rana Tata Ips vs The State Of Andhra Pradesh; CRIMINAL PETITION Nos.6640, 6702, 6734, 6802 and 6934 of Date: 07.01.2024

it is relevant to see the purport of "such offence is alleged to have been committed in, or in relation to, any proceeding in any Court." The real meaning of any proceeding in any Court requires an elaboration. The word proceeding in the above provision is used in a wider sense. It is not confined to proceedings that come into existence only after a learned Magistrate takes cognizance of an offence. It includes a proceeding held by a Magistrate on receipt of an investigating officer's report made under Section 167(1) Cr.P.C. which is covered by the provision proceeding mentioned in Section 195(1)(b) Cr.P.C. where a person makes a false report to the police against certain persons resulting in they being arrested and being remanded to custody and leading to an application for bail being made by them, the remand proceedings and the bail proceedings are connected with the false report made by the person and the offence committed by him by making it. Then it must be held to be an offence committed in relation to those proceedings. As the proceedings are related to the offence in the manner mentioned above, the offence must be said to have been committed in relation to them. Section 195(1)(b) Cr.P.C. is therefore applicable and no cognizance of the offence can be taken without a complaint by the Magistrate. A complaint by a private person cannot lead to prosecution for such offences. This question at one point of time arose before their Lordships of the Hon'ble Supreme Court of India in M.L.Sethi v. R.P.Kapur10. However, their Lordships in the light of the case available therein did not choose to decide it and left it open. Subsequently, similar question came up before their Lordships. After considering the entire catena of precedent, their Lordships were pleased to AIR 1967 SC 528 emphatically laid down the law in Abdul Rehman's case cited above. That was a case where on a complaint, F.I.R. was registered for the offence under Section 406 read with 34 I.P.C. and the Dowry Prohibition Act. The accused arraigned therein applied for anticipatory bail and the same was granted by a learned Sessions Judge. Thereafter the accused therein filed a complaint alleging offence under Section

211 I.P.C. and other provisions of Indian Penal Code contending that the F.I.R. registered against him was a false accusation. It was in such circumstances, the complainant in the first registered crime who was arraigned as accused in the second registered crime had raised a question concerning maintainability of the second F.I.R. and argued the law based on Section 195 Cr.P.C. Answering it their Lordships held that the accused in the first crime having moved the learned Sessions Judge praying for anticipatory bail and having been granted the prayer of anticipatory bail there existed proceedings before that Court. Thereafter, at the behest of the said accused on the allegation of false complaint the second crime emerged. Thus, the second crime is in connection with the proceedings taken up before the Sessions Court. Therefore, the bar contained in Section 195 Cr.P.C. is clearly attracted. It was further recorded that any offence punishable under Section 211 I.P.C. could be taken cognizance of only at the instance of the Court in relation to whose proceedings the same was committed. In the case at hand, this Court in the earlier paragraphs detailed the facts and legal events concerning Crime No.90 of 2024. Pursuant to registration of Crime No.90 of 2024 accused were arrested and a competent Magistrate passed a remand order, thereafter a police custody order and thereafter a bail order. Thus, they are all proceedings before that Court. What is alleged in Crime No.90 of 2024 is to be stated as a false case to frame an innocent then that being an offence effecting public justice, it is only for that Court or any other Court as specified in Section 195 Cr.P.C. to initiate a complaint and prosecute the accused. Therefore, registering Crime No.469 of 2024 at the behest of accused in Crime No.90 of 2024 suffers from serious legal flaw.

https://indiankanoon.org/doc/136822977/; Divakar Atluri vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE No.1277 of 2024 Date: 03.01.2025

The question whether a summoning order is interlocutory or intermediatory and whether revision under section 397 CrPC or a petition under section 482 CrPC was considered by the Hon'ble Supreme Court of India in Urmila Devi V. Yudhvir Singh7. After a detailed analysis of law, their Lordships held that a summoning order is intermediatory. For the aggrieved dual remedy is available and he can maintain a revision under section 397 CrPC and in the alternative, he can also invoke the inherent jurisdiction under section 482 CrPC.

Whether the summoning order could be questioned by the accused before the court which issued summons. This question has arisen because of the submissions of the learned standing counsel for the respondents. This contention has no merit. In Adalat Prasad V. Rooplal Jindal8, the Hon'ble Supreme Court of India held that a learned Magistrate who issued summons as against an accused has not been empowered by the Statute to review and recall the process. For the aggrieved the only remedy is before a superior court.

https://indiankanoon.org/doc/143902647/; Bandi Raghava Reddy vs The State Of Andhra Pradesh on 7 January, 2025 CRIMINAL PETITION No.9110 of 2024

Earlier on 23.07.2024 in Criminal Petition No.3807 of 2024 and on 13.08.2024 in Criminal Petition No.10005 of 2023 this Court entertained and granted pre-arrest bails in cases where caste atrocities were alleged. It must be made clear here that in those cases Section 14A of the Act, 1989 was not noticed since that was never contested. Subsequently, this Court had the occasion to consider the jurisdictional aspect in terms of Section 14A of the Act, 1989 and consistently took the view that this Court holds no original concurrent jurisdiction in bails as well as anticipatory bails. In this regard reference can be made to the prosecution cited ruling in Nakka Nagireddy's case decided on 11.11.2024. Further this Court in Deepak Kumar Tala's case decided on 22.10.2024 in Criminal Petition No.6487 of 2024 also reached to the same view. For all these reasons, it is recorded that the prayer made before this Court is misplaced and cannot be considered.

https://indiankanoon.org/doc/187984743/; Mohammed Shafi vs The State Of Telangana on 7 January, 2025; CRLP 16117/2024

it is evident that the proceedings against the petitioners for the offence under Section 188 of IPC have been initiated, basing on the complaint made by the de facto complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C. Therefore, the proceedings against the petitioners for the offence under Section 188 of IPC are liable to be quashed. Insofar as other offences i.e., 271 and 505(1) of IPC and Section 3 of Epidemic Diseases Act, 1897 are concerned, as per the judgment of Hon'ble Supreme Court in Hemareddy's case (supra), as it is clear that if the offences formed part of the same transaction of the offences contemplated under Section 191 of Cr.P.C., it is not possible to split up and hold the prosecution of the petitioners. Hence, the FIR culminating in taking cognizance of the aforesaid offences against the petitioners stands vitiated and the continuation of criminal proceedings against the petitioners amounts to abuse of process of law.

https://indiankanoon.org/doc/141650894/; Bidhan Mandal Bhola vs The State Of Telangana; CRIMINAL PETITION No.16159 OF 2024 DATE: 08.01.2025

it is clear that 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. Given the serious set of allegations against the petitioner, this Court is not satisfied that conditions for granting bail under Section 37 are met.

https://indiankanoon.org/doc/15232767/; Shafi vs State Of Telangana on 2 January, 2025: CRLP 15877/2024

As seen from the entire case record, including the statement of the victim recorded under Section 161 of Cr.P.C., discloses that petitioner-accused No.2 is a customer and she clearly stated that due to poverty and other family backgrounds she joined brothel house and given her willingness to do sex with the customers and she collected money from the petitioner herein. Furthermore, there is no allegation in the FIR that the petitioner herein had knowledge and/or the reason to believe that the woman was trafficked for the purpose of prostitution. Therefore, the ingredients required to constitute the offence under Section 370(A) (2) of IPC is not made out against the petitioner.

(A customer to a brothel house should have knowledge that the victim is trafficked to attract Sec 370A IPC)

2025 0 INSC 94; 2025 0 Supreme(SC) 162; State of Jharkhand Vs. Dr. Nishkant Dubey & Ors.; Criminal Appeal No. 5476 of 2024 (Arising out of Special Leave Petition (Crl.) No.7816 of 2023 And Criminal Appeal No. 5477 OF 2024 (Arising out of Special Leave Petition (Crl.) No.7706/2023, Criminal Appeal No. 5475 of 2024 (Arising out of Special Leave Petition (Crl.) No.7844/2023; Decided on : 21-01-2025

This Court is further of the view that the Aircraft Act, 1934 as well as the Rules framed thereunder [including Rule 14(ix) of Airport (Security) Rules, 2011] is a complete Code which deals with safety and security of civil aviation and aerodrome. The Aircraft Act, 1934 also prescribes a special procedure for taking cognizance of any offence punishable under the Aircraft Act, 1934 i.e, the complaint must be made by or with the prior sanction of the Aviation authorities. Section 12B is in the nature of a pre-condition for taking cognizance by a Court.

2025 0 INSC 97; 2025 0 Supreme(SC) 165; Baban Shankar Daphal & Ors. Vs. The State of Maharashtra; Criminal Appeal No. 1675 of 2015; Decided On : 22-01-2025

In criminal cases, the credibility of witnesses, particularly those who are close relatives of the victim, is often scrutinized. However, being a relative does not automatically render a witness "interested" or biased. The term "interested" refers to witnesses who have a personal stake in the outcome, such as a desire for revenge or to falsely implicate the accused due to enmity or personal gain. A "related" witness, on the other hand, is someone who may be naturally present at the scene of the crime, and their testimony should not be dismissed simply because of their relationship to the victim. Courts must assess the reliability, consistency, and coherence of their statements rather than labelling them as untrustworthy.

The High Court emphasized that eyewitnesses are often subjected to intense trauma during violent incidents, which can lead to minor lapses in their recollection

of specific details. In this case, the testimony of the eyewitnesses was consistent on the critical facts: the presence of the accused at the scene, their involvement in the attack, and the victim being beaten with sticks. The High Court underscored that the core elements of their testimony remained unshaken under cross-examination and were supported by other evidence.

The Trial Court gave undue weight to minor discrepancies in the eyewitness accounts, such as variations in their descriptions of the sequence of events or the exact number of blows inflicted. It is a well-established principle of law that minor contradictions or inconsistencies in testimony do not necessarily render it unreliable, as long as the core facts remain intact. The role of the court is to discern the truth by considering the evidence in its totality and not by isolating individual inconsistencies to discredit an entire narrative. The Trial Court erred by focusing excessively on trivial discrepancies, thereby losing sight of the broader picture and the compelling evidence against the accused.

In the present case, there were some variations in the statement of eyewitnesses. PW3 had failed to mention about the injuries caused to her while she was trying to protect her husband from the attack, instead it was PW4 who had mentioned about the assault made on PW3. There was also a variance regarding the actual time during which the hand of the deceased was twisted, which resulted in a fracture.

In order to render any witnesses' testimony as unreliable, the inconsistencies shall be material ones and of such a nature that they create substantive doubts in the mind of the court towards the story or the chain of events as sought to be established by the prosecution.

The medical evidence confirmed the presence of a fatal injury to the head caused by a blunt object, which was sufficient to cause death in the ordinary course of nature. The absence of additional head injuries does not negate the possibility of multiple blows being inflicted; rather, it reflects the limitations of forensic science in capturing the full extent of injuries in certain cases. Thus, the medical evidence did not contradict but, in fact, supported the substance of the eyewitness accounts, as has been observed by the High Court as well.

The High Court also correctly highlighted that the Trial Court's approach was contrary to the well-settled principle that the benefit of the doubt must be based on rational and cogent grounds. Mere conjectures or hypothetical inconsistencies cannot form the basis for acquittal when the evidence, viewed as a whole, points to the guilt of the accused.

This Court has repeatedly held that minor inconsistencies in witness testimony should not overshadow the truth of their statements. Similarly, it has been emphasized that medical evidence should be viewed as an aid to corroborate eyewitness accounts rather than as the sole determinant of facts. The High Court adhered to these principles while assessing the evidence in this case, ensuring that its findings were grounded in sound legal reasoning.

The brutal nature of the attack and the coordinated actions of the accused demonstrated clear intent to cause grievous harm, leading to the victim's death.

The Trial Court's acquittal of the accused not only undermined the credibility of the justice system but also sent a troubling message about the consequences of such heinous acts.

2025 0 INSC 106; 2025 0 Supreme(SC) 173; M. Venkateswaran Vs. The State Rep. by the Inspector of Police; Criminal Appeal No. 379 of 2025 [SLP Criminal No. 9885 of 2023]; Decided On : 24-01-2025

Admittedly, the incident pertains to the year 2006. The marriage was solemnized on 31.03.2006 and the couple lived together exactly for three days. As noticed from the High Court order, the de facto complainant is married and settled abroad. The case has been prolonged for a period of nearly 19 years. Both the appellant and PW-4 have moved on in life.

On the special facts of the case, we think the ends of justice will be met if we adopt the course followed by this Court in the case of Samaul Sk. vs. State of Jharkhand and Another, 2021 INSC 429. This Court, in that case, while reducing the sentence to that of the period already undergone recorded the voluntary offer of the appellant to pay a monetary compensation of Rs. 3,00,000/- (Three lakhs) to the de facto complainant for the benefit of her children. No doubt in the present case, there is no voluntary offer, but we propose to direct payment of compensation.

While the conviction of the appellant under Section 498-A of IPC and Section 4 of DP Act are confirmed, the sentence is modified. The appellant is sentenced to the period already undergone and is further directed to pay a sum of Rs. 3,00,000/- (Three Lakhs) within a period of four weeks in the Trial Court as compensation as directed hereinabove, to be payable to PW-4.

2025 0 Supreme(SC) 127; Dalip Kumar @ Dalli Vs. State of Uttaranchal; Criminal Appeal No. 1005 of 2013; Decided On : 16-01-2024

It is a common myth that sexual assault must leave injuries. Victims respond to trauma in varied ways, influenced by factors such as fear, shock, social stigma or feelings of helplessness. It is neither realistic nor just to expect a uniform reaction. The stigma associated with sexual assault often creates significant barriers for women, making it difficult for them to disclose the incident to others. In the present case however, the prosecutrix herself had clearly indicated that she was not forcibly taken away by the appellant. The above evidence indicates that the ingredients for sustaining a charge under Section 366-A of the IPC of abductions with the intent to illicit intercourse of the prosecutrix, was totally absent in the present case. Therefore, the conviction of the appellant under Section 366-A IPC cannot be sustained.

The age of the prosecutrix as per the opinion of the Doctor as earlier noted ranged between 16-18 years and in the absence of any contrary evidence, the possibility of the prosecutrix, being of 18 years age, cannot entirely be ruled out.

2025 0 INSC 85; 2025 0 Supreme(SC) 130; Biswajit Das Vs. Central Bureau of Investigation; Criminal Appeal No. 2052 of 2014; Decided On : 16-01-2025

We may now summarize the principles in view of the precedents noticed above. When a limited notice is issued by a bench on an appeal/petition, more often than not, the view taken is tentative. There could be occasions when the claim of the party succeeding before the court below is demonstrated to be untenable because of a patent infirmity in the findings recorded in the impugned judgment, or a glaring error in the procedure followed having the effect of vitiating the proceedings is shown to exist, at any subsequent stage of the proceedings, which might have been overlooked by the Bench when it issued limited notice. Justice could be a real casualty if the same or the subsequent Bench, in all situations of limited notice having been issued initially, is held to be denuded of its jurisdiction to rule on the merits of the contentions relatable to points not referred to in the notice issuing order. As it is, since exercise of jurisdiction under Article 136 is discretionary, notices on appeals/petitions are not frequently issued by this Court. Nonetheless, if in a given case, notice is issued which is limited on terms but the party approaching the Court is otherwise persuasive in pointing out that the case does involve a substantial question of law deserving consideration and the Bench is so satisfied, we see no reason why the case may not be heard on such or other points. In such a case, the jurisdiction to decide all legal and valid points, as raised, does always exist and would not get diminished or curtailed by a limited notice issuing order. However, whether or not to exercise the power of enlarging the scope of the petition/appeal is essentially a matter in the realm of discretion of the Bench and the discretion is available to be exercised when a satisfaction is reached that the justice of the case so demands. If this position is not accepted, Order LV Rule 6 of the Supreme Court Rules, 2013 read with Article 142 of the Constitution will lose much of its significance.

2025 0 INSC 96; 2025 0 Supreme(SC) 164; Rakesh Kumar Raghuvanshi Vs. The State Of Madhya Pradesh; Criminal Appeal No. 1953 of 2014; 16-01-2025

Therefore, as envisaged by the provision itself, unless and until the contrary is proved in trials of cases involving offences coming within the purview of the NDPS Act, it may be presumed that the accused has committed an offence under the Act in respect of any articles prohibited to be possessed by him and for the possession of which, he failed to account satisfactorily. Therefore, it is the burden of the prosecution to establish that the contraband was seized from the conscious possession of the accused. Only when that aspect has been successfully proved by the prosecution, the onus will shift to the accused to account for the possession legally and satisfactorily.

Section 35 of the NDPS Act deals with the presumption of culpable mental state. It states that in any prosecution under the NDPS Act, the court shall presume that the accused had the requisite mental state, including intention, knowledge, and motive, unless the accused can prove otherwise. This shifts the burden of proof

onto the accused to demonstrate that they lacked knowledge or intent regarding the possession of the drugs.

Conscious possession refers to a scenario where an individual not only physically possesses a narcotic drug or psychotropic substance but is also aware of its presence and nature. In other words, it requires both physical control and mental awareness. This concept has evolved primarily through judicial interpretation since the term “conscious possession” is not explicitly defined in the NDPS Act. This Court through various of its decisions has repeatedly underscored that possession under the NDPS Act should not only be physical but also conscious. Conscious possession implies that the person knew that he had the illicit drug or psychotropic substance in his control and had the intent or knowledge of its illegal nature.

2025 0 INSC 119; 2025 0 Supreme(SC) 242; Vinobhai Vs. State of Kerala; Criminal Appeal No. 1730 Of 2017; Decided On : 29-01-2025

The law relating to the evidentiary value of recovery made under Section 27 of the Indian Evidence Act, 1872 is settled by this Court in the case of Manoj Kumar Soni v. State of M.P., 2023 SCC OnLine SC 984. Paragraph 22 of the said decision reads thus :-

> “22. A doubt looms: can disclosure statements per se, unaccompanied by any supporting evidence, be deemed adequate to secure a conviction? We find it implausible. **Although disclosure statements hold significance as a contributing factor in unriddling a case, in our opinion, they are not so strong a piece of evidence sufficient on its own and without anything more to bring home the charges beyond reasonable doubt.”**
> (emphasis added)

2025 0 INSC 120; 2025 0 Supreme(SC) 243; Mahabir & Ors. Vs. State Of Haryana; Criminal Appeal Nos. 5560-5561 Of 2024; Decided On : 29-01-2025

Comparing Section 404 of CrPC 1898 with Section 372 of CrPC, would indicate that the main provision is intact, insofar it provides that no appeal shall lie from any judgment or order of a criminal court, except as provided by this Code or by any other law for the time being in force. The significant development that has taken place in this provision is that a ‘proviso’ was added by the Amending Act No. 5 of 2009, which provides that ‘the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction passed by such Court’.

53. Therefore, by the aforesaid provision a right has been created in favour of the victim, which was not existing earlier in the Code, i.e., that a victim shall have a right to prefer an appeal against any order passed by the court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation .The plain reading of the statement of objects and reasons for introducing the

proviso to Section 372 CrPC makes it clear that it wanted to confer certain rights on the victims. It has been noted therein that the victims are the worst sufferers in a crime, and they don't have much role in the court proceedings. They need to be given certain “rights” and compensation, so that there is no distortion of the criminal justice system. This, by itself, is clear that the object of adding this proviso is to create a right in favour of the victim to prefer an appeal as a matter of right. It not only extends to challenge the order of acquittal, but such appeal can also be filed by the victim if the accused is convicted for a lessor offence or if the inadequate compensation has been imposed.

54. Thus, it is clear as per the golden rule of interpretation, that the ‘proviso’ is a substantive enactment, and is not merely excepting something out of or qualifying what was excepting or goes before. Therefore, by adding the ‘proviso’ in Section 372 of CrPC by this amendment, a right has been created in favour of the victim.

The Court summed up the legal position with regard to the procedural law being retrospective in its operation and the right of a litigant to claim that he be tried by a particular Court, in the following words:

> “(i) A statute which affects substantive rights is presumed to be prospective in operation unless made retrospective, either expressly or by necessary intendment, whereas a statute which merely affects procedure, unless such a construction is textually impossible, is presumed to be retrospective in its application, should not be given an extended meaning and should be strictly confined to its clearly defined limits.
>
> (ii) Law relating to forum and limitation is procedural in nature, whereas law relating to right of action and right of appeal even though remedial is substantive in nature.
>
> (iii) Every litigant has a vested right in substantive law but no such right exists in procedural law.
>
> (iv) A procedural statute should not generally speaking be applied retrospectively where the result would be to create new disabilities or obligations or to impose new duties in respect of transactions already accomplished.
>
> (v) A statute which not only changes the procedure but also creates new rights and liabilities shall be construed to be prospective in operation, unless otherwise provided, either expressly or by necessary implication.”
>
> (Emphasis supplied)

the amendment so made in Section 372 CrPC by adding a proviso in the year 2009 creating a substantive right of appeal is not retrospective in nature. A statute which creates new rights shall be construed to be prospective in operation unless otherwise provided, either expressly or by necessary implication.

this Court took a serious notice of lack of thorough cross-examination by Public Prosecutors in criminal appeals, specifically with hostile witnesses. The prosecutors often only confront them with their police statement, aiming to highlight contradictions but not fully explore the witness's testimony. The Court emphasized

that the purpose of cross-examination is to challenge the accuracy and credibility of the witness's statement, uncover hidden facts, and establish if the witness is lying. Public Prosecutors should conduct detailed cross- examinations to reveal the truth and establish the witness's first hand knowledge of the incident described in their police statement.

In the decision referred to above the Court noted that after the witness was declared hostile, all that the Public Prosecutor had done was to put few suggestions to her for the purposes of cross-examination. Even proper contradictions were not brought on record.

This Court explained that the trial courts cannot independently use statements made to the police that have not been proven, nor can it base its questions on such statements if they conflict with the witness's testimony in court. The phrase 'if duly proved' in Section 162 of the CrPC indicates that the statements of witnesses recorded by the police cannot be immediately admitted as evidence or examined. They must first be proven through eliciting admissions from the witness during cross-examination and also during the cross-examination of the Investigating Officer. While statements made to the Investigating Officer can be used for contradiction, this can only be done after strict compliance with Section 145 of the Evidence Act. This requires drawing attention to the specific parts of the statement intended for contradiction. This is what is required under Section 145 of the Evidence Act but even where a witness is confronted by his previous statement and given an opportunity to explain that part of the statement that is put to him does not constitute substantive evidence.

There is a catena of decisions laying down the principle in law that the material elicited as contradiction by use of Section 145 of the Indian Evidence Act is not substantive evidence. Even in regard to the statement recorded under Section 164 of the CrPC by authorised Magistrate, it has been held accordingly. Therefore, the fact that the contradictions are proved through the investigating officers though the witnesses have denied having made such statements, does not translate the contradictions into substantive evidence. Unless there is substantive evidence, it cannot be acted upon legally particularly to base a conviction.

The Public Prosecutor instead of assisting the learned Judges in the right direction by pointing out the correct position of law went to the extent of praying before the Court that the appellants herein deserved capital punishment. It is a different thing that the High Court rejected the prayer of the Public Prosecutor.

Such is the standard of the Public Prosecutors in the High Courts of the country. This is bound to happen when the State Governments across the country appoint AGPs and APPs in their respective High Courts solely on political considerations. Favouritism and nepotism is one additional factor for compromising merit. This judgement is a message to all the State Governments that the AGPs and APPs in respective High Courts should be appointed solely on the merit of the person. The State Government owes a duty to ascertain the ability of the person; how proficient the person is in law, his overall background, his integrity etc.

Time and again this Court has observed in so many of its decisions that such appointments be it in the High Court or in the district judiciary should be only taking into consideration the merit of the candidate and no other consideration should weigh in such appointments.

Public Prosecutor holds a "Public Office". The primacy given to him under the Scheme of CrPC has a "special purpose". Certain professional, official obligations and privileges are attached to his office. His office may also be termed as an office of profit as he remains disqualified to contest the election so long he holds the office though permanency is attached to the office and not to the term of his office. His duties are of public nature. He has an "independent and responsible character". He holds the public office within the scope of a "quo warranto proceedings". Prosecutor is not a part of investigating agency but is an "independent statutory authority". He performs statutory duties and functions. He holds an office of responsibility as he has been enclothed with the power to withdraw the prosecution of a case on the directions of the State Government.

The Criminal law enforcement system investigates crimes and prosecutes offenders. It must also protect valued rights and freedoms, and convict only the guilty. The prosecutor must recognize these different and competing interests. He should strike a fair balance between the competing interests of convicting the guilty, protecting citizens' rights and freedoms and protecting the public from criminals. Prosecutors should ensure that prosecutions are conducted in a diligent, competent and fair manner. The importance of the office of the Public Prosecutor cannot be overemphasized. The Public Prosecutor must be a person of high merit, fair and objective, because upon him depends to a large extent the administration of criminal justice. The office of the Public Prosecutor is a public office and the incumbent has to discharge statutory duties. The person appointed as Public Prosecutor must, therefore, be one who is not only able and efficient, but also enjoys a reputation and prestige which satisfy his appointment as a Public Prosecutor. The duty of the prosecutor is to assist the Court in reaching a proper conclusion in regard to the case which is brought before it for trial. The prosecutor has to be fair in the presentation of the prosecution case. He must not suppress or keep back from the court evidence relevant to the determination of the guilt or innocence of the accused. He must present the complete picture, and not a one sided picture. He must not be partial to the prosecution or to the accused. He has to be fair to both sides in the presentation of the case.

A Public Prosecutor is not expected to show a thirst to reach the case in the conviction of the accused somehow or the other irrespective of the true facts of the case. The expected attitude of the Public Prosecutor while conducting prosecution must be couched in fairness not only to the Court to the investigation agencies but to the accused as well. If an accused is entitled to any legitimate benefit during trial, the Public Prosecutor should not scuttle/conceal it. On the contrary, it is the duty of the Public Prosecutor to winch it to the fore and make it available to the accused. Even if the court or defence counsel overlooked it, the Public Prosecutor

has the added responsibility to bring it to the notice of the Court, if it comes to his knowledge.

Law Officers are one of the important wheels of the chariot, driven by the Judges to attain the cherished goal of human being to secure justice against the wrong doers. The main object of the State is to curb the crime, investigate and prosecute the offenders and punish them, with a view to maintain law and order, amity and harmony, tranquillity and peace. The various provisions of the CrPC and the Rules provide the manner and procedure by which the Public Prosecutor should be appointed and provide assistance to the Courts. The object of the CrPC and the Rules is to appoint the best among the lawyers as the Public Prosecutor to provide assistance to the Court. The people have the vital interest in the matter.

Judges are human beings and at times they do commit mistakes. The sheer pressure of work at times may lead to such errors. At the same time, the defence counsel as well as the Public Prosecutor owes a duty to correct the Court if the Court is falling in some error and for all this, we hold the State Government responsible. It is the State Government who appointed the concerned Public Prosecutor. The State Government should be asked to pay compensation to the three appellants herein.

2025 0 INSC 127; 2025 0 Supreme(SC) 249; M/s. JM Laboratories And Others Vs. State Of Andhra Pradesh And Another; Criminal Appeal No. 487 of 2025 (Arising out of SLP (Crl.) No. 5067 of 2024); Decided On : 30-01-2025

This Court has clearly held that summoning of an accused in a criminal case is a serious matter. It has been held that the order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto. This Court held that the Magistrate is required to examine the nature of allegations made in the complaint and the evidence, both oral and documentary in support thereof and as to whether that would be sufficient for proceeding against the accused. It has been held that the Magistrate is not a silent spectator at the time of recording of preliminary evidence before summoning the accused.

2025 0 INSC 132; 2025 0 Supreme(SC) 251; Karuppudayar Vs. State Rep. By The Deputy Superintendent Of Police, Lalgudi Trichy & Ors.; Criminal Appeal Nos. 496-497 of 2025 [Arising out of Special Leave Petition (Criminal) No.8778- 8779 of 2024]; Decided On : 31-01-2025

Taking the allegations in the FIR at their face value, it would reveal that what is alleged is that when the complainant was in his office the accused came there; enquired with the complainant; not being satisfied, started abusing him in the name of his caste; and insulted him. Thereafter, three colleagues of the complainant came there, pacified the accused and took him away.

It is thus clear that even as per the FIR, the incident has taken place within the four corners of the chambers of the complainant. The other colleagues of the complainant arrived at the scene after the occurrence of the incident.
We are, therefore, of the considered view that since the incident has not taken place at a place which can be termed to be a place within public view, the offence would not come under the provisions of either Section 3(1)(r) or Section 3(1)(s) of the SC-ST Act.

https://indiankanoon.org/doc/7089264/; Sri N Sanjay Ips vs The State Of Andhra Pradesh on 30 January, 2025; CRIMINAL PETITION No. 58 OF 2025
Going by the averments contained in the First Information Report, there is absolutely no doubt that the petitioner is a public servant. In Common Cause's case (2 supra), a discussion has cropped up with regard to „entrustment of property" and „with any dominion over property", used in Section 405 IPC, which came to be considered by the Hon"ble Apex Court in CBI v. Duncans Agro Industries Limited {(1996) 5 SCC 591}, wherein it is held that the expression „entrusted" has wide and different implication in different contexts and the express „trust" has been used to denote various kinds of relationships like trustee and beneficiary, bailor and bailee, master and servant, pledger and pledgee, and it was held that mere exercise of „power to allot" cannot be treated as „property" within the meaning of Section 405 IPC, capable of being mis-utilized or misappropriated. Merely because certain procedural violations alleged have taken place with regard to disbursement of amounts in favour of the companies, prima facie, would not in any way come within the purview of Section 409 IPC. In view of the aforesaid judgment, it can be inferred that mere power to allot the work to other companies, would not in any way come within the purview of entrustment of property.

https://indiankanoon.org/doc/37567761/; Kolluru Sridhar, vs State Rep By Its Public Prosector on 27 January, 2025; CRIMINAL PETITION No: 1155 OF 2022
Further, as rightly put by the learned counsel for the Petitioners, in view of the bar under Section 195 Cr.P.C., the Police are not empowered to investigate into the offence punishable under Section 188 of IPC and file charge sheet basing on a police report.

https://indiankanoon.org/doc/155360650/; The New India Assurance Co.Ltd. vs D.Subramanyam, on 28 January, 2025; MACMA 490/2021
the Hon'ble Supreme Court in Ravi v. Badrinarayan and others1 in support of his claim that the delay in lodging the F.I.R. is not fatal as the primary concern of the near and dear of the Claimant is to see that the best medical attention is given to him rather than to go to Police Station and give complaint.
In cases of delay, the courts are required to examine the evidence with a closer scrutiny and in doing so; the contents of the FIR should also be scrutinized more carefully. If court finds that there is no indication of fabrication or it has not been

concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the claim case cannot be dismissed merely on that ground. The purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences.

https://indiankanoon.org/doc/125863129/; Poduri Ranjith vs The State Of Telangana on 28 January, 2025; CRLP 608/2025

As seen from the entire case record, the victim joined brothel house and given her willingness to do sex with the customers. Furthermore, at the stage of filing of the FIR or during the course of investigation or through the averments of the charge sheet, the Police could not putforth any material to substantiate that the petitioner had knowledge and/or the reason to believe that the woman was trafficked for the purpose of prostitution. Therefore, the ingredients required for constituting the offence under Section 370(A)(2) of IPC are not made out against the petitioner.

(A customer to a brothel house should have knowledge that the victim is trafficked to attract Sec 370A IPC)

NOSTALGIA

Contradiction

The law relating to material contradiction in witness testimony has been discussed by this Court in the judgment of Rammi vs. State of M.P., (1999) 8 SCC 649. It was held that:

> "(25) It is common practice in trial court to make out contradictions from the previous statements. Merely Because there is inconsistency in evidence it is not sufficient to impair the credit of the witness. No Doubt Section 155 of the Evidence Act provides scope for impeaching the credit of a witness by proof of an inconsistent former statement. But a reading of the section would indicate that all inconsistent statements are not sufficient to impeach the credit of the witness. Only such of the inconsistent statement which is capable to be "contradicted" would affect the credit of the witness."
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> The abovementioned settled position of law was again reiterated by this Court in the judgment of Birbal Nath vs. State of Rajasthan, 2023 INSC 957 wherein it was held as under:
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> "(19) No doubt statement given before police during investigation under section 161 are "previous statements" under section 145 of the Evidence Act and therefore can be used to cross examine a witness. But this only for a limited purpose, to "contradict" such a witness. Even if the defense is successful in contradicting a witness, it would not always mean that the contradiction in her two statements would result in totally discrediting this witness. It is ere that we feel that the learned judges of the High Court have gone wrong.
>
> (21) In the landmark case of Tehshildar Singh vs. State of U.P., AIR 1959 SC 1012 this Court has held that to contradict a witness would mean to "discredit" a

witness. Therefore, unless and until the former statement of this witness is capable of "discrediting" a witness, it would have little relevance. A mere variation in the two statements would not be enough to discredit a witness. This has been followed consistently by this Court in its later judgment, including Rammi (Supra)."

Falsus in uno is not falsus in omnibus

It is a settled position that 'falsus in uno, falsus in omnibus' (false in one thing, false in everything) that the above principle is foreign to our criminal law jurisprudence. This aspect has been considered by this Court in a plethora of judgments. In the case of Ram Vijay Singh vs. State of U.P., 2021 SCC Online SC 142, a Three Judge bench of this Hon'ble Court had held that:

"..(20) We do not find any merit in the arguments raised by the learned counsel for the Appellant. A part statement of a witness can be believed even though some part of the statement may not be relied upon by the Court. The maxim falsus in uno, falsus in omnibus is not the rile applied by the courts in India. This Court recently in a judgment IIangovan vs. State of Tamil Nadu held that Indian Courts have always been reluctant to apply the principle as it is only a rile of caution. It was held as under: (SCC Pg 536, Para 11)"

"..(11) The Counsel for the Appellant lastly argued that once the witnesses had been disbelieved with respect to the co accused, their testimonies with respect to the present accused must also be discarded. The Counsel is, in effect, relying on the legal maxim "falsus in uno, falsus in omnibus", which Indian Courts have always been reluctant to apply. A three Judge bench of this Court, as far back as in 1957, in Nisar Ali vs. State of U.P. held on this point as follows (AIR p 368, Para 9-10)

"(9) This maxim has not received general acceptance in different jurisdictions in India nor has this maxim come to occupy the status of a rule of law. It is merely a rule of Caution. All that it amounts to is that in such cases the testimony may be disregarded and not that it must be disregarded.

(10) The Doctrine merely involves the question of weight of evidence which a Court may apply in a given set of circumstances, but it is not what may be called "a mandatory rule of Evidence"

(21) Therefore, merely because a prosecution witness was not believed in respect of another accused, the testimony if the said witness cannot be disregarded qua the present Appellant. Still, further it is not necessary for the prosecution to examine all the witnesses who might have witnessed the occurrence. It is the quality if evidence which is relevant in criminal trial and not the quantity."

Hence, as can be seen from above, it has being a consistent stand of this Hon'ble Court that the principle 'falsus in uno, falsus in omnibus' is not a rule of evidence and if the court inspires confidence from the rest of the testimony of such a witness, it can very well rely on such a part of the testimony and base a conviction upon it.

Defective investigation

In the case of Paras Yadav and Others vs. State of Bihar, 1999 (2) SCC 126 the Apex Court observed as under:

> "Para 8 - the lapse on the part of the Investigating Officer should not be taken in favour of the accused, may be that such lapse is committed designedly or because of negligence. Hence, the prosecution evidence is required to be examined de hors such omissions to find out whether the said evidence is reliable or not. For this purpose, it would be worthwhile to quote the following observations of this Court from the case of Ram Bihari Yadav vs. State of Bihar and Others, J.T. (1998) 3 SC 290.
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> "In such cases, the story of the prosecution will have to be examined de hors such omissions and contaminated conduct of the officials otherwise the mischief which was deliberately done would be perpetuated and justice would be denied to the complainant party and this would obviously shake the confidence of the people not merely in the law enforcing agency but also in the administration of justice."
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> in State of U.P. v. M.K. Anthony [(1985) 1 SCC 505 : 1985 SCC (Cri) 105].
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> In para 10 of the Report, this Court observed : (SCC pp. 514-15)
>
> '10. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hypertechnical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. Even honest and truthful witnesses may differ in some details unrelated to the main incident because power of observation, retention and reproduction differ with individuals.'
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> In a very recent decision in Rammi v. State of M.P. [(1999) 8 SCC 649 : 2000 SCC (Cri) 26] this Court observed : (SCC p. 656, para 24)

'24. When an eyewitness is examined at length it is quite possible for him to make some discrepancies. No true witness can possibly escape from making some discrepant details. Perhaps an untrue witness who is well tutored can successfully make his testimony totally non-discrepant. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence. But too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.'

This Court further observed : (SCC pp. 656-57, paras 25-27)

'25. It is a common practice in trial courts to make out contradictions from the previous statement of a witness for confronting him during cross-examination. Merely because there is inconsistency in evidence it is not sufficient to impair the credit of the witness. No doubt Section 155 of the Evidence Act provides scope for impeaching the credit of a witness by proof of an inconsistent former statement. But a reading of the section would indicate that all inconsistent statements are not sufficient to impeach the credit of the witness. The material portion of the section is extracted below:

"155. Impeaching credit of witness.—The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the court, by the party who calls him—

(1)-(2) ***

(3) by proof of former statements inconsistent with any part of his evidence which is liable to be contradicted;"

26. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Only such of the inconsistent statement which is liable to be "contradicted" would affect the credit of the witness.

Section 145 of the Evidence Act also enables the cross-examiner to use any former statement of the witness, but it cautions that if it is intended to "contradict" the witness the cross-examiner is enjoined to comply with the formality prescribed therein. Section 162 of the Code also permits the cross-examiner to use the previous statement of the witness (recorded under Section 161 of the Code) for the only limited purpose i.e. to "contradict" the witness.

27. To contradict a witness, therefore, must be to discredit the particular version of the witness. Unless the former statement has the potency to discredit the present statement, even if the latter is at variance with the former to some extent it would not be helpful to contradict that witness (vide Tahsildar Singh v. State of U.P. [AIR 1959 SC 1012 : 1959 Cri LJ 1231])."'

52. Further, this Court also cautioned about attaching too much importance on minor discrepancies of the evidence of the witnesses in Bharwada Bhoginbhai Hirjibhai v. State of Gujarat (1983) 3 SCC 217 as follows:

"5. … We do not consider it appropriate or permissible to enter upon a reappraisal or reappreciation of the evidence in the context of the minor discrepancies painstakingly highlighted by the learned counsel for the appellant. Overmuch importance cannot be attached to minor discrepancies. The reasons are obvious:
(1) By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.
(2) Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.
(3) The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind, whereas it might go unnoticed on the part of another.
(4) By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape-recorder.
(5) In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.
(6) Ordinarily a witness cannot be expected to recall accurately the sequence of events which takes place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.
(7) A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross- examination made by the counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him—perhaps it is a sort of a psychological defence mechanism activated on the spur of the moment."

53. To the same effect it was also observed in Appabhai v. State of Gujarat (1988) Supp SCC 241 as follows:

"13. … The court while appreciating the evidence must not attach undue importance to minor discrepancies. The discrepancies which do not shake the basic version of the prosecution case may be discarded. The discrepancies which are due to normal errors of perception or observation should not be given importance. The errors due to lapse of memory may be given due allowance. The court by calling into aid its vast experience of men and matters in different cases

must evaluate the entire material on record by excluding the exaggerated version given by any witness. When a doubt arises in respect of certain facts alleged by such witness, the proper course is to ignore that fact only unless it goes into the root of the matter so as to demolish the entire prosecution story. The witnesses nowadays go on adding embellishments to their version perhaps for the fear of their testimony being rejected by the court. The courts, however, should not disbelieve the evidence of such witnesses altogether if they are otherwise trustworthy. Jaganmohan Reddy, J. speaking for this Court in Sohrab v. State of M.P. [(1972) 3 SCC 751 : 1972 SCC (Cri) 819] observed :

[SCC p. 756, para 8 : SCC (Cri) p. 824, para 8]

in Shivaji Sahebrao Bobade v. State of Maharashtra, (supra) wherein it was held that:

"8. Now to the facts. The scene of murder is rural, the witnesses to the case are rustics and so their behavioural pattern and perceptive habits have to be judged as such. The too sophisticated approaches familiar in courts based on unreal assumptions about human conduct cannot obviously be applied to those given to the lethargic ways of our villages. When scanning the evidence of the various witnesses we have to inform ourselves that variances on the fringes, discrepancies in details, contradictions in narrations and embellishments in inessential parts cannot militate against the veracity of the core of the testimony provided there is the impress of truth and conformity to probability in the substantial fabric of testimony delivered. The learned Sessions Judge has at some length dissected the evidence, spun out contradictions and unnatural conduct, and tested with precision the time and sequence of the events connected with the crime, all on the touchstone of the medical evidence and the post-mortem certificate. Certainly, the court which has seen the witnesses depose, has a great advantage over the appellate Judge who reads the recorded evidence in cold print, and regard must be had to this advantage enjoyed by the trial Judge of observing the demeanour and delivery, of reading the straightforwardness and doubtful candour, rustic naiveté and clever equivocation, manipulated conformity and ingenious inveracity of persons who swear to the facts before him. Nevertheless, where a Judge draws his conclusions not so much on the directness or dubiety of the witness while on oath but upon general probabilities and on expert evidence, the court of appeal is in as good a position to assess or arrive at legitimate conclusions as the court of first instance. Nor can we make a fetish of the trial Judge's psychic insight."

55. This Court also reminded that while dealing with the evidence of witnesses who are rustic, because of minor inconsistencies, the evidence should not be ignored. It was held in Prabhu Dayal v. State of Rajasthan, (2018) 8 SCC 127 wherein dealing with witnesses from rustic background it was observed as follows;

"18. It is a common phenomenon that the witnesses are rustic and can develop a tendency to exaggerate. This, however, does not mean that the entire testimony of such witnesses is falsehood. Minor contradictions in the testimony of the

witnesses are not fatal to the case of the prosecution. This Court, in State of U.P. v. M.K. Anthony [State of U.P. v. M.K. Anthony, (1985) 1 SCC 505 : 1985 SCC (Cri) 105], held that inconsistencies and discrepancies alone do not merit the rejection of the evidence as a whole. It stated as follows : (SCC p. 514-15, para 10)

"10. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. Even honest and truthful witnesses may differ in some details unrelated to the main incident because power of observation, retention and reproduction differ with individuals. Cross-examination is an unequal duel between a rustic and refined lawyer. Having examined the evidence of this witness, a friend and well-wisher of the family carefully giving due weight to the comments made by the learned counsel for the respondent and the reasons assigned to by the High Court for rejecting his evidence simultaneously keeping in view the appreciation of the evidence of this witness by the trial court, we have no hesitation in holding that the High Court was in error in rejecting the testimony of witness Nair whose evidence appears to us trustworthy and credible." (emphasis supplied)

19. ……..

20. The Court can separate the truth from the false statements in the witnesses' testimony. In Leela Ram v. State of Haryana [Leela Ram v. State of Haryana, (1999) 9 SCC 525 : 2000 SCC (Cri) 222], this Court held as follows : (SCC p. 534, para 12)

"12. It is indeed necessary to note that one hardly comes across a witness whose evidence does not contain some exaggeration or embellishment — sometimes there could even be a deliberate attempt to offer embellishment and sometimes in their overanxiety they may give a slightly exaggerated account. The court can sift the chaff from the grain and find out the truth from the testimony of the witnesses. Total repulsion of the evidence is unnecessary. The evidence is to be considered

from the point of view of trustworthiness. If this element is satisfied, it ought to inspire confidence in the mind of the court to accept the stated evidence though not however in the absence of the same."

21. Moreover, it is not necessary that the entire testimony of a witness be disregarded because one portion of such testimony is false. This Court observed thus in Gangadhar Behera v. State of Orissa [Gangadhar Behera v. State of Orissa, (2002) 8 SCC 381 : 2003 SCC (Cri) 32] : (SCC p. 392, para 15)

"15. To the same effect is the decision in State of Punjab v. Jagir Singh [State of Punjab v. Jagir Singh, (1974) 3 SCC 277 : 1973 SCC (Cri) 886 : AIR 1973 SC 2407] and Lehna v. State of Haryana [Lehna v. State of Haryana, (2002) 3 SCC 76 : 2002 SCC (Cri) 526] . Stress was laid by the appellant-accused on the non- acceptance of evidence tendered by some witnesses to contend about desirability to throw out the entire prosecution case. In essence prayer is to apply the principle of falsus in uno, falsus in omnibus (false in one thing, false in everything). This plea is clearly untenable. Even if a major portion of the evidence is found to be deficient, in case residue is sufficient to prove guilt of an accused, notwithstanding acquittal of a number of other co- accused persons, his conviction can be maintained. It is the duty of the court to separate the grain from the chaff. Where chaff can be separated from the grain, it would be open to the court to convict an accused notwithstanding the fact that evidence has been found to be deficient to prove guilt of other accused persons. Falsity of a particular material witness or material particular would not ruin it from the beginning to end. The maxim falsus in uno, falsus in omnibus has no application in India and the witnesses cannot be branded as liars. The maxim falsus in uno, falsus in omnibus has not received general acceptance nor has this maxim come to occupy the status of rule of law. It is merely a rule of caution. All that it amounts to, is that in such cases testimony may be disregarded, and not that it must be disregarded."

Possession

in the case of Avtar Singh v. State of Punjab reported in (2002) 7 SCC 419. The relevant observations are as under:

"The word 'possession' no doubt has different shades of meaning and it is quite elastic in its connotation. Possession and ownership need not always go together but the minimum requisite element which has to be satisfied is custody or control over the goods. Can it be said, on the basis of the evidence available on record, that the three appellants one of whom was driving the vehicle and other two sitting on the bags, were having such custody or control? It is difficult to reach such conclusion beyond reasonable doubt. It transpires from evidence that the appellants were not the only occupants of the vehicle. One of the persons who was sitting in the cabin and another person sitting at the back of the truck made themselves scarce after seeing the police and the prosecution could not establish their identity. It is quite probable that one of them could be the custodian of goods

whether or not he was the proprietor. The persons who were merely sitting on the bags, in the absence of proof of anything more, cannot be presumed to be in possession of the goods. For instance, if they are labourers engaged merely for loading and unloading purposes and there is nothing to show that the goods were at least in their temporary custody, conviction under Section 15 may not be warranted. At best, they may be abettors, but, there is no such charge here. True, their silence and failure to explain the circumstances in which they were traveling in the vehicle at the odd hours, is one strong circumstance that can be put against them. A case of drawing presumption under Section 114 of the Evidence Act could perhaps be made out then to prove the possession of the accused, but, the fact remains that in the course of examination under Section 313 Cr.P.C, not even a question was asked that they were the persons in possession of poppy husk placed in the vehicle. The only question put to them was that as per the prosecution evidence, they were sitting on the bags of poppy husk. Strangely enough, even the driver was questioned on the same lines. The object of examination under S. 313, it is well known, is to afford an opportunity to the accused to explain the circumstances appearing in the evidence against him. It is unfortunate that no question was asked about the possession of goods. Having regard to the charge of which appellants were accused, the failure to elicit their answer on such a crucial aspect as possession, is quite significant. In this state of things, it is not proper to raise a presumption under Section 114 of Evidence Act nor is it safe to conclude that the prosecution established beyond reasonable doubt that the appellants were in possession of poppy husk which was being carried by the vehicle. The High Court resorted to the presumption under Section 35 which relates to culpable state of mind, without considering the aspect of possession. The trial court invoked the presumption under S. 54 of the Act without addressing itself to the question of possession. The approach of both the courts is erroneous in law. Both the courts rested their conclusion on the fact that the accused failed to give satisfactory explanation for travelling in the vehicle containing poppy husk at an odd hour. But, the other relevant aspects pointed out above were neither adverted to nor taken into account by the trial court and the High Court. Non- application of mind to the material factors has thus vitiated the judgment under appeal."
(Emphasis supplied)

Newspaper

In the case of Laxmi Raj Shetty vs. State of T.N., (1988) 3 SCC 319, this Court held as under: -

"26. It is now well settled that a statement of fact contained in a newspaper is merely hearsay that therefore inadmissible in evidence in absence of the maker of the statement appearing in court and deposing to have perceived the fact reported. The accused should have therefore produced the persons in whose presence the seizure of the stolen money from Appellant 2's house at Mangalore

was effected or examined the press correspondents in proof of the truth of the contents of the news item…"

Role of Prosecutor in Hostile witness cases

the observations made by a 3- Judge Bench speaking through J. B. Pardiwala, J. in Anees v. State Government of NCT reported in 2024 SCC OnLine SC 757, in paras 62 and thereafter from 63 onwards till 69:

"62. … There could be innumerable reasons for a witness to resile from his/her police statement and turn hostile. Here is a case in which a five-year-old daughter might have resiled thinking that having lost her mother, the father was the only person who may take care of her and bring her up. However, why she turned hostile is not important. What is important is the role of the public prosecutor after a prime witness, more particularly a child witness of tender age, turns hostile in a murder trial. When any prosecution witness turns hostile and the public prosecutor seeks permission of the trial court to cross-examine such witness then that witness is like any other witness. The witness no longer remains the prosecution witness.

xxx xxx xxx

63. Section 162 Cr.P.C. bars the use of statement of witnesses recorded by the police except for the limited purpose of contradiction of such witnesses as indicated therein. The statement made by a witness before the police under Section 161(1) Cr. P.C. can be used only for the purpose of contradicting such witness on what he has stated at the trial as laid down in the proviso to Section 162(1) Cr.P.C. The statements under Section 161 Cr. P.C. recorded during the investigation are not substantive pieces of evidence but can be used primarily for the limited purpose : (i) of contradicting such witness by an accused under Section 145 of the Evidence Act; (ii) the contradiction of such witness also by the prosecution but with the leave of the Court; and (iii) the re- examination of the witness if necessary.

64. The court cannot suo motu make use of statements to police not proved and ask questions with reference to them which are inconsistent with the testimony of the witness in the court. The words 'if duly proved' used in Section 162 Cr. P.C. clearly show that the record of the statement of witnesses cannot be admitted in evidence straightaway, nor can be looked into, but they must be duly proved for the purpose of contradiction by eliciting admission from the witness during cross-examination and also during the cross-examination of the Investigating Officer. The statement before the Investigating Officer can be used for contradiction but only after strict compliance with Section 145 of the Evidence Act, that is, by drawing attention to the parts intended for contradiction.

65. Section 145 of the Evidence Act reads as under:

"145. Cross-examination as to previous statements in writing.— A witness may be cross-examined as to previous statements made by him in writing or reduced into writing, and relevant to matters in question, without such writing

being shown to him, or being proved; but, if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him."

66. Under Section 145 of the Evidence Act when it is intended to contradict the witness by his previous statement reduced into writing, the attention of such witness must be called to those parts of it which are to be used for the purpose of contradicting him, before the writing can be used. While recording the deposition of a witness, it becomes the duty of the trial court to ensure that the part of the police statement with which it is intended to contradict the witness is brought to the notice of the witness in his cross- examination. The attention of witness is drawn to that part and this must reflect in his cross-examination by reproducing it. If the witness admits the part intended to contradict him, it stands proved and there is no need of further proof of contradiction and it will be read while appreciating the evidence. If he denies having made that part of the statement, his attention must be drawn to that statement and must be mentioned in the deposition. By this process the contradiction is merely brought on record, but it is yet to be proved. Thereafter, when the Investigating Officer is examined in the court, his attention should be drawn to the passage marked for the purpose of contradiction, it will then be proved in the deposition of the Investigating Officer who, again, by referring to the police statement will depose about the witness having made that statement. The process again involves referring to the police statement and culling out that part with which the maker of the statement was intended to be contradicted. If the witness was not confronted with that part of the statement with which the defence wanted to contradict him, then the court cannot suo motu make use of statements to police not proved in compliance with Section 145 of the Evidence Act, that is, by drawing attention to the parts intended for contradiction." [See : V.K. Mishra v. State of Uttarakhand : ((2015) 9 SCC 588]

67. In the case at hand, not only proper contradictions were not brought on record in the oral evidence of the hostile witnesses, but even those few that were brought on record, were not proved through the evidence of the Investigating Officer. Does the State expect Section 106 of the Evidence Act to come to its aid in every criminal prosecution. At times, such procedural lapses may lead to a very serious crime going unpunished. Any crime committed against an individual is a crime against the entire society. In such circumstances, neither the public prosecutor nor the presiding officer of the trial court can afford to remain remiss or lackadaisical in any manner. Time and again, this Court has, through its judgments, said that there should not be any element of political consideration in the matters like appointment to the post of public prosecutor, etc. The only consideration for the Government should be the merit of the person. The person should be not only competent, but he should also be a man of impeccable character and integrity. He should be a person who should be able to work independently without any reservations, dictates or other constraints. The relations between the Public

Prosecution Service and the judiciary are the very cornerstone of the criminal justice system. The public prosecutors who are responsible for conducting prosecutions and may appeal against the court decisions, are one of judges' natural counterparts in the trial proceedings and also in the broader context of management of the system of criminal law.

68. A criminal case is built upon the edifice of evidence (whether it is direct evidence or circumstantial evidence) that is admissible in law. Free and fair trial is the very foundation of the criminal jurisprudence. There is a reasonable apprehension in the mind of the public at large that the criminal trial is neither free nor fair with the Prosecutor appointed by the State Government conducting the trial in a manner where frequently the prosecution witnesses turn hostile.

69. Over a period of time, we have noticed, while hearing criminal appeals, that there is practically no effective and meaningful cross-examination by the Public Prosecutor of a hostile witness. All that the Public Prosecutor would do is to confront the hostile witness with his/her police statement recorded under Section 161 of the Cr. P.C. and contradict him/her with the same. The only thing that the Public Prosecutor would do is to bring the contradictions on record and thereafter prove such contradictions through the evidence of the Investigating Officer. This is not sufficient. The object of the cross-examination is to impeach the accuracy, credibility and general value of the evidence given in- chief; to sift the facts already stated by the witness; to detect and expose the discrepancy or to elicit the suppressed facts which will support the case of the cross-examining party. What we are trying to convey is that it is the duty of the Public Prosecutor to cross-examine a hostile witness in detail and try to elucidate the truth & also establish that the witness is speaking lie and has deliberately resiled from his police statement recorded under Section 161 of the Cr. P.C. A good, seasoned and experienced Public Prosecutor will not only bring the contradictions on record, but will also cross-examine the hostile witness at length to establish that he or she had actually witnessed the incident as narrated in his/her police statement."

(Emphasis supplied)

NEWS

- ARMS ACT - EXTENDING BAN ON CARRYING OF CERTAIN SHARP EDGED WEAPONS IN THE DISTRICTS OF KURNOOL, YSR (KADAPA), CHITTOOR, ANANTAPURAMU, ANNAMAYYA, NANDYALA, SRI SATHYA SAI AND TIRUPATI DISTRICTS (RAYALASEEMA REGION), KRISHNA, GUNTUR, PRAKASAM, NTR, PALNADU & BAPATLA DISTRICTS (ANDHRA REGION), FOR A FURTHER PERIOD OF SIX MONTHS BEYOND 15.01.2025.
- ANDHRA PRADESH STATE JUDICIAL SERVICE - AMENDMENT TO RULE 6(e), 6(f) AND 6(g) OF THE ANDHRA PRADESH STATE JUDICIAL (SERVICE & CADRE) RULES, 2007. [G.O.Ms.No.3, Law (L.A. & J - SC.F), 28th January, 2025.]

- CANCELLATION OF RETIREMENT OF SMT. A. BHARATHI, PRINCIPAL DISTRICT AND SESSIONS JUDGE, PRAKASAM AT ONGOLE ON 30.11.2024.
- TSHC- High Court for the State of Telangana -e-Courts Project - Implementation of Electronic Transmission of Criminal Process through NSTEP portal via ICJS to CCTNS - Certain instructions issued
- TSHC- Guidelines for Recording of Evidence of Vulnerable Witnesses
- TSHC- - High Court for the State of Telangana - Letter received Assistant Registrar, Supreme Court of India - Forwarded copy of the judgment dated 23.10.2024 in Wit Petition (Civil) No 1082 of 2020 between Suhas Chakma Vs Union of India & Ors - Regarding issuing of Practice Directions appending certain information to the Judgment - Practice Directions issued - Reg.

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ON A LIGHTER VEIN

Two elderly couples were enjoying friendly conversation when one of the men asked the other: "Fred, how was the memory clinic you went to last month?"
"Outstanding", Fred replied. "They taught us all the latest psychological techniques – visualization, association – it has made a big difference for me".
"That's great! What about the name of the clinic?"
Fred went blank. He thought and thought but couldn't remember. Then a smile broke across his face and he asked, "What do you call that flower with the long stem and thorns?"
"You mean a rose?"
"Yes, that's it!"
Then he turned to his wife and asked: "Rose, what was the name of that clinic?"

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

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A PAPER PRESENTATION ON REVENUE RECORDS IN TELANGANA AND THEIR EVIDENTIARY VALUE IN DECIDING TITLE

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WHAT IS TITLE

Before going into the revenue records, first we need to know the definition of the word 'Title', which is a major issue to be decided in most of civil cases. The word "Title" includes a right, but is the more general word.

Every right is a title though every title is not such a right for which an action lies. Blackstone defines it to be "The means whereby the owner of lands has the just possession of his property. "TITLE" is the means whereby a person's right to property is established. (See: P.Ramanatha Aiyar's the Law Lexicon -1997 Edition).

Section 13 of the Indian Evidence Act, 1872 provides the mode and proof of title. It states that where the question is as to the existence of any right or custom, following facts are relevant:

(a) any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied or which was inconsistent with its existence;

(b) particular instances in which the right or custom was claimed, recognized or exercised, or in which its exercise was disputed, asserted or departed from.

TYPES OF REVENUE RECORDS

Now we move onto the subject Land records. The land records are a combination of three types of data records:

(i) Textual (RoR),

(ii) Spatial (maps), and

(iii) Transaction details (sale deeds).

Three different state departments are responsible for each of this data on land records. In the presence of multiple agencies responsible for registration and maintenance of records, it is difficult to ensure that survey maps, textual data, and registration records match with each other and are updated. In addition, citizens have to approach several agencies to get complete information on land records. Most of these departments work in silos, and updating of records by any one of them makes the records of the others outdated.

DEPARTMENT	PRIMARY DUTY RELATING TO LANDS	PRIMARY DOCUMENTS	PRIMARY AUTHORITIES
REVENUE DEPARTMENT (in respect of agricultural lands)	Collection of land revenue(now dispensed) Updating and maintaining revenue records Maintenance of Dharani online records Under new ROR Act, presently the power to registration of agriculture lands now conferred on Tahasildars	Record of Rights (RoR) Mutation Register	District Level – District Collector and Joint Collector Division Level – RDO Mandal Level - Tahasildar Mandal - Tahsildar Village – VRO

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SURVEY AND SETTLEMENT DEPARTMENT	Maintaining spatial land records	Village map City survey maps	District Level - Deputy Inspector Manda Level - Mandal Surveyor Village - Village Administrative Officer
STAMPS AND REGISTRATION DEPARTMENT In respect of open plots and residential properties	Registration of property documents and deeds Evaluation and collection of stamp duty	Encumbrance Certificates, Sale Deeds	District Level - District Registrar Division Level - Sub-Registrar

Before independence, the Hyderabad Record of Rights in Land Regulation 1358 Fasli Act (for short 1358 Fasli Regulation) governed the preparation and maintenance of record of rights in land in Hyderabad State.

Section 3(c) defined land records to mean the records under the provisions of, or for the purposes of that Regulation and the Hyderabad Land Revenue Act 1317 Fasli. Section 4 mandates preparation and maintenance of records in all lands and the record of rights shall include the names of all persons who are holders, occupants, owners and mortgagees of land or assignees of the rent or revenue thereof, the nature and its extent and the respective interests of such persons and the conditions or liabilities (if any) payable by or to any of such persons and such other particulars as may be prescribed.

Such record is to be prepared after due enquiry. Section 6 deals with mutation and enquiries thereof and publication of records. Under Section 13, any entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor. The note on Rule 3 of Hyderabad Record of Rights Rules, 1956 made under the Hyderabad Land Revenue Act, 1317 Fasli reads "The pahani patrika now in use, contains besides columns 1 to 19 of Form No.1, several other columns pertaining to agricultural statistics; and columns 1 to 19 of pahani patrika which corresponds to Form-I shall be deemed to be the Record of Rights"

In Telangana area, Sethwar Register, Supplementary Sethwar, Wasool Baqui Register, Khasra**Pahani** (prepared under the Land Census 1954 under the provisions of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950), **Pahani**, Chowfasla and Faisal Patti constitute the core revenue record.

After integration of records of both the Andhra and Telangana areas, the following constitute the core relevant revenue record :

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(i) Printed Diglot or A-Register;
(ii) Village Account No.1,
(iii) Village Account No.2;
(iv) No.3 Register; and
(v) Village Account No.4 Register of holdings

Consequent to the merger of Hyderabad State with India in 1948 the Jagirs were abolished by the Andhra Pradesh (Telangana Area) Abolition of Jagirs Regulation, 1358 fasli. 'KhasraPahani' is the basic record of rights prepared by the Board of Revenue Andhra Pradesh in the year 1954-55. It was gazetted under Regulation 4 of the A.P. (Telangana Area) Record of Rights in Land Regulation 1358F. As per Regulation No.13 any entry in the said record of rights shall be presumed to be true until the contrary is proved. The said Regulation of 1358-F was in vogue till it was repealed by the A.P. Rights in Land and Pattadar Pass Books Act, 1971, which came into force on 15.8.1978. In the 2nd edition (1997) of "The Law Lexicon" by P. RamanathaAiyer (at page 1053) 'Khasra' is described as follows: "Khasra is a register recording the incidents of a tenure and is a historical record. Khasra would serve the purpose of a deed of title, when there is no other title deed."

For the first time, the record of rights in Andhra Area was brought under a statutory enactment viz., the 1971 Act. It has been enacted for the entire State of Andhra Pradesh. It has repealed the 1358 Fasli Regulation and all standing orders and any other provisions of law relating to the record of rights in the land in force in the State. Sub- Section (6) of Section 2 thereof defined Occupant as a person in actual possession of land, other than a tenant or a usufructory mortgagee. Sub- section (6)(a) defined owner as a person who has permanent and heritable rights of possession on the land which can be alienated and includes the holder of a patta issued to him as a landless poor person. Sub-section (7) defined pattadar as including every person who holds land directly under the Government under a patta whose name is registered in the land revenue accounts of the Government as pattadar and who is liable to pay land revenue. Sub-section (9) defined record of rights (ROR) as records prepared and maintained under the provisions or for the purposes of the Act. Section 3 envisages preparation and updating of ROR in all lands. Section 4 obligates every person acquiring rights as owner, pattadar, mortgagee, occupant or tenant of the land or otherwise to intimate such acquisition of rights to the Mandal Revenue Officer (Tahsildar). Section 5 provides for amendment and updating of ROR. This provision also provides for the remedy of appeal by an aggrieved party. Section 5-A provides for regularisation of certain alienations. Under Section 5-B, an aggrieved party is entitled to file an appeal against the order passed under Section 5-A. Under Section 6, every entry in the ROR is presumed to be true until the contrary is proved or until it is otherwise amended in accordance with the provisions of the Act. Section 6-A, which was introduced by Act 11 of 1980, provided for issue of pattadar passbook and title deed to every owner, pattadar, mortgagee or tenant of any land. SubSection (5) of Section 6-A declared that the title deed so issued shall be the title deed in respect of owner-

pattadar and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the 1908 Act.

Section 9 empowers the Collector to revise the orders of the lower authorities passed under Sections 3, 5, 5-A or 5-B in respect of any ROR prepared and maintained or to satisfy himself as to the regularity, correctness, legality or propriety of any order passed by the recording authority i.e., the Mandal Revenue Officer of Revenue Divisional Officer.

The A.P. Rights in Land and Pattadar Passbooks Rules, 1989 were made under the rule making power of the State Government under Section 11 of the 1971 Act. Rule 3 ordains that an ROR shall be prepared and maintained in Form-I for every separate revenue village. Under the Note to the said Rule, it is mentioned that pahani/adangal does not constitute the ROR for the village and that it reflects the ground position including the name of the cultivator who actually cultivates the land; and whether the person in occupation of the land has violated any law and if so, the details of the same. The Rules provided for elaborate procedure for preparation of ROR which shall be prepared in Forms-1 and 1-B in triplicate. After finalization of such ROR, the pattadar passbook and title deed shall be issued in favour of the persons in whose names the ROR is prepared.

Now let us have a glance at some of the Revenue Records:

1. **VILLAGE ACCOUNT NO-1**: This register showing Government lands, land on lease, assignments, encroachments, alienations and Area Available for Assignment (Permanent Register). It contains 20 columns. It has to be prepared basing on R.S.R or Permanent A-Register/Sethwar.

2. **VILLAGE ACCOUNT NO-2: REGISTER OF CHANGES IN THE VILLAGE (ANNUAL REGISTER/ MUTATION REGISTER:** It contains 12 columns.- Mutation or changes are also effected in ROR Accounts ROR-I and ROR-IB. The mutations taken place in a Fasli both in patta lands and Govt lands are recorded and are available at one glance in Village Account, Mutations arise due transfer through registration(SALE, GIFT, REGISTRATION ETC), Assignment of Govt land-Acquisition of patta land, taking possession of surplus land, succession and partition. All these have to be recorded in this Account etc. The status before and after change are shown. Orders of competent Authority are shown

3. **VILLAGE ACCOUNT NO.3 PAHANI/ADANGAL:** This register is called "ADANGAL". This register represents the details of Pattadars/Occupiers of land in particular Sy.No. with extent and cultivation on the lands in village. It is a very important account. It contains 31 Columns. The Columns in Account No.-3 area divided into Four parts : Part-I: Cols.1 to 10 - meant for recording Sy.No /Settlement Bandobust/Sy.No. Sub-divn. Part-II: Cols.11 to 15 -meant for recording of ROR. Part-III: Cols.16 to 18-meant for recording utilization of land for cultivation. Part-IV: Cols.19 to 31- meant for recording seasonal cultivation,

area for mixed crops, area utilised with water for irrigation and estimated yield of crop in Kgs, and inspection reports of VRO/MRI/Tahsildar, Other officers and remarks respectively.

Apart from the above Registers the following documents bear importance in resolving land disputes.

KHASRA PAHANI: The Telangana Area Land Census Rules, 1954: These rules were made under Section 97 of the Tenancy Act. Under these Rules, land census, as defined by Rule 2(f) of the Rules, was taken up by the Government. The important record i.e., Khasra**Pahani** is a document prepared under these Rules. Rules 8 to 13 speak of provisional Khasra**Pahani** and Rule 14 speaks of fair copy of Khasra**Pahani**. The said record is an important record and entry as pattadar in the same would confer absolute title over the land occupied. Laoni Rules issued vide Gashthi No.19 of 1347 Fasli (1937 A.D.):

4. **IB- REGISTER (R.O.R)** -This register is maintained in Mandal. Revenue Office for every village separately. This contains 14 columns. It includes Name of the khatadar /father name of the khatadar, khata number, survey number, classification of land, extent held by khatadar Land Revenue. The records are arranged on the alphabetical. Order of khata number under which survey number wise details are indicated. Mutation order details are recorded in 10, 11,12 columns. Registered and un-registered encumbrances regarding lessee, tenant, loans given by various agencies are also recorded in remarks columns.

5. **CHOWPASLA**:The Corresponding Account in Andhra Area before 1992---10(1)and10(2)---10(1)was permanent Rewritten once in 5 years or so---10(2) was written every year. The Corresponding Account in Telangana Area before 1992---CHOUFASLA¬Written Khatadar wise Land held survey number wise-----Assessment–remission of assessment–demand of water tax-remission on water tax-Tax etc., payable for the Govt land under encroachment-various cesses are shown. The demand as per Account 4A, Remissions as per Village Account 4B and Assessment etc as per Account 4C are covered.

Cesses abolished. Sonet demand=4A+4C-4B. The main record of Jamaband.

6. **RECEIPT FOR LAND REVENUE**–Water Tax paid¬Receipts are made into bundle. Two sheets with same number are there–one to be used as Original and the other as duplicate. Date of receipt Khata Number and name of Pattadar – survey number(s)sub-division numbers of land related to payment of LR-Extents–Fasli pertaining to which LR is paid-amount paid–--are shown

8. SETHWAR REGISTER: Sethwar is the settlement register prepared by the Survey Officer at the time of revised survey and settlement in the year 1358 Fasli, in which the names of the predecessors in title of the plaintiff are shown as pattadars. This is equivalent of A Register/Diglot in Andhra Area. After disposing of all the representations/appeals filed by the khatedars for the correction of survey errors, a final survey register is prepared called Sethwar Register. This

Register is regarded as the king of all Registers. This contains the full details of survey number, patta/grant, gairan/inam, name of the khatedar, total area, pot kharab area, balance area, rate of assessment (Dhar), final assessment in case of wet lands, sources of irrigation etc.

9. WASOOL BAQI REGISTER: After completion of Akarband Register at the final stage of Jamabandi process, a very important register, written on the Alphabetical order of the Khatedars (pattadars) of the village, showing all old S.Nos., extents and assessments of the khatedar on one page and on the opposite page the details of corresponding New S.Nos., extents and assessments is prepared which is called as the Wasool Baqi register or correlation register. All old entries of the khata are noted down as per the Theka Bandi Register, which is prepared basing upon the revenue records existing at the time of classification of soil work (Parath bandi) and got it attested by the concerned Tahsildar. The corresponding new survey details shown on the opposite page, are noted down as per the entries recorded in the just prepared Akar land register. At the end of the entries of each khata, totals are noted for old entries and corresponding new survey entries. This will give the clear picture of each khata particularly to ascertain the discrepancy of extents if any.

10. VILLAGE MAP: IT is a key to the field Atlas. It is intended mainly to act as an index to the Field Measurement Book so as to enable an inspecting officer to identify any field independently and to make sure that the correct field has been pointed out to him. It gives an idea of the relative position of survey fields. With the help of the village map, one can able to find out where a particular field is and to get to it.

11. FIELD MEASUREMENT BOOK (FMB); It contains pictorial representation of the survey fields and sub-divisions recorded in the "A" Register. A record of measurements of individual fields and subdivisions is thus provided which will enable any inspecting officer to identify the boundaries whenever it is required for the investigation of disputed boundaries, for the detection of encroachments; for the measurement of further sub-divisions etc., It also enables the Revenue Officers to check the cultivation of each holding during azmoish and find out at a glance whether there is a palpable encroachment or not in any poramboke field. 3 copies are prepared by the Survey department. Original copy is preserved in State Archives, duplicate copy is supplied to Tahsildar office and triplicate copy is supplied to the Village Revenue Officer.

12. PRINTED DIGLOTT OR "A" REGISTER OR RESETTLEMENT REGISTER It is the authoritative record for the settlement and revenue particulars of every survey field and subdivision in the village. It forms the whole basis of the Revenue Administration. It gives the specification, tenure Government or Inam, Dry, Wet, Unassessed or Poramboke, source of irrigation, class and sort of soil, taram, rate per acre, extent and assessment of each field and sub-division and lastly the name of the pattadar or registered holder. Reference to this record is necessary to ascertain the assessments on individual holdings and to dispose of cases of

transfers of land from one head to another. FLR, SFA have to be maintained for Estate and Inam villages instead of RSR.

EVIDENTIARY VALUE OF REVENUE RECORDS–

Having traced the backdrop of the land tenures and the evolution of ryotwari system, the stage is set for considering what are the documents that constitute ownership/title to land. The Board Standing Orders (BSO) of the Board of Revenue of Madras (1907 Edition) succinctly dealt with the rights and obligations under a patta. Paras 27 and 28 of the BSO included in Part III Title to Land read:

27(BSO). Issue of pattas

(1) Form of patta The Form of patta is given in the Manual of Village Accounts.

(2) Renewal of patta-As a rule, fresh pattas need only be issued when desired by the ryots concerned. When the holding of a ryot has undergone no change, it is obviously unnecessary to issue fresh patta. Each ryot should have one original patta containing a detailed list of the fields comprising his holding as it stood when the patta was drawn up. The pattas of future years should show only the changes which have taken place in his holding or in the revenue payable by him. In the event, however, of numerous changes taking place in the original patta, it may be convenient to issue a fresh one.

(3) (Omitted as not relevant)

(4) Entry of names in joint-patta The entries of names in a joint-patta will be made without reference to the extent of land enjoyed by each pattadar.

28. (1) Effect of registry as pattadar : The registered pattadar of a ryotwari holding is, as regards Government, the responsible proprietor of the ryotwari lands registered in his name in the Land Register of the district, until they pass from his possession by sale for arrears or in some other legal manner. Lands which a ryot has left waste will not be struck out of his patta on that account.

SOME OF LEGAL PRECEDENTS WITH REGARD TO EVIDENTIARY VALUE OF REVENUE RECORDS

I) Apex Court's Judgement in Guru Amarjit Singh V. Rattan Chand (AIR 1994 SC 227) which deals with the entries in Jamabandi. Such entries were held to be the statements for revenue purposes. The Supreme Court observed that "the entries in Jamabandi are not proof of title." It is further observed that "the maintenance and custody of revenue records is the exclusive domain of the patwari and it is not uncommon that the revenue records are often tinkered by him to suit the exigencies.

II) In Penumarthy Veera Panasa Ramanna vs Penumarthy Sambamoorthy (AIR 1961 AP 361) Division Bench of AP High Court held that "though the entries in the Diglot Register may be evidence, they are by themselves not conclusive evidence of the facts which they purport to record. "It is observed

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that "the entries in the revenue records, though they may be relevant evidence under Section 35 of the Evidence Act, are not evidence of title.

III) In Ch.S. HanumanthaRao V. R.Sainath (1999(6) ALD 3081) learned single Judge of AP High Court bearing in mind the judgment of Hon'ble Apex Court in Nagar Palika Jind v. Jagat Singh 1995 SCC (3) 426, relied on by the appellants took a view that "either the entries in the revenue records or the entries in the records of local bodies like Municipalities do not create nor extinguish any title over the properties in question."

IV) In Corporation of Bangalore City V. M.Papaiah (AIR 1989 SC 1809) the Supreme Court observed that "so far the revenue records are concerned, the appellate court considered the same and held that they did not support the plaint. The High Court has reversed the finding saying that the interpretation of the first appellate court was erroneous. It is firmly established that the revenue records are not documents of title, and the question of interpretation of a document not being a document of title is not a question of law.....".

V) In State of Himachal Pradesh V. Keshav Ram(1996 (11) SCC 257) the Supreme Court noticed that the courts below decreed the plaintiff's suit for declaration of title relying upon the only piece of evidence being an order of Assistant Settlement Officer directing the correction of the record of the right. The Supreme Court posed the question "as to whether the entry in the settlement papers recording somebody's name could create or extinguish title in favour of the person concerned?" and held: "It is to be seen that the disputed land originally stood recorded in the name of Raja Sahib of Keonthal and thereafter the State was recorded to be the owner of the land in the record of right prepared in the year 1949-50. In the absence of the very order of the Assistant Settlement Officer directing necessary correction to be made in favour of the plaintiffs, it is not possible to visualize on what basis the aforesaid direction had been made. But at any rate such an entry in the Revenue papers by no stretch of imagination can form the basis for declaration of title in favour of the plaintiffs. To our query as to whether
there is any other document on the basis of which the plaintiffs can claim title over the disputed land, the learned counsel for the plaintiffs respondents could not point out any other document apart from the alleged correction made in the register pursuant to the order of the Assistant Settlement Officer. In our considered opinion, the Courts below committed serious error of law in declaring plaintiffs' title on the basis of the aforesaid order of correction and the consequential entry in the Revenue papers."

VI) In Syed Jalal V. Targopal AIR1970AP19, C.J of the then AP High Court (as His Lordship then was) speaking for the Division Bench observed that "transfer of a right of occupancy or a patta of a holding in so far as the Land Revenue Act (Hyderabad Act 8 of 1317 F) is concerned, would equally be a transfer of all that is necessary to effectually transfer agricultural land and

vest a title in the person to whom it is transferred. It may be noted that a mere sale or conveyance effected in accordance with the general law, viz., by a written instrument duly stamped and registered if it is immoveable property of more than Rs.100/- value by itself, in so far as agricultural land is concerned is not completely efficacious until the patta is mutated in the name of the vendee. While a sale, exchange or gift vests legal title in the vendee on execution of the conveyance, in so far as payment of revenue to the Government is concerned, it can only be recognised on the vendee's name being mutated in the registers of pattas which could be effected on the presentation of a deed of sale, exchange or gift duly executed in accordance with law."

It is thus recognised that transfer of a patta of a holding would amount to transferring of all that is necessary to effectually transfer agricultural land and vest a title in the person to whom it is transferred. Transfer of patta is thus nothing but a transfer of title itself. It is thus clear that patta is nothing but a title itself so far as the agricultural land is concerned in Telangana area of State of Andhra Pradesh. The Hon'ble High Court in Syed Jalal (supra) while construing various provisions of the Land Revenue Act and the scheme of the Act observed that "indubitably, the patta of agricultural land itself is a evidence of right of the holder, a transfer of which is also deemed to be a permanent alienation." It is thus clear that so far as the agricultural lands are concerned, the pattedar is the one in whom the title vests and the patta of agricultural land itself is a evidence of title

VII) In Md. Ibrahim V. Secretary to Govt. of India, a Division Bench of AP High Court in LPA Nos 205 and 211 of 1991 observed that "the pahanies are prepared in the usual course of official business of preparation of Records of Rights and hence there is a due presumption that the entries made therein have been made in due performance of official duties. They are hence to receive weightage in evidence particularly when there is no other rebutting evidence to the contrary."

VIII) In Commissioner of Survey V. G.Padmavathi 1999(4) ALD 61, AP High Court after surveying the decisions on the subject including the judgment in Rajeswara Rao held that "a person whose name finds a place in the revenue records will have a right to assert that he is entitled to make a claim as owner unless the same is negatived by rebuttal evidence ....." The said observations were made while construing the entries in the Record of Rights and the khasrapahani prepared and maintained under the provisions of the Regulations.

IX) The Supreme Court in Choote Khan V. Mal Khan (1954 AIR 575) while considering the nature of the entries in Jamabandi and as to whether such entries fall within the purview of Record of Rights maintained under Section 31 of the Punjab Land Revenue Act, 1887 observed that "by section 44 of the Punjab Land Revenue Act an entry made in the record of rights or in an

annual record shall be presumed to be true until the contrary is proved. That entries in the Jamabandies fall within the purview of the record of rights under section 31 of the Act admits of no doubt. Section 16 of the old Act (XXIII of 1871) laid down that entries in the record of rights made or authenticated at a regular Settlement shall be presumed to be true."

X) In Avadh Kishore V. Ram Gopal (AIR 1979 SC 861), the Supreme Court while considering the evidentiary value of the entries made in what is called "Wajibularz" observed that "it is a village administration paper prepared with due care and after due enquiry by a public servant in the discharge of his official duties. It is a part of the settlement record and a statutory presumption of correctness attaches to it."

XI) In Kasturchand V. Harbilash(2000 (7) SCC 611), the Supreme Court found fault with the courts below as well as the High Court for their not having placed any reliance on the entries in the khasra prepared and maintained under the provisions of the Madhya Bharat Land Revenue and Tenancy Act of 1950 and held:

"The entries in the annual village papers create a presumption albeit rebuttable in favour of a person whose name is recorded. We find that a procedure is prescribed to challenge the entries made in the annual village papers. The procedure is contained in the Madhya Bharat Land Revenue and Tenancy Act of 1950 (for short "the Land Revenue Act"). Section 45 of that Land Revenue Act specifies that khasra, jamabandi or khatauni and such other village papers as the Government may from time to time prescribe shall be annual village papers. Section 46 enjoins preparation of annual village papers each year for each village of a district in accordance with rules made under the Act. Section 52 embodies the presumption that all entries made under that chapter in the annual village papers shall be presumed to be correct until the contrary is proved and Section 50 prescribes the method or procedure for correction of wrong entries in the annual village papers by superior officers. Thus it is clear that in the event of wrong entries in the annual village papers the same is liable to be corrected under Section 50 and unless they are so corrected the presumption under Section 52 will govern the position."

XII) Another Division Bench of the Hyderabad High Court in Phoola Bhanna V. Rekha Deva observed that "patta and possession are two different rights and exist independent of each other. Possession however long and continuous, based though it may even be on the title to the land itself, does not confer a right on a person to get the patta of the land, already in the name of some other, transferred in his own name. Of course, right of patta like any other right is alienable; but there should be a valid contract with the pattedar for the same. Being an intangible right in the immovable property, it can be alienated only under a registered sale deed in accordance with the provisions of Section 54, of the Registration Act (Transfer of Property Act?)."

XIII) A Division Bench of the Madras High Court in Rama Iyengar V. Kasinivenda Iyengar (16IND. CAS.746) observed that "transactions by a party dealing with the property to which he lays a claim, are important evidence of his title and sometimes they constitute the only evidence available." A careful analysis of the decisions referred to hereinabove would make it clear that the entries made in the Record of Rights carry with them a very great evidentiary value, provided the Record of Rights is prepared and maintained under the provisions of the relevant statutes or the Regulations, as the case may be, and further provided that the entries therein are made after holding public enquiries. Sometimes, they constitute the only evidence available in order to establish one's title to the lands. The entries made in Columns 1 to 19 of the pahani patrikas shall be deemed to be the record of Rights prepared and maintained by a public servant in discharge of his official duties.

In this aspect, Section 35 of the Indian Evidence Act, 1872 deserves to be noticed. It reads: Relevancy of entry in public record or an electronic record made in performance of duty:- An entry in any public or other official book, register or record or an electronic record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record or an electronic record is kept, is itself a relevant fact.

Some more useful citations dealing with the aspect of evidentiary value of revenue records are quoted hereunder for reference:

1. **Entries in Revenue Records neither confer any title nor extinguish the title already existing. Balwant Singh's case: AIR 1997 SC 2719.**
2. **Jama bandi is a land revenue demand. Jama bandi entries alone will not create title in the person whose name is found in such records. Jatturam case: AIR 1994SC 1653.**
3. **If a name is entered in revenue records, a presumption arises in favour of the person and unless and until the presumption is rebutted, the entries have to be considered as true and correct. M/S Ashok Leyland Ltd case: 2004 (5) Supreme 115, Syedabad Tea Co. Ltd case: AIR 1983 SC 72, State of Maharastra case: AIR 1985 SC 716.**
4. **However, the entries in revenue records alone will not convey title or will not have the effect of extinguishing the already existing title. B. Singh & Anr case: AIR 1997 SC 2719**
5. **If there are two sets of revenue records regarding the same property and their entries conflicting then the latest of the records will prevail. M.Pandey & Ors case: AIR 1981 Cal 74.**

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6. **Mutation entries can neither create title nor extinguish title and such entries cannot be treated as evidence of sale. Major P.S. Atwad case: AIR 1995 SC 2125.**

7. **Entries in revenue records which are unchanged fairly for a long time will not be rebutted by some stray entries. Sri Bhimeshwara Swamivaru Temple case: AIR 1973 SC 1299.**

8. **Entry in Record of Rights:- Once name of grantee is entered in record of rights on the basis of order of grant, name cannot be deleted from records, unless grant has been revoked in properly constituted proceedings by authority competent to revoke grant. M.N.Venkateshaiah's case before KHC (DB) , decided on 05-10-05 reported in 2005(6) KarLJ 452 (DB).**

EVIDENTIARY VALUE OF RECORDS UNDER NEW ROR ACT, 2020

The Telangana Rights in Land and Pattadar Pass Books Act, 2020 (i.e., ROR Act, 2020') was enacted replacing the Telangana Rights in Land and Pattadar Pass Books Act, 1971 It is clear that the ROR Act, 2020 was enacted with the salutary object of digitizing the maintenance of revenue records and to obviate the difficulties faced by the citizens in getting lands mutated in their names. To achieve the said object, an online platform–cum–repository of land related information by the name Dharani Portal was created. The said Dharani Portal is supposed to be the one-stop center to record information of title holders of lands in Telangana through online means. It provides online services like mutation/succession, land valuation certificate, land conversion, agriculture income certificate, etc. to the citizens.

Under the new ROR Act, new Pattadar pass book-cum-title deeds are issued and the online Dharani Records shows the land details of the Pattedars. As per Section (12) of Act "Record of Right (ROR)" means records prepared and maintained electronically under the provisions, or for the purpose of this Act in "DHARANI". Section 2 (1) of the ROR Act, 2020 deals with the definition of 'certified copy' and it says that : "certified copy" or "certified extract" means a copy or extract taken from Dharani, as certified in the manner prescribed by Section 76 of the Indian Evidence Act,1872 (Central Act 1 of 1872)." Further it is relevant to note that Section 11 of the ROR, Act 2020 provides that a pattadar pass book-cum-title deed issued under the Act shall be deemed to be a title deed and it shall have the same evidentiary value as a document registered under the Registration Act. Therefore the entries in the Dharani portal, the online land records platform in Telangana, hold significant evidentiary value in legal proceedings, essentially acting as prima facie evidence of land ownership and related details due to their official nature, digital record-keeping, and the legal framework established by the "Telangana Rights in Land and Pattadar Pass Books Act, 2020" which governs the platform; meaning that

data displayed on Dharani can be presented in court as proof of land title and related information unless challenged with substantial evidence to the contrary.

EVIDENTIARY VALUE OF RECORDS UNDER NEW ROR ACT, 2024

Further the new ROR Act 2024, i.e., the Telangana Bhu Bharati (Record of Rights in Land) Act, 2024 which is enacted replacing the old ROR Act 2020 is yet to come into force as the rules connected therewith have yet to be framed. The evidentiary value of **Section 10(5) of New Act reads as under:** *The Pattadar Pass Book cum Title Deed issued under sub-section (2) and duly certified by the Tahsildar, or such authorised authority, shall be Pattadar Pass Book Book-cum-Title Deed. in respect of a pattadar-owner and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a document registered in accordance with the provisions of the Registration Act, 1908 has under the Law.*

Further Section 11 of new Act reads as under:

11. Every entry in the Record of Rights shall be presumed to be true and correct until the contray is proved or until it is otherwise amended in accordance with the provisions of this Act.

CONCLUSION :

Finally to conclude I would like to state that in order to improve the quality of land records, and make them more accessible to produce before the Courts, apart from complete computerisation of the latest property documents, there should be digitisation of all old land records such as Sethwar Register, Supplementary Sethwar, Wasool Baqui Register, Khasra **Pahani also** (prepared under the Land Census 1954 under the provisions of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950) etc., because in most of the civil disputes concerning agricultural lands, title and ownership needs to be traced from old revenue records.

CITATIONS

2025 0 INSC 145; 2025 0 Supreme(SC) 267; Wahid Vs State Govt. of NCT of Delhi; Criminal Appeal No. 201 of 2020 With Anshu Vs. State Govt. of NCT of Delhi; Criminal Appeal No. 202 of 2020; Decided On : 04-02-2025

In cases where the FIR is lodged against unknown persons, and the persons made accused are not known to the witnesses, material collected during investigation plays an important role to determine whether there is a credible case against the accused. In such type of cases, the courts have to meticulously examine the evidence regarding (a) how the investigating agency derived clue about the involvement of the accused in the crime; (b) the manner in which the accused was arrested; and (c) the manner in which the accused was identified. Apart from above, discovery/ recovery of any looted article on the

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disclosure made by, or at the instance of, the accused, or from his possession, assumes importance to lend credence to the prosecution case.
But if the version of PW-1 is correct, there ought to have been a record of receipt of such information at the police station. Because, in ordinary course, before leaving the police station, based on any information, the police officer enters the information in the relevant diary and then proceeds.

Circumstantial Evidence
2025 0 INSC 147; 2025 0 Supreme(SC) 268; Ramu Appa Mahapatar Vs. The State of Maharashtra; Criminal Appeal No. 608 of 2013; Decided On : 04-02-2025
Extra-judicial confession of an offence made by the accused before a witness is one of the several instances of circumstantial evidence; there are other circumstances, such as, the theory of last seen together; conduct of the accused before or immediately after the incident; human blood being found on the clothes or person of the accused which matches with that of the accused; leading to discovery, recovery of weapon etc. As we know, circumstantial evidence is not direct to the point in issue but consists of evidence of various other facts which are so closely associated with the fact in issue that taken together, they form a chain of circumstances from which the existence of the principal fact can be legally inferred or presumed. The chain must be complete and each fact forming part of the chain must be proved. It has been consistently laid down by this Court that where a case rests squarely on circumstantial evidence, inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person. The circumstances would not only have to be proved beyond reasonable doubt, those would also have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. All these circumstances should be complete and there should be no gap left in the chain of evidence. The proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence. The circumstances taken cumulatively must be so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else. While there is no doubt that conviction can be based solely on circumstantial evidence but great care must be taken in evaluating circumstantial evidence. If the evidence relied upon is reasonably capable of two inferences, the one in favour of the accused must be accepted.
An extra-judicial confession, if voluntary and true and made in a fit state of mind, can be relied upon by the court. The confession will have to be proved like any other fact. The value of the evidence as to confession like any other evidence depends upon the reliability of the witness to whom it is made and who gives the evidence. Extra-judicial confession can be relied upon and conviction can be based thereon if the evidence about the confession comes from a witness who appear to be unbiased, not even remotely inimical to the accused, and in respect of whom nothing is brought out which may tend to indicate that he may have a motive of attributing an untruthful statement to the accused. The words spoken by the witness should be clear, unambiguous and unmistakenly convey that the accused is the perpetrator of the crime and that nothing is omitted by the witness which may militate against it. After subjecting the evidence of the witness to a rigorous test on

the touchstone of credibility, the extra-judicial confession can be accepted and can be the basis of a conviction if it passes the test of credibility.

2025 0 INSC 158; 2025 0 Supreme(SC) 279; Ganesan Vs. The State of Tamil Nadu Rep. by Inspector of Police; Criminal Appeal No. 860 of 2023 [Special Leave Petition (Crl.) No. 11560 of 2022]; Decided On : 07-02-2025

This Court also in Amit Rana @ Koka vs. State of Haryana, 2024 SCC Online SC 1763 held that a bare perusal of the second part of Section 307 of I.P.C. would undoubtedly show that it did not prescribe for imposition of punishment more than what is prescribed under the first part thereof. The maximum imprisonment permissible under the first part of Section 307 is 10 years and fine. When the court thinks it fit, not to impose imprisonment for life, the punishment in no circumstance can exceed the punishment prescribed under the first part of Section 307, I.P.C.

2025 0 INSC 160; 2025 0 Supreme(SC) 281; Geddam Jhansi & Anr Vs. The State Of Telangana & Ors.; Criminal Appeal No(s). 609 of 2025, (Arising out of Special Leave Petition (Criminal) No. 9556 of 2022); With Geddam Jhansi Vs. The State Of Telangana & Anr.; Criminal Appeal No(s). 610 of 2025 (Arising out of Special Leave Petition (Criminal) No. 428 of 2024; Decided On : 07-02-2025

31. Invoking criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the penal code or any other penal statute are alleged or attributed to the accused and a prima facie case is made out. It applies with equal force when criminal laws are invoked in domestic disputes. Criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Domestic relationships, such as those between family members, are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment, and emotional investment compared to other social or professional associations. For the aforesaid reason, preservation of family relationship has always been emphasised upon. Thus, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, courts should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials which clearly constitute criminal offences.

32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality.

33. It goes without saying that genuine cases of cruelty and violence in domestic sphere, which do happen, ought to be handled with utmost sensitivity. Domestic violence typically

happens within the four walls of the house and not in the public gaze. Therefore, such violence is not noticed by public at large, except perhaps by the immediate neighbours. Thus, providing visible evidence by the victim of domestic violence may not be easily forthcoming and producing direct evidence may be hard and arduous, which does not necessarily mean that domestic violence does not occur. In fact, to deal with this pernicious phenomenon, stringent statutes like Protection from Domestic Violence Act, 2005, have been enacted with very expansive meaning and scope of what amounts to domestic violence. Since, violence perpetrated within the domestic sphere by close relatives is now criminalised entailing serious consequences on the perpetrators, the courts have to be careful while dealing with such cases by examining whether there are specific allegations with instances against the perpetrators and not generalised allegations. The purpose and mandate of the law to protect the victims of domestic violence is of paramount importance, and as such, a balance has to be struck by ensuring that while perpetrators are brought to book, all the family members or relatives are not indiscriminately brought within the criminal net in a sweeping manner.

34. For a matrimonial relationship which is founded on the basis of cordiality and trust to turn sour to an extent to make a partner to hurl allegations of domestic violence and harassment against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in course of time. Accordingly, such a situation would be the culmination of a series of acts which turns, otherwise an amicable relationship, into a fractured one. Thus, in such cases involving allegations of domestic violence or harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against the perpetrators in specific terms to rope such perpetrators in the criminal proceedings sought to be initiated against them. Thus, mere general allegation of harassment without pointing out the specifics against such perpetrators would not suffice, as is the case in respect of the present appellants.

35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law.

36. Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial

discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.

2025 0 INSC 162; 2025 0 Supreme(SC) 283; Vihaan Kumar Vs. State Of Haryana & Anr.; Criminal Appeal No. 621 of 2025 (Arising out of Special Leave Petition (Crl.) No. 13320 of 2024); Decided on : 07-02-2025

Therefore, we conclude:

a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1);

b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved;

c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1);

d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also vitiated. Needless to add that it will not vitiate the investigation, charge sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1);

e) When an arrested person is produced before a Judicial Magistrate for remand, it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards has been made; and

f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established.

The stand taken before the High Court was that the appellant's wife was informed about the arrest. Information about the arrest is completely different from the grounds of arrest. The grounds of arrest are different from the arrest memo. The arrest memo incorporates the name of the arrested person, his permanent address, present address, particulars of FIR and Section applied, place of arrest, date and time of arrest, the name of the officer arresting the accused and name, address and phone number of the person to whom information about arrest has been given. We have perused the arrest memo in the present case. The same contains only the information stated above and not the grounds of arrest. The information about the arrest is completely different from information about the grounds of arrest. **Mere information of arrest will not amount to furnishing grounds of arrest.**

The learned Single Judge, unfortunately, has equated information given regarding the appellant's arrest with the grounds of arrest. The observation that the allegation of non-

supply of the grounds of arrest made by the appellant is a bald allegation is completely uncalled for. All courts, including the High Court, have a duty to uphold fundamental rights. Once a violation of a fundamental right under Article 22(1) was alleged, it was the duty of the High Court to go into the said contention and decide in one way or the other. When a violation of Article 22(1) is alleged with respect to grounds of arrest, there can be possible two contentions raised: (a) that the arrested person was not informed of the grounds of arrest, or (b) purported information of grounds of arrest does not contain any ground of arrest. As far as the first contention is concerned, the person who is arrested can discharge his burden by simply alleging that grounds of arrest were not informed to him. If such an allegation is made in the pleadings, the entire burden is on the arresting agency or the State to satisfy the court that effective compliance was made with the requirement of Article 22(1). Therefore, the view taken by the High Court is completely erroneous.

The purpose of inserting Section 50A of the CrPC, making it obligatory on the person making arrest to inform about the arrest to the friends, relatives or persons nominated by the arrested person, is to ensure that they would able to take immediate and prompt actions to secure the release of the arrested person as permissible under the law. The arrested person, because of his detention, may not have immediate and easy access to the legal process for securing his release, which would otherwise be available to the friends, relatives and such nominated persons by way of engaging lawyers, briefing them to secure release of the detained person on bail at the earliest. Therefore, the purpose of communicating the grounds of arrest to the detenue, and in addition to his relatives as mentioned above is not merely a formality but to enable the detained person to know the reasons for his arrest but also to provide the necessary opportunity to him through his relatives, friends or nominated persons to secure his release at the earliest possible opportunity for actualising the fundamental right to liberty and life as guaranteed under Article 21 of the Constitution. Hence, the requirement of communicating the grounds of arrest in writing is not only to the arrested person, but also to the friends, relatives or such other person as may be disclosed or nominated by the arrested person, so as to make the mandate of Article 22(1) of the Constitution meaningful and effective failing which, such arrest may be rendered illegal.

2025 0 INSC 167; 2025 0 Supreme(SC) 288; Raja Khan Vs. State of Chattisgarh; Criminal Appeal No. 70 of 2025 (Arising out of Special Leave Petition (Crl.) No. 14411 of 2024); Decided On : 07-02-2025

18. Sections 25 and 26 of the Evidence Act stipulate that confession made to a police officer is not admissible. However, Section 27 is an exception to Sections 25 and 26 and serves as a proviso to both these sections [Delhi Administration vs. Bal Krishan & Ors., (1972) 4 SCC 659].

19. This Court is of the view that Section 27 lifts the ban, though partially, to the admissibility of confessions. The removal of the ban is not of such an extent so as to absolutely undo the object of Section 26. As such the statement whether confessional or not is allowed to be given in evidence but that portion only which distinctly relates to discovery of the fact is admissible. A discovery of a fact includes the object found, the place from which it is produced and the knowledge of the Appellant-accused as to its existence (Udai Bhan Vs. State of Uttar Pradesh, AIR 1962 SC 1116).

20. The essential ingredients of Section 27 of the Evidence Act are three- fold:

i. The information given by the accused must led to the discovery of the fact which is the direct outcome of such information.

ii. Only such portion of the information given as is distinctly connected with the said recovery is admissible against the accused.

iii. The discovery of the facts must relate to the commission of such offence.

21. The question as to whether evidence relating to recovery is sufficient to fasten guilt on the accused was considered by this Court in Bodhraj Alias Bodha & Ors. v. State of Jammu & Kashmir, (2002) 8 SCC 45, wherein it has been held as under:-

"18… Section 27 of the Indian Evidence Act, 1872 (in short "Evidence Act") is by way of proviso to Sections 25 to 26 and a statement even by way of confession made in police custody which distinctly relates to the fact discovered is admissible in evidence against the accused. This position was succinctly dealt with by this Court in Delhi Admn v. Balakrishan [(1972) 4 SCC 659] and Mohd. Inayatullah v. State of Maharashtra [(1976) 1 SCC 828]. The words "so much of such information" as relates distinctly to the fact thereby discovered, are very important and the whole force of the section concentrates on them. Clearly the extent of the information admissible must depend on the exact nature of the fact discovered to which such information is required to relate. The ban as imposed by the preceding sections was presumably inspired by the fear of the Legislature that a person under police influence might be induced to confess by the exercise of undue pressure. If all that is required to lift the ban be the inclusion in the confession of information relating to an object subsequently produced, it seems reasonable to suppose that the persuasive powers of the police will prove equal to the occasion, and that in practice the ban will lose its effect. **The object of the provision i.e. Section 27 was to provide for the admission of evidence which but for the existence of the section could not in consequence of the preceding sections, be admitted in evidence. It would appear that under Section 27 as it stands in order to render the evidence leading to discovery of any fact admissible, the information must come from any accused in custody of the police.** The requirement of police custody is productive of extremely anomalous results and may lead to the exclusion of much valuable evidence in cases where a person, who is subsequently taken in to custody and becomes an accused, after committing a crime meets a police officer or voluntarily goes to him or to the police station and states the circumstances of the crime which lead to the discovery of the dead body, weapon or any other material fact, in consequence of the information thus received from him. This information which is otherwise admissible becomes inadmissible under Section 27 if the information did not come from a person in the custody of a police officer or did come from a person not in the custody of a police officer. The statement which is admissible under Section 27 is the one which is the information leading to discovery. Thus, what is admissible being the information, the same has to be proved and not the opinion formed on it by the police officer. **In other words, the exact information given by the accused while in custody which led to recovery of the articles has to be proved.** It is, therefore, necessary for the benefit of both the accused and prosecution that information given should be recorded and proved and if not so recorded, the exact information must be adduced through evidence. The basic idea embedded in Section 27 of the Evidence Act is the doctrine of confirmation by subsequent events. The doctrine is founded on the principle that if

any fact is discovered as a search made on the strength of any information obtained from a prisoner, such a discovery is a guarantee that the information supplied by the prisoner is true. The information might be confessional or non-inculpatory in nature but if it results in discovery of a fact, it becomes a reliable information. It is now well settled that recovery of an object is not discovery of fact envisaged in the section. Decision of Privy Council in Palukuri Kotayya v. Emperor [AIR (1947) PC 67], is the most quoted authority of supporting the interpretation that the "fact discovered" envisaged in the section embraces the place from which the object was produced, the knowledge of the accused as to it, but the information given must relate distinctly to that effect. [See State of Maharashtra v. Dam Gopinath Shirde and Ors, (2000) 6 SCC 269]. No doubt, the information permitted to be admitted in evidence is confined to that portion of the information which "distinctly relates to the fact thereby discovered". But the information to get admissibility need not be so truncated as to make it insensible or incomprehensible. The extent of information admitted should be consistent with understandability. **Mere statement that the accused led the police and the witnesses to the place where he had concealed the articles is not indicative of the information given.**
(emphasis supplied)

2025 0 INSC 168; 2025 0 Supreme(SC) 289; Ayyub & Ors. Vs. State Of Uttar Pradesh & Anr.; Criminal Appeal No. 461 of 2025 (@ Special Leave Petition (Crl.) No. 7371 of 2024); Decided On : 07-02-2025 (THREE JUDGE BENCH)
By a long line of judgments, this Court has reiterated that in order to make out an offence under Section 306 IPC, specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC [See Madan Mohan Singh vs. State of Gujarat and Another, (2010) 8 SCC 628]. Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide [See Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707 and M. Mohan vs. State, (2011) 3 SCC 626 and Ramesh Kumar vs. State of Chhattisgarh, (2001) 9 SCC 618].These principles have been reiterated recently by this Court in Mahendra Awase vs. The State of Madhya Pradesh, 2025 INSC 76.

https://indiankanoon.org/doc/50327946/**;K.Sudhakar vs The State Of A.P. on 5 February, 2025; CRIMINAL APPEAL Nos.375 and 376 of 2012**
The Hon'ble Supreme Court held that mere acceptance of the amount dehorse proof of the demand would not be sufficient to bring home the charge under Section 7 and Section 13(1)(d) r/w Section 13(2) of the Prevention of the Corruption Act, 1988.

https://indiankanoon.org/doc/191364704/**; C.Mahender vs The State Of A.P., Thru Acb, Hyderabad; CRIMINAL APPEAL Nos.734 and 735 of 2007 Date: 05.02.2025**
On the date of trap, when A2 was sitting in front of A1, A2 handled the bribe amount as directed by A1. In the said circumstances, it cannot be said that merely accepting the amount would amount to either instigating A1 or engaging with him or aiding the act of

accepting bribe. For the said reasons, no case under Section 12 of the Act is made out for abetment against A2.

https://indiankanoon.org/doc/102970760/; **Shiva Reddy vs The State Of Telangana on 5 February, 2025; CRIMINAL PETITION No.15536 OF 2024**

the only allegation against the petitioners herein is that they participated in election campaigning and conducted meeting without prior permission from competent authority on 01.12.2018 between 1200 to 1600 hours, and thereby they violated the Election Model Code of Conduct during the Election Code, and thereby committed the aforesaid offences. But, there is no mention in the charge sheet as to which orders that were disobeyed by the petitioners. In the present case, the complaint was filed by LW.1, AEE of Irrigation Department of Jogulamba - Gadwal District and the charge sheet is filed by the Sub-Inspector of Police, Ghattu Police Station and, therefore, the charge sheet is in violation of the mandatory provision of Section - 195 (1) (a) of Cr.P.C. Section - 188 of IPC deals with 'disobedience to order duly promulgated by public servant. It says whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Whereas, Section - 290 of IPC deals with punishment for public nuisance in cases not otherwise provided for, and as per which whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to two hundred rupees. The alleged public nuisance is consequence of violation of the orders. When the principal offence under Section - 188 of IPC itself cannot be taken cognizance by the Court, the consequent alleged public nuisance punishable under Section - 290 of IPC cannot be maintained.

https://indiankanoon.org/doc/33087591/; **T. Siddhartha Rao vs State Of Telangana on 5 February, 2025; CRLP 12175/2018**

Under Section 200 of Cr.P.C, a Magistrate taking cognizance of a complaint shall examine complainant and the witnesses present, if any. The examination by the Magistrate cannot be confined to the witnesses produced by the complainant only. Any witness whose evidence is necessary to decide whether cognizance can be taken, can be examined by the Magistrate during the course of enquiry under Section 200 of Cr.P.C. Similar is the case during investigation. The police need not confine the investigation only to examine the witnesses cited by the complainant. Whatever is required to probe into a criminal complaint has to be done by the investigating officer. There cannot be any selective examination of witnesses as argued by the counsel, either during investigation or during the procedure of taking cognizance under Section 200 of Cr.P.C.

Only for the reason of there being an outstanding, it cannot be said that, not paying the outstanding amount would attract offences of either cheating or criminal misappropriation. The complaint is result of disputes in between two companies, which transactions are purely civil in nature. The petitioner apparently filed criminal complaint against the respondent/accused only to coerce them to settle disputes in the company which falls within the jurisdiction of a Civil Court.

2025 0 INSC 194; 2025 0 Supreme(SC) 319; B.V. Ram Kumar Vs. State of Telangana and Another; Criminal Appeal No. 654 of 2025 [Arising Out of SLP (Crl.) No. 7887 of 2024] Decided On : 10-02-2025

Needless to say, that mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504, IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence.

23. Section 504, IPC consists of two parts. Firstly, the actus reus - being the intentional insult which gives rise to the provocation. Secondly, the mens rea, i.e. the intention or knowledge on the part of the accused that such intentional provocation is likely to cause the person insulted to break public peace or commit any other offence. The animus nocendi in Section 504, IPC is that the accused should 'intentionally insult' the other person with the intention or knowledge that the provocation caused by such insult is likely to result in the commission of breach of public peace or any other offence by the person who has been so insulted. The offence is said to be complete once the accused person makes 'intentional insult' with the aforesaid mens rea. Hence, intention or knowledge on the part of accused person that his actions of making 'intentional insult' have the potential to provoke the person insulted is sine qua non for the commission of the offence under Section 504, IPC.

24. The natural corollary of the above discussion is that if the accused does not intend to give provocation, the offence is not made out. An insult without an 'intention to insult' is not punishable under Section 504, IPC. Further, 'intentional insult' must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence.

25. It is trite that whether the person provoked further commits an illegal act or not is immaterial to draw the conclusion of culpability under Section 504, IPC. The 'intentional insult' and provocation must be so proximate and close that the accused has either the intention or the knowledge that the intentional insult made by him is likely to cause the provoked person to break public peace or commit some other offence. However, what would be the nature of 'intentional insult' causing provocation, to draw culpability under Section 504, IPC would depend upon the facts and circumstances of each case. The test to be applied to determine if the intentional insult made by the accused is sufficient to cause provocation is that of a reasonable person, i.e. if the insult is sufficient to provoke any reasonable person to break peace or commit any other offence, only then the accused will be liable for the offence under Section 504, IPC.

2025 0 INSC 196; 2025 0 Supreme(SC) 321; Dhanlaxmi Urf Sunita Mathuria and Another Vs. State of Rajasthan and Others; Special Leave Petition (Criminal) No. 15500 of 2024; Decided On : 12-02-2025

During court proceedings, many statements are made and questions are posed which may make a person uncomfortable, but all such statements or questions cannot be misconstrued as humiliating a person. After all, it is the duty of the Court to reach the truth of the matter and such exercise may demand putting forward certain questions and suggestions which may be uncomfortable to some.

2025 0 INSC 220; 2025 0 Supreme(SC) 345; Vinod @ Nasmulla Vs. The State of Chhattisgarh; Criminal Appeal No. 1931 of 2019; Decided On : 14-2-2025

Thus, if the witness who identified a person or an article in the TIP is not examined during trial, the TIP report which may be useful to corroborate or contradict him would lose its evidentiary value for the purposes of identification. The rationale behind the aforesaid legal principle is that unless the witness enters the witness box and submits himself for cross- examination how can it be ascertained as to on what basis he identified the person or the article. Because it is quite possible that before the TIP is conducted the accused may be shown to the witness or the witness may be tutored to identify the accused. Be that as it may, once the person who identifies the accused during the TIP is not produced as a witness during trial, the TIP is of no use to sustain an identification by some other witness.

Once we doubt the manner in which the appellant is stated to have been arrested, the recovery of country-made pistol alleged to have been made at the time of arrest falls to the ground.

2025 0 INSC 222; 2025 0 Supreme(SC) 346; Tapas Kumar Palit Vs. State of Chhattisgarh; Criminal Appeal No. 738 of 2025 (Arising out of SLP(Criminal) No. 15971 OF 2024); Decided On : 14-02-2025

We are aware that it is the public prosecutor who could be said to be in-charge of the trial and he has to decide who is to be examined and who is to be dropped. But at the same time, no useful purpose would be served if 10 witnesses are examined to establish one particular fact.

12. The aforesaid results in indefinite delay in conclusion of trial. It is expected of the Public Prosecutor to wisely exercise his discretion in so far as examination of the witnesses is concerned.

13. Where the number of witnesses is large, it is not, in our opinion, necessary that everyone should be produced. In this connection, we may refer to Malak Khan vs. Emperor [AIR 1946 Privy Council 16] where their Lordships observed as follows at page 19:-

> "It is no doubt very important that, as a general rule, all Crown witnesses should be called to testify at the hearing of a prosecution, but important as it is, there is no obligation compelling counsel for the prosecution to call all witnesses who speak to facts which the Crown desire to prove. Ultimately it is a matter for the discretion of counsel for the prosecution and though a Court ought, and no doubt will, take into consideration the absence of witnesses whose testimony would be expected, it must judge the evidence as a whole and arrive at its conclusion accordingly taking into

consideration the persuasiveness of the testimony given in the light of such criticism as may be levelled at the absence of possible witnesses."

14. In this regard, the role of the Special Judge (NIA) would also assume importance. The Special Judge should inquire with the Special Public Prosecutor why he intends to examine a particular witness if such witness is going to depose the very same thing that any other witness might have deposed earlier. We may sound as if laying some guidelines, but time has come to consider this issue of delay and bail in its true and proper perspective. If an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed.

The stress of long trials on accused persons – who remain innocent until proven guilty – can also be significant. Accused persons are not financially compensated for what might be a lengthy period of pre- trial incarceration. They may also have lost a job or accommodation, experienced damage to personal relationships while incarcerated, and spent a considerable amount of money on legal fees. If an accused person is found not guilty, they have likely endured many months of being stigmatized and perhaps even ostracized in their community and will have to rebuild their lives with their own resources.

15. We would say that delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently.

https://indiankanoon.org/doc/173387969/; **The State Of Telangana vs Potham Jagannadham Naidu; CRIMINAL APPEAL Nos.405 OF 2016 AND 1262 OF 2017 Date: 11 .02.2025**

PW.1 stated that he identified MOs.1 to 6, gold ornaments. However, PW.1 did not provide any proof to show that MOs.1 to 6 belong to the deceased. No purchase records were filed, nor any of the earlier photographs were filed to show that the deceased was wearing any of the jewellery. MOs.1 to 6 were also not identified in accordance with the procedure laid down under Rule.34 of the Criminal Rules of Practice.

https://indiankanoon.org/doc/64361157/;**Abdul Saleem, vs The State Of Telangana, on 11 February, 2025; CRLP No. 1876 of 2025**

Having heard both sides and perused the material on record, it is evident that the proceedings against the petitioner for the offences under Section 186 and 187 of IPC have been initiated, basing on the complaint made by the de facto complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C. Therefore, the proceedings against the petitioner for the offences under Section 186 and 187 of IPC are liable to be quashed. Insofar as other offences i.e., 143, 153-A 120-B read with 109, 149 of Indian Penal Code are concerned, as per the judgment of Hon'ble Supreme Court in Hemareddy's case (AIR 1981 SC 1417), it is clear that if the offences formed part of the same transaction of the offences contemplated under Section 195 of Cr.P.C., it is not possible to split up and hold the prosecution of the petitioner. Hence, the FIR culminating in taking cognizance of the aforesaid offences against the petitioner stands vitiated and

the continuation of criminal proceedings against the petitioner amounts to abuse of process of law.

https://indiankanoon.org/doc/21627088/; **T. Vinod Kumar vs The State Of Telangana on 10 February, 2025; CrLP No.1833 of 2025**

Having heard both sides and perused the material on record, it is evident that the proceedings against the petitioner for the offence under Section 223 of BNS have been initiated, basing on the complaint made by the de-facto complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C. Therefore, the proceedings against the petitioner for the offence under Section 223 of BNS, are liable to be quashed.

Since there is no specific allegation against the petitioner in the entire complaint that he has sold tobacco products to a minor or in an area within a radius of one hundred yards of any educational institution and as there is no mention of particulars of the minor to whom the petitioner has sold the tobacco products in contravention to Section 24 (1) of COTPA, the proceedings against the petitioner for the said offence are also liable to be quashed.

https://indiankanoon.org/doc/137178428/; **M/S Deccan Chromates Ltd. vs Union Of India on 12 February, 2025; CRLP No.8166 of 2019**

In the event of the prosecution under the scheduled offence being closed on account of the death of a petitioner as abated, it does not amount to either acquittal or discharge of the accused for the scheduled offence. The quash petition filed was dismissed by this Court since the Managing Director died. The closure of the case before the Court below for the predicate offence/scheduled offence is not on merits but on account of abatement.

2025 0 INSC 242; 2025 0 KLT(Online) 1316; 2025 0 Supreme(SC) 364; Subhelal @ Sushil Sahu Vs. The State of Chhattisgarh; Criminal Appeal No. 818 of 2025 (@Petition for Special Leave to Appeal (Crl.) No.1314 of 2025; 18-02-2025

The foregoing discussion lead us to conclude and answer the questions under reference as under:

Q-1 An accused involved in a non-bailable offence triable by Magisterial Court whose trial is not concluded within a period of sixty days from the first date fixed for taking evidence in that case, and who has been in custody during the whole of the said period, does not get an absolute or indefeasible right to be released on bail to the satisfaction of the Magistrate. The Magistrate has a discretion to direct otherwise (refuse bail) by recording in writing the reasons for such rejection.

Q-2 The provisions contained in Section 437(6) of the Code are not mandatory.

Q-3 The Magistrate has option/discretion to refuse bail by assigning reasons therefor. The parameters, factors, circumstances and grounds to be considered by Magistrate vis-a- vis such application preferred by the accused under Section 437(6) of the Code may be:

1. Whether the reasons for being unable to conclude trial within sixty days from the first date fixed of taking evidence, are attributable to the accused?

2. Whether there are any chances of the accused tampering with evidence or causing prejudice to the case of the prosecution in any other manner?

3. Whether there are any chances of abscondence of the accused on being bailed out?
4. Whether accused was not in custody during the whole of the said period?
If the answer to any one of the above referred fact situations or similar fact situations is in affirmative than that would work as a fetter on the right that accrues to the accused under first part of sub-section(6) of Section 437 of the Code.
The right accrues to him only if he is in custody during the whole of the said period as can be seen from the language employed in sub-section (6) of Section 437 of the Code by the legislature.
It would also be relevant to take into consideration the punishment prescribed for the offence for which the accused is being tried in comparison to the time that the trial is likely to take, regard being had to the factors like volume of evidence, number of witnesses, workload on the Court, availability of prosecutor, number of accused being tried with accused and their availability for trial, etc.
The factors which are quoted above by this Court are only illustrative and not exhaustive.
Q-4 The factors, parameters, circumstances and grounds for seeking bail by the accused as well as grounds to be considered by the learned Magistrate for his satisfaction would not be identical or similar to subsection (1) and sub-section (2) of the Section 437 of the code, but may be relevant and overlapping each other depending upon facts and there cannot be any straight jacket formula. But, we may add that the reasons for rejection of applications under Section 437(6) need to be more weighty than the routine grounds of rejection.
Q-5 The parameters relevant for deciding application under Section 167(2)(a)(I)(II) of the Code (default bail), cannot be imported for exercise of power under Section 437(6) of the Code.
Q-6 A decision in principle rendered by a coordinate Bench of equal strength would bind another co-ordinate Bench as it lays down a principle of law and not a statement of law in context of subject matter.
Q-7 The legislature, while enacting Section 437(6) of the Code, has not given an absolute, indefeasible or unfettered right of bail. But right of bail is given with a rider investing the Magistrate with discretion to refuse bail by recording reasons therefor. Therefore, the right of accused for a speedy trial, though, Constitutional and aimed at liberty of accused, is not put on that high a pedestal that it becomes absolute. It is a right given with reasonable restrictions. This is the only way the provisions of Section 473(6) of the Code and Article 21 of the Constitution of India can be harmonised and have to read and interpreted accordingly."

2025 0 INSC 248; 2025 0 KLT(Online) 1323; 2025 0 Supreme(SC) 372; State of Rajasthan Vs. Surendra Singh Rathore; Criminal Appeal No. 847 of 2025 (Arising out of SLP(Crl.) No.16358 of 2024); Decided On : 19-02-2025

From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:

9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.

9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.
9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.
9.5 Where the incident is separate; offences are similar or different.

2025 0 INSC 229; 2025 0 Supreme(SC) 387; State of Karnataka Vs. T.N. Sudhakar Reddy; Criminal Appeal No(s). 5001 of 2024 (Arising out of SLP(Criminal) No(s). 13264 of 2024); Decided On : 17-02-2025

The preliminary inquiry is not mandatory in every case under the PC Act. If a superior officer is in seisin of a source information report which is both detailed and well-reasoned and such that any reasonable person would be of the view that it prima facie discloses the commission of a cognizable offence, the preliminary inquiry may be avoided.
Section 17 of the PC Act relates specifically to the investigation process, and not the initial act of registering the FIR, for which it relies on the provisions of the CrPC. Hence, it places limitations on only the investigation; it does not impede the fundamental duty of the law enforcement agency to record and register an FIR for cognizable offences.

2025 0 INSC 258; 2025 0 Supreme(SC) 386; Surinder Dogra Vs State Through Director CBI; Criminal Appeal No(s). 1020 of 2022; Decided On : 21-02-2025

Although, the learned counsel for the appellant has referred the judgments in the case of Sait Tarajee Khimchand vs. Yelamarti Satyam, AIR (1971) SC 1865 Ram Narain vs. State of Uttar Pradesh, AIR (1973) SC 2200 Kale & Ors. vs. Deputy Director of Consolidation & Ors., AIR (1976) SC 807 Sharad Birdhichand Sarda vs. State of Maharashtra, AIR (1984) SC 1622 State of Rajasthan vs. Islam, AIR (2011) SCW 1748 & V.C. Shukla vs. State Through CBI, AIR (1980) SC 962 to contend that there is absolute lack of admissible evidence to prove that the appellant has committed the forgery by manipulating the ticket, yet in view of the report of the handwriting expert (H.M. Sexena/PW- 8) and that of J.P. Jaiswar (PW-5), it is proved that on the date of offence the appellant was discharging the duty of issuance of air tickets at Jammu Airport of the Indian Airlines and under his handwriting the questioned auditor coupon and flight coupon were issued. We are in full agreement with the finding recorded by the Trial Court and affirmed by the High Court that it was the appellant alone who could have manipulated the document because the subject coupons were in his possession on the relevant date.

2025 0 INSC 260; 2025 0 Supreme(SC) 389; Md. Bani Alam Mazid @ Dhan Vs. State Of Assam; Criminal Appeal No. 1649 of 2011; Decided on : 24-02-2025

This Court in Vasanta Sampat Dupare Vs. State of Maharashtra, (2015) 1 SCC 253 referred to the observations made by the Privy Council in Pulukuri Kottaya (supra) and culled out the following principles:

23. While accepting or rejecting the factors of discovery, certain principles are to be kept in mind. The Privy Council in Pulukuri Kotayya v. King Emperor has held thus:

… it is fallacious to treat the 'fact discovered' within the section as equivalent to the object produced; the fact discovered embraces the place from which the object is produced and the knowledge of the accused as to this, and the information given must relate distinctly to this fact. Information as to past user, or the past history, of the object

produced is not related to its discovery in the setting in which it is discovered. Information supplied by a person in custody that 'I will produce a knife concealed in the roof of my house' does not lead to the discovery of a knife; knives were discovered many years ago. It leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge, and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant. But if to the statement the words be added 'with which I stabbed A', these words are inadmissible since they do not relate to the discovery of the knife in the house of the informant.

In the case of Asar Mohammad Vs. State of Uttar Pradesh, (2019) 12 SCC 253, this Court referred to the word 'fact' appearing in Section 27 of the Evidence Act and held that such a fact need not be self- probatory. The word 'fact' contemplated in Section 27 of the Evidence Act is not limited to 'actual physical material object.' Discovery of fact arises by reason that the information given by the accused exhibited the knowledge or the mental awareness of the informant as to its existence at a particular place which includes discovery of the object, the place from which it is discovered and the knowledge of the accused as to its existence.

In Anwar Ali Vs. State of Himachal Pradesh, (2020) 10 SCC 166, this Court after referring to the previous decisions observed that in a case where direct evidence of eye witness is available, motive loses its importance. But absence of motive in a case depending on circumstantial evidence is a factor that weighs in favour of the accused.

Relying on the decision in Anwar Ali (supra), this Court in Shivaji Chintappa Patil Vs. State of Maharashtra, (2021) 5 SCC 626 observed that in a case of circumstantial evidence, motive plays an important link to complete the chain of circumstances.

This Court in Nandu Singh (supra) summed up the legal position that in a case based on circumstantial evidence, motive assumes great significance. It is not as if motive alone becomes the crucial link in the case to be established by the prosecution and that in its absence, the case of the prosecution has to be discarded. But, at the same time, complete absence of motive assumes a different complexion and such absence definitely weighs in favour of the accused.

2025 0 INSC 261; 2025 0 Supreme(SC) 391; The State of Madhya Pradesh Vs. Balveer Singh; Criminal Appeal No. 1669 of 2012; Decided on : 24-02-2025

We summarize our conclusion as under: -

(I) The Evidence Act does not prescribe any minimum age for a witness, and as such a child witness is a competent witness and his or her evidence and cannot be rejected outrightly.

(II) As per Section 118 of the Evidence Act, before the evidence of the child witness is recorded, a preliminary examination must be conducted by the Trial Court to ascertain if the child-witness is capable of understanding sanctity of giving evidence and the import of the questions that are being put to him.

(III) Before the evidence of the child witness is recorded, the Trial Court must record its opinion and satisfaction that the child witness understands the duty of speaking the truth and must clearly state why he is of such opinion.

(IV) The questions put to the child in the course of the preliminary examination and the demeanour of the child and their ability to respond to questions coherently and rationally must be recorded by the Trial Court. The correctness of the opinion formed

by the Trial Court as to why it is satisfied that the child witness was capable of giving evidence may be gone into by the appellate court by either scrutinizing the preliminary examination conducted by the Trial Court, or from the testimony of the child witness or the demeanour of the child during the deposition and cross-examination as recorded by the Trial Court.

(V) The testimony of a child witness who is found to be competent to depose i.e., capable of understanding the questions put to it and able to give coherent and rational answers would be admissible in evidence.

(VI) The Trial Court must also record the demeanour of the child witness during the course of its deposition and cross-examination and whether the evidence of such child witness is his voluntary expression and not borne out of the influence of others.

(VII) There is no requirement or condition that the evidence of a child witness must be corroborated before it can be considered. A child witness who exhibits the demeanour of any other competent witness and whose evidence inspires confidence can be relied upon without any need for corroboration and can form the sole basis for conviction. If the evidence of the child explains the relevant events of the crime without improvements or embellishments, the same does not require any corroboration whatsoever.

(VIII) Corroboration of the evidence of the child witness may be insisted upon by the courts as measure of caution and prudence where the evidence of the child is found to be either tutored or riddled with material discrepancies or contradictions. There is no hard and fast rule when such corroboration would be desirous or required, and would depend upon the peculiar facts and circumstances of each case.

(IX) Child witnesses are considered as dangerous witnesses as they are pliable and liable to be influenced easily, shaped and moulded and as such the courts must rule out the possibility of tutoring. If the courts after a careful scrutiny, find that there is neither any tutoring nor any attempt to use the child witness for ulterior purposes by the prosecution, then the courts must rely on the confidence-inspiring testimony of such a witness in determining the guilt or innocence of the accused. In the absence of any allegations by the accused in this regard, an inference as to whether the child has been tutored or not, can be drawn from the contents of his deposition.

(X) The evidence of a child witness is considered tutored if their testimony is shaped or influenced at the instance of someone else or is otherwise fabricated. Where there has been any tutoring of a witness, the same may possibly produce two broad effects in their testimony; (i) improvisation or (ii) fabrication.

• Improvisation in testimony whereby facts have been altered or new details are added inconsistent with the version of events not previously stated must be eradicated by first confronting the witness with that part of its previous statement that omits or contradicts the improvisation by bringing it to its notice and giving the witness an opportunity to either admit or deny the omission or contradiction. If such omission or contradiction is admitted there is no further need to prove the contradiction. If the witness denies the omission or contradiction the same has to be proved in the deposition of the investigating officer by proving that part of police statement of the witness in question. Only thereafter, may the improvisation be discarded from evidence or such omission or contradiction be relied upon as evidence in terms of Section 11 of Evidence Act.

• Whereas the evidence of a child witness which is alleged to be doctored or tutored in toto, then such evidence may be discarded as unreliable only if the presence of the following two factors have to be established being as under: -

• Opportunity of Tutoring of the Child Witness in question whereby certain foundational facts suggesting or demonstrating the probability that a part of the testimony of the witness might have been tutored have to be established. This may be done either by showing that there was a delay in recording the statement of such witness or that the presence of such witness was doubtful, or by imputing any motive on the part of such witness to depose falsely, or the susceptibility of such witness in falling prey to tutoring. However, a mere bald assertion that there is a possibility of the witness in question being tutored is not sufficient.

• Reasonable likelihood of tutoring wherein the foundational facts suggesting a possibility of tutoring as established have to be further proven or cogently substantiated. This may be done by leading evidence to prove a strong and palpable motive to depose falsely, or by establishing that the delay in recording the statement is not only unexplained but indicative and suggestive of some unfair practice or by proving that the witness fell prey to tutoring and was influenced by someone else either by cross-examining such witness at length that leads to either material discrepancies or contradictions, or exposes a doubtful demeanour of such witness rife with sterile repetition and confidence lacking testimony, or through such degree of incompatibility of the version of the witness with the other material on record and attending circumstances that negates their presence as unnatural.

• (XI) Merely because a child witness is found to be repeating certain parts of what somebody asked her to say is no reason to discard her testimony as tutored, if it is found that what is in substance being deposed by the child witness is something that he or she had actually witnessed. A child witness who has withstood his or her cross-examination at length and able to describe the scenario implicating the accused in detail as the author of crime, then minor discrepancies or parts of coached deposition that have crept in will not by itself affect the credibility of such child witness.

• (XII) Part of the statement of a child witness, even if tutored, can be relied upon, if the tutored part can be separated from the untutored part, in case such remaining untutored or untainted part inspires confidence. The untutored part of the evidence of the child witness can be believed and taken into consideration or the purpose of corroboration as in the case of a hostile witness.

59. As discussed in the foregoing paragraphs of this judgment, there is nothing on record to indicate that PW6 was a tutored witness. We may also refer to one finding of the Trial Court recorded in its judgment, wherein it has been noted that PW6 was cross examined at length for approximately 1.5 hours, and her demeanour throughout the same was believable, with nothing to indicate that she had been tutored or was deposing falsely. It also has taken note of the fact that in the entire cross examination no significant contradictions were found. Thus, we are of the considered opinion that the High Court committed an egregious error in discarding the testimony of PW6.

ii. **<u>Principles of Law relating to appreciation of Circumstantial Evidence.</u>**

60. In 'A Treatise on Judicial Evidence', Jeremy Bentham, an English Philosopher included a whole chapter upon what lies next when the direct evidence does not lead to any special inference. It is called Circumstantial Evidence. According to him, in every

case, of circumstantial evidence, there are always at least two facts to be considered; (i) the Factum Probandum, or say, the principal fact the existence of which is supposed or proposed to be proved; and (ii) the Factum Probans or the evidentiary fact or the fact from the existence of which that of the factum probandum is inferred.

61. Although there can be no straight jacket formula for appreciation of circumstantial evidence, yet to convict an accused on the basis of circumstantial evidence, the Court must follow certain tests which are broadly as follows: -

(i) Circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established;

(ii) Those circumstances must be of a definite tendency unerringly pointing towards guilt of the accused and must be conclusive in nature;

(iii) The circumstances, if taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and

(iv) The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused but should be inconsistent with his innocence. In other words, the circumstances should exclude every possible hypothesis except the one to be proved.

[See: Sharad Birdhichand Sarda v. State of Maharashtra reported in (1984) 4 SCC 116]

62. In an Essay on the 'Principles of Circumstantial Evidence' by William Wills by T. and J.W. Johnson and Co. 1872, it has been explained that circumstantial evidence implies the existence of a certainty in the relation between the facts and the inferences stemming therefrom. The relevant extract reads as under: -

"In matters of direct testimony, if credence be given to the relators, the act of hearing and the act of belief, though really not so, seem to be contemporaneous. But the case is very different when we have to determine upon circumstantial evidence, the judgment in respect of which is essentially inferential. There is no apparent necessary connection between the facts and the inference; the facts may be true, and the inference erroneous, and it is only by comparison with the results of observation in similar or analogous circumstances, that we acquire confidence in the accuracy of our conclusions.

The term PRESUMPTIVE is frequently used as synonymous with CIRCUMSTANTIAL EVIDENCE; but it is not so used with strict accuracy, The word" presumption," ex vi termini, imports an inference from facts; and the adjunct "presumptive," as applied to evidentiary facts, implies the certainty of some relation between the facts and the inference. Circumstances generally, but not necessarily, lead to particular inferences; for the facts may be indisputable, and yet their relation to the principal fact may be only apparent, and not real; and even when the connection is real, the deduction may be erroneous. Circumstantial and presumptive evidence differ, therefore, as genus and species.

The force and effect of circumstantial evidence depend upon its incompatibility with, and incapability of, explanation or solution upon any other supposition than that of the truth of the fact which it is adduced to prove; the mode of argument resembling the method of demonstration by the reductio ad absurdum."

63. It is settled principle of law that an accused can be punished if he is found guilty even in cases of circumstantial evidence provided, the prosecution is able to prove beyond

reasonable doubt the complete chain of events and circumstances which definitely points towards the involvement or guilt of the accused. The accused will not be entitled to acquittal merely because there is no eye witness in the case. It is also equally true that an accused can be convicted on the basis of circumstantial evidence subject to satisfaction of the expected principles in that regard.
64. Thus, in view of the above, the court must consider a case of circumstantial evidence in light of the aforesaid settled legal propositions. In a case of circumstantial evidence, the judgment remains essentially inferential. The inference is drawn from the established facts as the circumstances lead to particular inferences. The Court has to draw an inference with respect to whether the chain of circumstances is complete, and when the circumstances therein are collectively considered, the same must lead only to the irresistible conclusion that the accused alone is the perpetrator of the crime in question. All the circumstances so established must be of a conclusive nature, and consistent only with the hypothesis of the guilt of the accused.

https://indiankanoon.org/doc/86156946/**; Mr. Vallabhneni Vamsi Mohan, vs The State Of A.P., on 20 February, 2025; CRIMINAL PETITION No.5671 of 2024**
In summation, where the complaint alleges commission of an offence punishable under the Act, 1989 the Special Court or the Exclusive Special Court can alone exercise the jurisdiction, in the first instance, to hear and dispose of applications for bail or anticipatory bail. It is not open to the High Court to exercise the original or concurrent jurisdiction.

https://indiankanoon.org/doc/85220192/**;Srinivasula Varalaxmi vs The State Of Telangana; CRIMINAL APPEAL Nos.1053 and 1094 of 2019 Date: 21.02.2025**
The argument of the learned counsel for the appellants that Section 52- A of the Act was not followed, cannot be considered at the stage of appeal, when no such defence was taken during trial. Following the judgment of the Hon'ble Supreme court in Bharat Aambale's case (supra), and considering the facts and circumstances, ground raised by the counsel regarding violation of Section 52-A of the Act, is rejected.

Kaniskh Sinha v State of West Bengal; Crl.A. No.-000966-000971 – 2025; 2025 INSC 278; 2025 LiveLaw (SC) 259; 27.2.2025
Now the law of prospective and retrospective operation is absolutely clear. Whereas a law made by the legislature is always prospective in nature unless it has been specifically stated in the statute itself about its retrospective operation, the reverse is true for the law which is laid down by a Constitutional Court, or law as it is interpretated by the Court. The judgment of the Court will always be retrospective in nature unless the judgment itself specifically states that the judgment will operate prospectively. The prospective operation of a judgment is normally done to avoid any unnecessary burden to persons or to avoid undue hardships to those who had bonafidely done something with the understanding of the law as it existed at the relevant point of time. Further, it is done not to unsettle something which has long been settled, as that would cause injustice to many.

SANJAY KUMAR Vs. STATE OF BIHAR & ORS.; CRIMINAL APPEAL NO. 1398 OF 2015; 2025 INSC 287; 27.2.2025
The failure of the investigation or prosecution is an aspect which the Court has to consider after weighing the depositions of the eye-witnesses.

https://indiankanoon.org/doc/114885865/; W.P.NO. 10333 OF 2014; Uppala Murali S/O Late Nageshwar Rao vs The State Of Andhra Pradesh on 27 February, 2025
Very strangely, the Sub Inspector of Police Kaghaznagar Police Station would enter in his Case Diary docket sheet that A-1 to A-7 were served with Notice under Section 41-A of the Code of Criminal Procedure (for short 'the Code') on 11-11-2013, and does not make any reference thereafter as to whether the accused were present before him or not. If any of the persons to whom Notices are issued under Section 41-A of the Code appear and also continue to comply with the Notice, such person shall not arrested in respect of the offence referred to in the Notice, unless, for reasons to be recorded, the Police Officer is of the opinion that, they ought to be arrested. But however, Sub-section (4) of Section 41-A of the Code makes it very clear that where such a person, at any time, fails to comply with the terms of the Notice rendered under Section 41-A of the Code, it shall be lawful for the Police Officer to arrest him for the offence mentioned in the Notice, subject to such orders as might have been passed in this regard by the competent Court.
Clearly, the Station House Officer, Kaghaznagar Police Station, Adilabad District, has not understood the scope and width of Section 41- A of the Code. Therefore, admit the writ petition.

2025 INSC 281 Criminal Appeal Nos.536-537 of 2025 Sudershan Singh Wazir Vs. State (NCT of Delhi) & Ors.; 28.2.2025
When a revision application challenging the order of discharge is admitted for hearing, the High Court may exercise power under Section 390 by directing the person discharged to appear before the Trial Court and by directing the Trial Court to admit him to bail on appropriate terms and conditions. If such an order is passed after the admission of the revision application against the order of discharge, it is a sufficient safeguard for ensuring the presence of the discharged accused at the time of hearing of the revision application and for undergoing trial, if the order of discharge is set aside. If the discharge order is eventually set aside, such an order under Section 390 of the CrPC passed in an admitted revision application against the discharge order will be in the aid of final relief. As held earlier, while exercising power under Section 390 of the CrPC, the normal rule is that the acquitted accused should not be committed to custody, and a direction should be issued to admit him to bail. This normal rule should apply all the more to cases where the challenge is to the order of discharge, as the order of discharge is on a higher pedestal than an order of acquittal.
Passing an order under Section 390 directing the discharged accused to admit to bail is sufficient to procure the presence of the discharged accused at the time of hearing of the revision application and for undergoing trial if the order of discharge is set aside.

NOSTALGIA

Adjournments

Vinod Kumar vs State Of Punjab on 23 September, 2014;

We have expressed our agony and anguish the manner in which trials in respect of serious offences relating to corruption are being conducted by the trial courts. Adjournments are sought on the drop of a hat by the counsel, even though the witness is present in court, contrary to all principles of holding a trial. That apart, after the examination-in-chief of a witness is over, adjournment is sought for cross-examination and the disquieting feature is that the trial courts grant time. The law requires special reasons to be recorded for grant of time but the same is not taken note of. As has been noticed earlier, in the instant case the cross-examination has taken place after a year and 8 months allowing ample time to pressurize the witness and to gain over him by adopting all kinds of tactics. There is no cavil over the proposition that there has to be a fair and proper trial but the duty of the court while conducting the trial to be guided by the mandate of the law, the conceptual fairness and above all bearing in mind its sacrosanct duty to arrive at the truth on the basis of the material brought on record. If an accused for his benefit takes the trial on the path of total mockery, it cannot be countenanced. The Court has a sacred duty to see that the trial is conducted as per law. If adjournments are granted in this manner it would tantamount to violation of rule of law and eventually turn such trials to a farce. It is legally impermissible and jurisprudentially abominable. The trial courts are expected in law to follow the command of the procedure relating to trial and not yield to the request of the counsel to grant adjournment for non-acceptable reasons. In fact, it is not all appreciable to call a witness for cross-examination after such a long span of time. It is imperative if the examination-in- chief is over, the cross-examination should be completed on the same day. If the examination of a witness continues till late hours the trial can be adjourned to the next day for cross-examination. It is inconceivable in law that the cross-examination should be deferred for such a long time. It is anathema to the concept of proper and fair trial. The duty of the court is to see that not only the interest of the accused as per law is protected but also the societal and collective interest is safe-guarded. It is distressing to note that despite series of judgments of this Court, the habit of granting adjournment, really an ailment, continues. How long shall we say, "Awake! Arise!". There is a constant discomfort. Therefore, we think it appropriate that the copies of the judgment be sent to the learned Chief Justices of all the High Courts for circulating the same among the learned trial Judges with a command to follow the principles relating to trial in a requisite manner and not to defer the cross- examination of a witness at their pleasure or at the leisure of the defence counsel, for it eventually makes the trial an apology for trial and compels the whole society to suffer chicanery. Let it be remembered that law cannot allowed to be lonely; a destitute.

(Contributed by Sri G.Shivaiah, Retd Prosecutor)

Extra Judicial Confession

In Sansar Chand vs. State of Rajasthan, (2010) 10 SCC 604 this Court accepted the admissibility of extra-judicial confession and held that there is no absolute rule that an extra-judicial confession can never be the basis of a conviction although ordinarily an extra-judicial confession should be corroborated by some other material.

Contradiction

in Alauddin vs. State of Assam, (2024) SCC Online SC 760 explained the context in which an omission occurs and when such an omission amounts to a contradiction. In the light of the Explanation to Section 162 of the Cr.P.C. this Court held as follows:

> 7. When the two statements cannot stand together, they become contradictory statements. When a witness makes a statement in his evidence before the court which is inconsistent with what he has stated in his statement recorded by the police, there is a contradiction. When a prosecution witness whose statement under Section 161(1) or Section 164 of Cr.P.C. has been recorded states factual aspects before the court which he has not stated in his prior statement recorded under Section 161(1) or Section 164 of Cr.P.C. it is said that there is an omission. There will be an omission if the witness has omitted to state a fact in his statement recorded by the police, which he states before the court in his evidence. The Explanation to Section 162 Cr.P.C. indicates that an omission may amount to a contradiction when it is significant and relevant. Thus, every omission is not a contradiction. It becomes a contradiction provided it satisfies the test laid down in the Explanation under Section 162. Therefore, when an omission becomes a contradiction, the procedure provided in the proviso to Sub-Section (1) of Section 162 must be followed for contradicting witnesses in the cross-examination.

Interpretation of Provisions

> "13. It is a well-settled principle in law that the court cannot read anything into a statutory provision which is plain and unambiguous. A statute is an edict of the legislature. The language employed in a statute is the determinative factor of legislative intent. The first and primary rule of construction is that the intention of the legislation must be found in the words used by the legislature itself. The question is not what may be supposed and has been intended but what has been said. "Statutes should be construed, not as theorems of Euclid", Judge Learned Hand said "but words must be construed with some imagination of the purposes which lie behind them." [See Lenigh Valley Coal Co. vs. Yensavage, 218 FR 547]. The view was reiterated in Union of India vs. Filip Tiago De Gama of Vedem Vasco De Gama, (1990) 1 SCC 277 : AIR 1990 SC 981 and Padma Sundara Rao vs. State of Tamil Nadu, (2002) 3 SCC 533.
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> 14. In D.R. Venkatachalam vs. Dy. Transport Commr., (1977) 2 SCC 273, it was observed that courts must avoid the danger of a priori determination of the meaning of a provision based on their own preconceived notions of ideological structure or scheme into which the provision to be interpreted is somewhat fitted. They are not entitled to usurp legislative function under the disguise of interpretation.
>
> 15. While interpreting a provision the court only interprets the law and cannot legislate it. If a provision of law is misused and subjected to the abuse of process of law, it is for the legislature to amend, modify or repeal it, if deemed necessary. [See Rishabh Agro Industries Ltd. vs. P.N.B. Capital Services Ltd., (2000) 5 SCC 515] The legislative casus omissus cannot be supplied by judicial interpretative process.
>
> 16. Two principles of construction - one relating to casus omissus and the other in regard to reading the statute as a whole - appear to be well settled. Under the first principle a casus

omissus cannot be supplied by the court except in the case of clear necessity and when reason for it is found in the four corners of the statute itself but at the same time a casus omissus should not be readily inferred and for that purpose all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context and other clauses thereof so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so if literal construction of a particular clause leads to manifestly absurd or anomalous results which could not have been intended by the legislature. "An intention to produce an unreasonable result said Danckwerts, L.J. in Artemiou vs. Procopiou, (1966) 1 QB 878 : (1965) 3 All ER 539 : (1965) 3 WLR 1011 (CA) (All ER p. 544 I) "is not to be imputed to a statute if there is some other construction available." Where to apply words literally would "defeat the obvious intention of the legislation and produce a wholly unreasonable result" we must "do some violence to the words" and so achieve that obvious intention and produce a rational construction. [Per Lord Reid in Luke vs. IRC, 1963 AC 557 : (1963) 1 All ER 655 : (1963) 2 WLR 559 (HL)] where at AC p. 577 he also observed: (All ER p. 664 I) "This is not a new problem, though our standard of drafting is such that it rarely emerges."

17. The heading of the section or the marginal note may be relied upon to clear any doubt or ambiguity in the interpretation of the provision and to discern the legislative intent. In CIT vs. Ahmedbhai Umarbhai and Co., 1950 SCC 94 : AIR 1950 SC 134 after referring to the view expressed by Lord Macnaghten in Balraj Kunwar vs. Jagatpal Singh, ILR (1904) 26 All 393 : 31 IA 132 : 1 All LJ 384 (PC) it was held that marginal notes in an Indian statute, as in an Act of Parliament cannot be referred to for the purpose of construing the statute. Similar view was expressed in Board of Muslim Wakfs, Rajasthan vs. Radha Kishan, (1979) 2 SCC 468 and Kalawatibai vs. Soiryabai, (1991) 3 SCC 410 : AIR 1991 SC 1581. Marginal note certainly cannot control the meaning of the body of the section if the language employed there is clear. [See Nandini Satpathy vs. P.L. Dani, (1978) 2 SCC 424 : 1978 SCC (Cri) 236 : AIR 1978 SC 1025].

Power of Appellate court to punish correlating to Trial court's power

In Jagat Bahadur vs. State of Madhya Pradesh, (1966) 2 SCR 822 relying on the decisions of various High Courts, it was held that the Appellate Court is not competent to impose a punishment higher than the maximum that could have been imposed by the Trial Court. It was held that an Appellate Court being "a Court of error" i.e. a Court established for correcting an error, it could not go beyond the competence of the Trial Court and if it does that, it would not be correcting an error. The power of the Appellate Court to pass a sentence has to be measured by the power of the Court from whose judgment an appeal has been brought before it.

Prisonisation

The Hon'ble Apex Court in Mohd Muslim @ Hussain v. State (NCT of Delhi)1, observed as under:

"21. Before parting, it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable. Jails are overcrowded and their living conditions, more often than not, appalling. According to the Union Home Ministry's response to Parliament, the National Crime Records Bureau had recorded that as on 31st December 2021,

over 5,54,034 prisoners were lodged in jails against total capacity of 4,25,069 lakhs in the country. Of these 122,852 were convicts; the rest 4,27,165 were undertrials."
22. The danger of unjust imprisonment, is that inmates are at risk of "prisonisation" a term described by the Kerala High Court in A Convict Prisoner v. State reported in 1993 Cri LJ 3242, as "a radical transformation" whereby the prisoner: "loses his identity. He is known by a number. He loses personal possessions. He has no personal relationships. Psychological problems result from loss of freedom, status, possessions, dignity any autonomy of personal life. The inmate culture of prison turns out to be dreadful. The prisoner becomes hostile by ordinary standards. Self-perception changes."
23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal" (also see Donald Clemmer's 'The Prison Community' published in 1940). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata:
immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials- especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily."

Chance Witness & Eye Witness

The Honourable Supreme Court in Suresh and others v. State of Haryana and others 1 held that:
"47. Generally, the chance witness, who reasonably explains his presence in the named location at the relevant time, may be taken into consideration and should be given due regard, if his version inspires confidence and the same is supported by surrounding circumstances. Nonetheless, the evidence of a chance witness requires a very cautious and close scrutiny. A chance witness must adequately explain his presence at the place of occurrence (refer to Satbir v. Surat Singh [Satbir v. Surat Singh, (1997) 4 SCC 192 : 1997 SCC (Cri) 538] and Harjinder Singh v. State of Punjab [Harjinder Singh v. State of Punjab, (2004) 11 SCC 253 :
2004 SCC (Cri) Supp 28]). Deposition of a chance witness whose presence at the place of incident remains doubtful should be discarded (refer to Shankarlal v. State of Rajasthan [Shankarlal v. State of Rajasthan, (2004) 10 SCC 632 : 2005 SCC (Cri) 579]). The behaviour of the chance witness, subsequent to the incident may also be taken into consideration particularly as to whether he has informed anyone else in the village about the incident (refer to Thangaiya v. State of T.N. [Thangaiya v. State of T.N., (2005) 9 SCC 650 : 2005 SCC (Cri) 1284])."
17. In Manoj and others v. State of Madhya Pradesh 2 , the Honourable Supreme Court held that:
MANU/SC/0894/2018 = (2018) 18 SCC 654 "102. A chance witness is one who appears on the scene suddenly. This species of witness was described in Puran v. State of Punjab [Puran v. State of Punjab, (1952) 2 SCC 454 : AIR 1953 SC 459] in the following terms : (SCC p. 459, para 4) "4. ... Such witnesses have the habit of appearing suddenly on the scene when something is happening and then of disappearing after noticing the occurrence about which they are called later on to give evidence."
103. This Court has sounded a note of caution about dealing with the testimony of chance witnesses. In Darya Singh v. State of Punjab [Darya Singh v. State of Punjab, (1964) 3 SCR 397 :

AIR 1965 SC 328] it was observed that : (AIR p. 331, para 6) "6. ... where the witness is a close relation of the victim and is shown to share the victim's hostility to his assailant, that naturally makes it necessary for the criminal courts to examine the evidence given by such witness very carefully and scrutinise all the infirmities in that evidence before deciding to act upon it. In dealing with such evidence, courts naturally begin with the enquiry as to whether the said witnesses were chance witnesses or whether they were really present on the scene of the offence. ...

If the criminal court is satisfied that the witness who is related to the victim was not a chance witness, then his evidence has to be examined from the point of view of probabilities and the account given by him as to the assault has to be carefully scrutinised." (2023) 2 SCC 353

18. In case of Harbeer Singh and others v. Sheeshpal and others 3, the Honourable Supreme Court held that:

"23. The defining attributes of a "chance witness" were explained by Mahajan, J., in Puran v. State of Punjab [Puran v. State of Punjab, (1952) 2 SCC 454 : AIR 1953 SC 459 : 1953 Cri LJ 1925] . It was held that such witnesses have the habit of appearing suddenly on the scene when something is happening and then disappearing after noticing the occurrence about which they are called later on to give evidence.

24. In Mousam Singha Roy v. State of W.B. [Mousam Singha Roy v. State of W.B., (2003) 12 SCC 377 : 2004 SCC (Cri) Supp 429] , this Court discarded the evidence of chance witnesses while observing that certain glaring contradictions/omissions in the evidence of PW 2 and PW 3 and the absence of their names in the FIR has been very lightly discarded by the courts below.

Similarly, Shankarlal v. State of Rajasthan [Shankarlal v. State of Rajasthan, (2004) 10 SCC 632 : 2005 SCC (Cri) 579] and Jarnail Singh v. State of Punjab [Jarnail Singh v. State of Punjab, (2009) 9 SCC 719 :

(2010) 1 SCC (Cri) 107] are authorities for the proposition that deposition of a chance witness, whose presence at the place of incident remains doubtful, ought to be discarded. Therefore, for the reasons recorded by the High Court we hold that PW 5 and PW 6 were chance witnesses and their statements have been rightly discarded.

25. In the light of the above and other reasons recorded by the High Court, we hold that the evidence of the eyewitnesses is not (2016) 16 SCC 418 truthful, reliable and trustworthy and hence cannot form the basis of conviction. Their presence at the scene of occurrence at the time of the incident is highly unnatural as also their ability to individually and correctly identify each of the accused from a considerable distance, especially when it was dark at the alleged place of occurrence, is itself suspect."

Sec 504 IPC

in Fiona Shrikhande vs. State of Maharashtra, (2013) 14 SCC 44 wherein the Court discussed the essential ingredients of Section 504, IPC. The Court held as follows:

> "13. Section 504 IPC comprises of the following ingredients viz. **(a) intentional insult, (b) the insult must be such as to give provocation to the person insulted and (c) the accused must intend or know that such provocation would cause another to break the public peace or to commit any other offence. The intentional insult must be of such a degree that should provoke a person to break the public peace or to commit any other offence.** The person who intentionally insults intending or knowing it to be likely that it will give provocation to

any other person and such provocation will cause to break the public peace or to commit any other offence, in such a situation, the ingredients of Section 504 are satisfied. **One of the essential elements constituting the offence is that there should have been an act or conduct amounting to intentional insult and the mere fact that the accused abused the complainant, as such, is not sufficient by itself to warrant a conviction under Section 504 IPC."**

14. We may also indicate that it is not the law that the actual words or language should figure in the complaint. One has to read the complaint as a whole and, by doing so, if the Magistrate comes to a conclusion, prima facie, that there has been an intentional insult so as to provoke any person to break the public peace or to commit any other offence, that is sufficient to bring the complaint within the ambit of Section 504 IPC. It is not the law that a complainant should verbatim reproduce each word or words capable of provoking the other person to commit any other offence. **The background facts, circumstances, the occasion, the manner in which they are used, the person or persons to whom they are addressed, the time, the conduct of the person who has indulged in such actions are all relevant factors to be borne in mind while examining a complaint lodged for initiating proceedings under Section 504 IPC."**

(Emphasis supplied)

in the case of Mohammad Wajid vs. State of U.P., 2023 SCC Online SC 951 while discussing Section 504, IPC, propounded the test for considering the circumstances wherein, an abusive language takes the form and shape of an intentional insult and held thus:

"28. **Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section.** But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. **If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self-control or having been subjected to abject terror by the offender.** In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. **It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.**

29. **Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a**

breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant."
(Emphasis supplied)

Civil Court to consider the evidence led in criminal proceedings
in Iqbal Singh Marwah vs. Meenakshi Marwah, (2005) 4 SCC 370 and Prem Raj vs. Poonamma Menon, 2024 SCC Online SC 483, this Court very expressly laid down the law that there is no bar on a Civil Court to consider the evidence led in criminal proceedings.

Sec 202 CrPC Enquiry
in Abhijit Pawar vs. Hemant Madhukar Nimbalkar, (2017) 3 SCC 528. The relevant paragraphs of the said judgment are extracted below:

"23. **Admitted position in law is that in those cases where the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction, it is mandatory on the part of the Magistrate to conduct an enquiry or investigation before issuing the process. Section 202 Cr.P.C. was amended in the year 2005 by the Code of Criminal Procedure (Amendment) Act, 2005, with effect from 22-6-2006 by adding the words "and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction." There is a vital purpose or objective behind this amendment, namely, to ward off false complaints against such persons residing at a far-off places in order to save them from unnecessary harassment. Thus, the amended provision casts an obligation on the Magistrate to conduct enquiry or direct investigation before issuing the process, so that false complaints are filtered and rejected. The aforesaid purpose is specifically mentioned in the note appended to the Bill proposing the said amendment.**

24. The essence and purpose of this amendment has been captured by this Court in Vijay Dhanuka vs. Najima Mamtaj, (2014) 14 SCC 638 : (2015) 1 SCC (Cri) 479 in the following words: (SCC p. 644, Paras 11-12)

"11. Section 202 of the Code, inter-alia, contemplates postponement of the issue of the process 'in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction' and thereafter to either inquire into the case by himself or direct an investigation to be made by a police officer or by such other person as he thinks fit. In the face of it, what needs our determination is as to whether in a case where the accused is residing at a place beyond the area in which the Magistrate exercises his jurisdiction, inquiry is mandatory or not.

12. The words 'and shall, in a case where the accused is residing at a place beyond the area in which he exercises his jurisdiction' were inserted by Section 19 of the Code of Criminal Procedure (Amendment) Act (Central Act 25 of 2005) w.e.f. 23-6-2006. The aforesaid amendment, in the opinion of the legislature, was essential as false complaints are filed against persons residing at far-off places in order to harass them. The note for the amendment reads as follows:

'False complaints are filed against persons residing at far-off places simply to harass them. In order to see that innocent persons are not harassed by unscrupulous persons, this clause seeks to amend sub-section (1) of Section 202 to make it obligatory upon the Magistrate that before summoning the accused residing beyond his jurisdiction he shall enquire into the case himself or direct investigation to be made by a police officer or by such other person as he thinks fit, for finding out whether or not there was sufficient ground for proceeding against the accused.' The use of the expression "shall" prima facie makes the inquiry or the investigation, as the case may be, by the Magistrate mandatory. The word "shall" is ordinarily mandatory but sometimes, taking into account the context or the intention, it can be held to be directory. The use of the word "shall" in all circumstances is not decisive. Bearing in mind the aforesaid principle, when we look to the intention of the legislature, we find that it is aimed to prevent innocent persons from harassment by unscrupulous persons from false complaints. Hence, in our opinion, the use of the expression "shall" and the background and the purpose for which the amendment has been brought, we have no doubt in our mind that inquiry or the investigation, as the case may be, is mandatory before summons are issued against the accused living beyond the territorial jurisdiction of the Magistrate."

26. **The requirement of conducting enquiry or directing investigation before issuing process is, therefore, not an empty formality.** What kind of "enquiry" is needed under this provision has also been explained in Vijay Dhanuka vs. Najima Mamtaj, (2014) 14 SCC 638 : (2015) 1 SCC (Cri) 479, which is reproduced hereunder: (SCC p. 645, Para 14)

"14. In view of our answer to the aforesaid question, the next question which falls for our determination is whether the learned Magistrate before issuing summons has held the inquiry as mandated under Section 202 of the Code. The word "inquiry" has been defined under Section 2(g) of the Code, the same reads as follows:

"2. (g) **"inquiry"** means every inquiry, other than a trial, conducted under this Code by a Magistrate or court."

It is evident from the aforesaid provision, every inquiry other than a trial conducted by the Magistrate or the court is an inquiry. No specific mode or manner of inquiry is provided under Section 202 of the Code. In the inquiry envisaged under Section 202 of the Code, the witnesses are examined whereas under Section 200 of the Code, examination of the complainant only is necessary with the option of examining the witnesses present, if any. This exercise by the Magistrate, for the purpose of deciding whether or not there is sufficient ground for proceeding against the accused, is nothing but an inquiry envisaged under Section 202 of the Code."

27. **When we peruse the summoning order, we find that it does not reflect any such inquiry. No doubt, the order mentioned that the learned Magistrate had passed the same after reading the complaint, verification statement of the complainant and after perusing the copies of documents filed on record i.e. FIR translation of the complaint, affidavit of advocate who had translated the FIR into English, etc.....**

28. **Insofar as these two accused persons are concerned, there is no enquiry of the nature enumerated in Section 202 Cr.P.C.**

29. **The learned Magistrate did not look into the matter keeping in view the provisions of Section 7 of the Press Act and applying his mind whether there is any declaration qua these two persons under the said Act and, if not, on what basis they are to be proceeded with**

along with the Editors. Application of mind on this aspect was necessary. It is made clear that this Court is not suggesting that these two accused persons cannot be proceeded with at all only because of absence of their names in the declaration under the Press Act. What is emphasised is that there is no presumption against these persons under Section 7 of the Press Act and they being outside the territorial jurisdiction of the Magistrate concerned, the Magistrate was required to apply his mind on these aspects while passing summoning orders qua A-1 and A-2.

Sec 52A NDPS

Hon'ble Supreme Court in the case of Bharat Aambale v. The State of Chattisgarh4, wherein it is held as follows:

"50.We summarize our final conclusion as under: -

(I) Although Section 52A is primarily for the disposal and destruction of seized contraband in a safe manner yet it extends beyond the immediate context of drug disposal, as it serves a broader purpose of also introducing procedural safeguards in the treatment of narcotics substance after seizure inasmuch as it provides for the preparation of inventories, taking of photographs of the seized substances and drawing samples therefrom in the presence and with the certification of a magistrate. Mere drawing of samples in presence of a gazetted officer would not constitute (2024) 5 SCC 393 Criminal Appeal No.250 of 2025, dated 06.01.2025 sufficient compliance of the mandate under Section 52A sub-section (2) of the NDPS Act.

(II) Although, there is no mandate that the drawing of samples from the seized substance must take place at the time of seizure as held in Mohanlal (supra), yet we are of the opinion that the process of inventorying, photographing and drawing samples of the seized substance shall as far as possible, take place in the presence of the accused, though the same may not be done at the very spot of seizure.

(III) Any inventory, photographs or samples of seized substance prepared in substantial compliance of the procedure prescribed under Section 52A of the NDPS Act and the Rules / Standing Order(s) thereunder would have to be mandatorily treated as primary evidence as per Section 52A sub-section (4) of the NDPS Act, irrespective of whether the substance in original is actually produced before the court or not.

(IV) The procedure prescribed by the Standing Order(s) / Rules in terms of Section 52A of the NDPS Act is only intended to guide the officers and to see that a fair procedure is adopted by the officer in-charge of the investigation, and as such what is required is substantial compliance of the procedure laid therein. (V) Mere non-compliance of the procedure under Section 52A or the Standing Order(s) / Rules thereunder will not be fatal to the trial unless there are discrepancies in the physical evidence rendering the prosecution's case doubtful, which may not have been there had such compliance been done. Courts should take a holistic and cumulative view of the discrepancies that may exist in the evidence adduced by the prosecution and appreciate the same more carefully keeping in mind the procedural lapses.

(VI) If the other material on record adduced by the prosecution, oral or documentary inspires confidence and satisfies the court as regards the recovery as-well as conscious possession of the contraband from the accused persons, then even in such cases, the courts can without hesitation proceed to hold the accused guilty notwithstanding any procedural defect in terms of Section 52A of the NDPS Act.

(VII) Non-compliance or delayed compliance of the said provision or rules thereunder may lead the court to drawing an adverse inference against the prosecution, however no hard and fast rule can be laid down as to when such inference may be drawn, and it would all depend on the peculiar facts and circumstances of each case. (VIII) Where there has been lapse on the part of the police in either following the procedure laid down in Section 52A of the NDPS Act or the prosecution in proving the same, it will not be appropriate for the court to resort to the statutory presumption of commission of an offence from the possession of illicit material under Section 54 of the NDPS Act, unless the court is otherwise satisfied as regards the seizure or recovery of such material from the accused persons from the other material on record.
(IX) The initial burden will lie on the accused to first lay the foundational facts to show that there was non-compliance of Section 52A, either by leading evidence of its own or by relying upon the evidence of the prosecution, and the standard required would only be preponderance of probabilities.
(X) Once the foundational facts laid indicate non-compliance of Section 52A of the NDPS Act, the onus would thereafter be on the prosecution to prove by cogent evidence that either (i) there was substantial compliance with the mandate of Section 52A of the NDPS Act OR (ii) satisfy the court that such non-compliance does not affect its case against the accused, and the standard of proof required would be beyond a reasonable doubt."

The Hon'ble Supreme Court in the latest judgment of Bharat Aambale v. The State of Chattisgarh's case, held that the burden lies on the accused to lay foundational fact to assert that there was no compliance of Section 52-A of the Act, either by leading evidence on its own, or by relying on the evidence of prosecution. If there is other material which proves the prosecution case, the Court can convict, not withstanding any procedural lapses in terms of Section 52-A of the Act. The Hon'ble Supreme Court further held that the Court should take a holistic and cumulative view of the discrepancies that may exist in the evidence adduced by the prosecution, and mere non-compliance of Section 52-A of the Act will not be fatal to the trial.

NEWS

- AMENDMENT TO THE ANDHRA PRADESH POLICE (CIVIL) SUBORDINATE SERVICE RULES, 1999. [G.O.Ms.No.24, Home (Legal-II), 17th February, 2025.]
- The Andhra Pradesh State Legal Services Authority Service Rules, 1999 - Amendment Rules, 2024.
- LAW OFFICERS – Services of three (3) Prosecuting Officers to Anti-Corruption Bureau (ACB) on deputation basis - Orders –Issued. G.O.RT.No. 236 HOME (COURTS.A) DEPARTMENT Dated: 07-02-2025.
- ROC.No.42/OP CELL/2025 Dated 10.02.2025 Pertaining to Long Pending Cases(LPC) - Regarding.
- High Court of Andhra Pradesh - Enemy Property (Amendment and Validation) Act, 2017 - Certain instructions – Reg

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

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क्षणशः कणशश्चैव विद्यामर्थं च साधयेत् ।
क्षणे नष्टे कुतो विद्या कणे नष्टे कुतो धनम् ॥

One should take knowledge without losing a single moment and save every particle and collect money. The one who lost the moment does not get knowledge And those who consider particle as small do not get money.

CITATIONS

2025 0 INSC 300; 2025 0 Supreme(SC) 432; In Re: Recruitment Of Visually Impaired In Judicial Services Suo Motu Writ Petition (Civil) No. 2 of 2024 with In Re: Recruitment Of Pwd Candidates In Rajasthan Judicial Services Suo Motu Writ Petition (Civil) No. 6 OF 2024 With Alok Singh Vs. State Of Madhya Pradesh & Ors; Civil Appeal No. 3496 of 2025 (Arising out of SLP (C) No.7683 of 2024) WITH Ayush Yardi Vs. State Of Madhya Pradesh & Anr.; Civil Appeal No. 3497 OF 2025 (Arising out of SLP (C) No.12179 of 2024) With Manvendra Singh Rathore & Ors. Vs. High Court Of Rajasthan & Ors.; Writ Petition (Civil) No. 484 of 2024 With Alisha Vs High Court Of Rajasthan & Ors. Writ Petition (Civil) No. 494 of 2024; Decided on : 03-03-2025

Thus, after considering the pleadings, submissions of the learned counsel appearing for all the parties, as well as the legal positions and case laws, we conclude as follows:

(i) Visually impaired candidates cannot be said to be 'not suitable' for judicial service and they are eligible to participate in selection for posts in judicial service.

(ii) The amendment made in Rule 6A of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 falls foul of the Constitution, and is hence, struck down to the extent that it does not include visually impaired persons who are educationally qualified for the post to apply therefor.

(iii) The proviso to Rule 7 of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 relating to additional requirements, violates the equality doctrine and the principle of reasonable accommodation, and is hereby struck down in its application to differently abled persons who have the requisite educational qualifications for applying to the posts under judicial service.

(iv) Relaxation can be done in assessing suitability of candidates when enough PwD are not available after selection in their respective category, to the extent as stated in the relevant paragraphs above, and in the light of existing Rules and Official Circulars and executive orders in this regard, as in the present case.
(v) A separate cut-off is to be maintained and selection made accordingly for visually-impaired candidates as has been indicated in the relevant paragraphs in line with the judgment in Indra Sawhney.
(vi) For the purpose of rights and entitlements of persons with disabilities, particularly in employment, and more specifically in respect of the issues covered in this judgment, there can be no distinction between Persons with Disabilities (PwD) and Persons with Benchmark Disabilities (PwBD).

2025 0 INSC 308; 2025 0 Supreme(SC) 439; Rajnish Singh @ Soni Vs. State Of U.P. And Another; Criminal Appeal No(s). 1055 of 2025 (Arising Out of SLP(CRL.) No(s). 8549 of 2023); Decided On : 03-03-2025
It is, therefore, clear that the accused is not liable for the offence of rape if the victim has wilfully agreed to maintain sexual relations. The Court has also recognised that a prosecutrix can agree to have sexual intercourse on account of her love and passion for the accused.
In conclusion, the Court held that unless it can be shown that the physical relationship was purely because of the promise of marriage and without being influenced by any other consideration, it cannot be said that there was vitiation of consent under misconception of fact. It was further held that even if it is assumed that a false promise of marriage was made to the complainant initially by the accused, the fact that the relationship continued for a period of nine long years would render the plea of the complainant that her consent for all these years was under misconception of the fact that the accused would marry her implausible.
Testing the facts of the case at hand, on the touchstone of the above precedents, it is clear that the complainant, being a highly qualified major woman continued in a consensual intimate sexual relationship with the appellant over a period of 16 years. At some point in time, the relationship went sour leading to the filing of the FIR. No reasonable man would accept the version that the complainant allowed the accused to establish sexual relations with her over a period of 16 years purely under the misconception of marriage.
There is no dispute that from the year 2006 onwards, the complainant and the appellant were residing in different towns. The complainant is an educated woman and there was no pressure whatsoever upon her which

could have prevented her from filing a police complaint against the accused if she felt that the sexual relations were under duress or were being established under a false assurance of marriage. On many occasions, she even portrayed herself to be the wife of the appellant thereby, dispelling the allegation that the intention of the appellant was to cheat her right from the inception of the relationship. We cannot remain oblivious to the fact that it was mostly the complainant who used to travel to meet the appellant at his place of posting. Therefore, we are convinced that the relationship between the complainant and appellant was consensual without the existence of any element of deceit or misconception.

To the contrary, the complainant has herself set up a case that there was a secret marriage ceremony between her and the appellant. Therefore, in our opinion, even if the allegations made by the complainant are accepted on their face value, it is evident that the appellant and the complainant were in a long-standing live-in relationship during which they even performed marriage rituals albeit informal in nature.

It is trite that there is a distinction between rape and consensual intercourse. This Court in Deepak Gulati v. State of Haryana, (2013) 7 SCC 675 differentiated between a mere breach of promise and not fulfilling a false promise and held that an accused will only be liable if the Courts concludes that his intentions are mala fide and he has clandestine motives.

2025 0 INSC 307; 2025 0 Supreme(SC) 438; Shabeen Ahmad Vs. The State of Uttar Pradesh and Another; Criminal Appeal No. 1051 of 2025 [SLP (Crl.) No. 15156 of 2024], Criminal Appeal No 1054 of 2025 [SLP (Crl.) No. 15157 of 2024], Criminal Appeal No 1052 of 2025 [SLP (Crl.) No. 11355 of 2024], Criminal Appeal No 1053 of 2025 [SLP (Crl.) No. 15158 of 2024] Decided On : 03-03-2025

We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the Respondent accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty-bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public

faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar vs. Waseem, (2024) 10 SCC 768 in the following paras:

> "26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer: Chaman Lal vs. State of U.P., (2004) 7 SCC 525 : 2004 SCC (Cri) 1974; Kalyan Chandra Sarkar vs. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977; Masroor vs. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368; Prasanta Kumar Sarkar vs. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765; Neeru Yadav vs. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527; Anil Kumar Yadav vs. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425; Mahipal vs. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558]
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> 27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P vs. State of M.P., (2022) 15 SCC 211 decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1) Cr.P.C. in the following words: (SCC p. 224, Para 24)
>
> "24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening

circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram vs. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237]. To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."

Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined and detailed reasons relating to the merits of the case that may cause prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused."

2025 0 INSC 318; 2025 0 Supreme(SC) 451; Suresh Vs. State Rep. By Inspector Of Police; Criminal Appeal No. 540 Of 2013; 04-03-2025

There is no doubt regarding the well settled position of law that a dying declaration is an important piece of evidence and a conviction can be made by relying solely on a dying declaration alone as it holds immense importance in criminal law. However, such reliance should be placed after ascertaining the quality of the dying declaration and considering the entire facts of a given case.

In other words, if a dying declaration is surrounded by doubt or there are inconsistent dying declarations by the deceased, then Courts must look for corroborative evidence to find out which dying declaration is to be believed. This will depend upon the facts of the case and Courts are required to act cautiously in such cases.

2025 0 INSC 320; 2025 0 Supreme(SC) 453; Devinder Kumar Bansal Vs. The State Of Punjab;Petition For SLA (Crl.) No. 3247 Of 2025;03-03-2025

Section 13(1)(a) of the Act, 1988 reads as under:

> "13. Criminal misconduct by a public servant
>
> (1) A public servant is said to commit the offence of criminal misconduct,
>
> (a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or"

Thus, in an offence under Section 7 of the Act, 1988, the points requiring proof are:

> (i) that, the accused at the time of the offence was, or expected to be, a public servant;
>
> (ii) that, he accepted or retained or agreed to accept, or attempted to obtain from some person a gratification;
>
> (iii) that, such gratification was not a legal remuneration due to him;
>
> (iv) that, he accepted such gratification as a motive or reward, proof of which is essential for
>
> (a) doing or forbearing to do an official act, or
>
> (b) showing or forbearing to show favour or disfavour to someone in exercise of his official functions, or
>
> (c) rendering or attempting to render any service, or disservice to someone, with the legislative or executive government, or with any public servant.

Further it is seen that, Section 7 speaks of the "attempt" to obtain a bribe as being in itself an offence. Mere demand or solicitation, therefore, by a public servant amounts to commission of an offence under Section 7 of the P.C. Act. The word "attempt" is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms.

Actual exchange of a bribe is not an essential requirement to be prosecuted under this law. Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also punishable as per Sections 10 and 11 of the Act 1988 respectively.

The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice.

PITNDPS

2025 0 INSC 321; 2025 0 Supreme(SC) 454; Mortuza Hussain Choudhary Vs. The State of Nagaland and Others; Criminal Appeal Nos. 4872-4873 of 2024; Decided On : 05-03-2025

It would be apposite at this stage to take note of the statutory regime of the Act of 1988. Section 3(1) thereof empowers the authorized officers, either of the Central Government or of a State Government, to detain any person with a view to prevent him/her from engaging in illicit traffic in narcotic drugs and psychotropic substances. Section 3(2) requires a State Government that passes such a detention order to forward a report of the same to the Central Government within ten days. Section 3(3) mandates communication of the grounds on which the detention order has been made to the detenu as soon as may be after the detention, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days from the date of detention. The sub-section records that this requirement is for the purposes of Article 22(5) of the Constitution, which mandates such communication as soon as may be. Section 6 of the Act of 1988 provides that the grounds of detention are severable and an order of detention shall not be deemed to be invalid or inoperative merely because one or some of the grounds is either found to be vague, non-existent, irrelevant or not connected with such persons or is invalid for any other reason. Section 6 specifically records that where a person has been detained pursuant to an order of detention under Section 3(1), which has been made on two or more grounds, such order shall be deemed to have been made separately on each ground. This indicates that the order of detention must be accompanied by the 'grounds of detention' made by the detaining authority itself. Section 11 of the Act of 1988 speaks of the maximum period of detention and states that the same may be extended up to 2 (two) years from the date of detention.

Non-service of papers in the language known to the detenues is fatal. The Government order does not reflect the grounds considered by it and just mentions the grounds mentioned by the IO.

Sec 306 IPC

2025 0 INSC 322; 2025 0 Supreme(SC) 455; Patel Babubhai Manohardas and Others Vs. State of Gujarat; Criminal Appeal No. 1388 of 2014; Decided On : 05-03-2025

Abetment to commit suicide involves a mental process of instigating a person or intentionally aiding a person in the doing of a thing. Without a positive proximate act on the part of the accused to instigate or aid in committing

suicide, conviction cannot be sustained. Besides, in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence.

2025 0 INSC 323; 2025 0 Supreme(SC) 456; Tanaji Shamrao Kale Vs. State of Maharashtra; Criminal Appeal No. 1145 of 2011 with Criminal Appeal No.1160 of 2025 (Arising out of Special Leave Petition (Crl.) No. 3385 of 2012)Decided On : 05-05-2025

After carefully perusing the cross-examination, we find no material omissions or contradictions have been brought on record regarding the role ascribed to the appellants. The only omission brought on record is that the statement of the witness recorded under Section 161 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') does not mention that after attending one class, he came to the house on the date of the incident. We do not think that this omission is so relevant as to amount to contradiction as provided in the explanation to Section 162 of CrPC.

It is true that there may be other eye witnesses who were not examined. But PW-2 is not a witness who was related in any manner to the deceased. He had no enmity against the accused. As the evidence of the three eye witnesses is of sterling quality, the failure to examine the other alleged eye witnesses will not be fatal for the prosecution case.

2025 0 INSC 324; 2025 0 Supreme(SC) 457; Suresh @ Hanumant Vs. State (Govt. of NCT Delhi); Criminal Appeal No. 2685 of 2023 with Criminal Appeal No. 1250 of 2023 and Criminal Appeal No. 3685 of 2023 Decided On : 05-03-2025

Once the dying declaration made by the deceased is proved, the fact that the ballistic expert could not give a definite opinion on the question of whether the cartridge recovered from the body of the deceased was fired by the revolver recovered at the instance of the accused no.1, is not relevant at all. Once it is held that the dying declarations are duly proved, this lacuna is insignificant.

2025 0 INSC 327; 2025 0 Supreme(SC) 459; Joyi Kitty Joseph Vs. Union of India & Ors.; Criminal Appeal No. 1180 of 2025 (@Special Leave Petition (Crl.) No.16893 of 2024); Decided On : 06-03-2025

The criminal prosecution launched and the preventive detention ordered are on the very same allegations of organised smuggling activities, through a network set up, revealed on successive raids carried on at various locations, on specific information received, leading to recovery of huge cache of

contraband. When bail was granted by the jurisdictional Court, that too on conditions, the detaining authority ought to have examined whether they were sufficient to curb the evil of further indulgence in identical activities; which is the very basis of the preventive detention ordered. The detention order being silent on that aspect, we interfere with the detention order only on the ground of the detaining authority having not looked into the conditions imposed by the Magistrate while granting bail for the very same offence; the allegations in which also have led to the preventive detention, assailed herein, to enter a satisfaction as to whether those conditions are sufficient or not to restrain the detenu from indulging in further like activities of smuggling.

2025 0 INSC 330; 2025 0 Supreme(SC) 462; Jamin & Anr Vs. State Of Uttar Pradesh & Anr.; Criminal Appeal No. 1184 of 2025 (Arising Out Of SLP (Crl.) NO. 6320 of 2024); Decided on : 06-03-2025

The scope of power under Section 319 CrPC was explained by this Court in Municipal Corpn. of Delhi v. Ram Kishan Rohtagi reported in (1983) 1 SCC 1 wherein it was held that cognizance against a proposed accused can be taken under Section 319 even if the proceedings against him have been quashed earlier.

A perusal of the aforesaid decisions of this Court indicates that the intention behind giving a wide interpretation to Section 319 is to ensure that the perpetrator of a crime does not get away unpunished. The legislature incorporated the provision with the purpose of empowering the courts to find out the real culprits without getting hindered by procedural impediments so that the guilty does not go unpunished.

Further, the exercise of powers under Section 319 is not inhibited with respect to who can be summoned as an accused. This Court in Hardeep Singh (supra) has clarified in express terms that Section 319 CrPC can be exercised against a person not subjected to investigation, or a person placed in Column 2 of the chargesheet and against whom cognizance had not been taken, or even a person who has been discharged. However, as regards a person who has been discharged, no proceedings can be commenced against him directly under Section 319 CrPC without taking recourse to provisions of Section 300(5) read with Section 398 CrPC. Such a person can be proceeded against under Section 319 only if during or after an inquiry under Section 300(5) read with Section 398, there appears to be evidence against such person which may indicate that they committed any offence for which they could be tried together with the accused.

Therefore, a summoning order issued under Section 319 of the CrPC cannot be quashed only on the ground that even though the proposed accused were

named in the FIR or complaint, the police did not include their names in the chargesheet. In other words, if the evidence tendered in the course of any inquiry or trial shows that any person not being the accused has committed any offence for which he could be tried together with the accused, he can be summoned to face trial even though he may not have been chargesheeted by the investigating agency or may have been discharged at an earlier stage. the Court observed that the trial court has the power to summon additional accused during the proceeding of split- up trial (i.e., trial of the accused which had been separated or bifurcated from the main trial), subject to the evidence recorded in the split-up (bifurcated) trial pointing to the involvement of the accused sought to be summoned. The Court clarified that the evidence recorded in the main concluded trial cannot be the basis of the summoning order if such power has not been exercised in the main trial till its conclusion.

We summarise our findings on the issues framed for consideration as follows:

a. The High Court in exercise of its revisional jurisdiction was justified in setting aside the order passed by the Trial Court rejecting the second application preferred by respondent no. 2 under Section 319 of the CrPC as the same was found to have been passed contrary to the settled position of law, suffering from a patent illegality, thus, leading to serious miscarriage of justice.

b. Once a superior court deems fit to interfere with an order passed by a subordinate court, then any rectifications to such order passed in exercise of revisional powers under Section 401 read with Section 397 of the CrPC must be treated on the same footing as rectifications made by an appellate court and as a result would relate back to the time the original order was passed.

c. By virtue of relating back of the order passed by the High Court in a revision petition, the summoning order passed by the Trial Court in compliance with the order of the High Court would also relate back to the initial order rejecting the second application under Section 319, and therefore could be said to have been passed before the conclusion of the trial.

d. Unlike cases where an application under Section 319 is being decided in the first instance by the Trial Court, the conclusion of trial will have no bearing on the adjudication of an application under Section 319 in terms of the directions of the High Court passed in exercise of revisional jurisdiction.

e. The legal effect of the order passed by the High Court relating back to the original order of the Trial Court is that the Trial Court would not be

rendered functus officio for the purpose of considering the application under Section 319 after the conclusion of the trial. We say so because the Trial Court, in considering the application under Section 319 after the conclusion of the trial, merely gave effect to a revisional order directing it to consider the application afresh which it had originally rejected.

f. The summoning order dated 21.02.2024 was passed by the Trial Court in pursuance of the directions issued by the High Court vide the revisional order dated 14.09.2021. Therefore, the same should be construed as an extension of the revisional order passed by the High Court. The combined effect of the revisional order passed by the High Court and the summoning order passed by the Trial Court dated 21.02.2024 would be that the order of the Trial Court dated 19.07.2010 rejecting the second Section 319 application stood replaced and substituted by the summoning order dated 21.02.2024. Thus, although the summoning order in the present case came to be passed on 21.02.2024, that is, after the conclusion of the trial, yet, it would be deemed to have been passed on 19.07.2010 by virtue of the law expounded by this Court in Maru Ram (supra) and Krishnaji Dattatreya Bapat (supra).

g. Section 319 does not contemplate that a summoned person must be given an opportunity of being heard before being added as an accused to face the trial. A right of hearing would accrue only to a person who is already discharged in the very same proceeding prior to the commencement of the trial. This is different from holding that a person who has been summoned as per Section 319 CrPC has a right of being heard in accordance with the principles of natural justice before being added as an accused to be tried along with the other accused. However, after the rejection of an application under Section 319, a right enures in favour of the proposed accused. Thereafter, if in exercise of revisional jurisdiction, the High Court is to pass an order which is prejudicial to the benefit which had already enured in favour of the proposed accused, then the High Court is obligated in law to provide an opportunity of hearing to the proposed accused. This is also the mandate as contained in sub-section (2) of Section 401 of the CrPC.

https://indiankanoon.org/doc/182857745/; Ch. Rajashekar vs The State Of Telangana on 3 March, 2025; CRLP 7681/2024

it is noted that in the cancellation of bail petition filed before the trial Court, it is mentioned that though notice was given to petitioner/accused, he has not appeared before the Court, however, though the petitioner/accused was not present, the trial Court had discussed the matter at length and observed that

registration of subsequent case for the similar offences would show that the petitioner/accused has violated the condition imposed by the trial Court with regard to not interfering in the process of investigation.

https://indiankanoon.org/doc/180001667/; Kalvakuntla Venkata Rama Rao vs The State Of Telangana on 5 March, 2025; CRLP 3168/2025

As seen from the entire case record, the Police could not putforth any material to substantiate that petitioners had knowledge and/or the reason to believe that the woman was trafficked for the purpose of prostitution. Therefore, the ingredients required for constituting the offences under Section 370(2) of IPC are not made out against the petitioner.

https://indiankanoon.org/doc/37794726/; Criminal Petition No. 1964 of 2025; 04.03.2025; Karthikeyan P S Karthik vs The State Of AP

In a case containing serious allegations, the Investigating Officer deserves a free hand to take the investigation to its logical conclusion. It goes without saying that the investigation officer who has been prevented from subjecting the petitioner to custodial interrogation, can hardly be fruitful to find out prima facie substance in the allegations which are of extreme serious in nature. The possibility of the investigation getting effected, once the petitioner is released on bail is very much foreseen. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail.

The anticipatory bail, the extraordinary privilege, should be granted only in exceptional circumstances, where the Court is prima facie convinced that the Petitioner is enroped in the crime and unlikely to misuse the liberty granted. The necessity for custodial interrogation of the Petitioner is paramount in this case to facilitate a thorough investigation into the accusations. Denying custodial interrogation could result in significant loopholes and gaps in the ongoing investigation, adversely affecting its integrity.

https://indiankanoon.org/doc/129342566/; Shaik Sajid Sajju vs The State Of Telangana on 3 March, 2025; CRLP 2916/2025

it is evident that the proceedings against the petitioner for the offences under Sections 188 of IPC and 54 of the Act have been initiated, basing on the complaint made by the de facto complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C. and Section 60 of the Act. Hence, the continuation of proceedings against the petitioner for the said

offences amounts to abuse of process of law and the same are liable to be quashed.

https://indiankanoon.org/doc/2191294/; Mohammed Abdul Rahman Osman Mohammed vs State Of Telangana; 4.3.2025; CRLP 1985/2025

Learned counsel for the petitioner firstly submitted that the petitioner is innocent and he is no way concerned with the alleged offences. He secondly submitted that though there is no corroborative evidence, the petitioner was implicated in the case with false and fabricated allegations. He thirdly submitted that all the material witnesses were examined, and further detention of the petitioner is unnecessary. He fourthly submitted that the petitioner has been in judicial custody since 25.10.2024, causing undue hardship to his family. He fifthly submitted that the petitioner is resident of Hyderabad, with movable and immovable properties, and is willing to furnish sureties as directed. He lastly submitted that previously, bail applications of the petitioner vide Crl.M.P.No.5443 of 2024 was dismissed by the learned II Additional Sessions Judge, Hyderabad, on 04.12.2024, without valid reasons and prayed the Court to grant bail to the petitioner by allowing this **crimin**al petition.

In view thereof, 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 and there are no changed circumstances in the case, this Court is not satisfied that conditions for granting bail under Section 37 are met. Therefore, the **crimin**al petition lacks merit and the same is liable to be dismissed.

2025 0 INSC 341; 2025 0 Supreme(SC) 476; The State of Rajasthan Vs. Indraj Singh; Criminal Appeal No. 1242-1243 of 2025 [Arising Out of S.L.P. (Crl.) Nos. 16156-16157 of 2024] Decided On : 07-03-2025

Since surely there must have been thousands of people who appeared for the exam, and the respondent-accused persons, for their own benefit, tried to compromise the sanctity of the exam, possibly affecting so many of those who would have put in earnest effort to appear in the exam in the hopes of securing a job, we concur with the view of the Trial Court that they are not entitled to the benefit of bail. At the same time, it is also true that every person has a presumption of innocence working in their favour till and such time the offence they are charged with, stands proved beyond reasonable doubt. Let

them stand trial, and let it be established by the process of law, that the respondent-accused have indeed not committed any crime in law.

2025 0 INSC 344; 2025 0 Supreme(SC) 479; Lok Mal @ Loku Vs. The State of Uttar Pradesh; Criminal Appeal No. 325 of 2011; 07-03-2025

Merely because in the medical evidence, there are no major injury marks, this cannot a be a reason to discard the otherwise reliable evidence of the prosecutrix. It is not necessary that in each and every case where rape is alleged there has to be an injury to the private parts of the victim and it depends on the facts and circumstances of a particular case. We reiterate that absence of injuries on the private parts of the victim is not always fatal to the case of the prosecution.

It is a settled principle of criminal jurisprudence that the evidence of a prosecutrix in a case of rape is of the same value as that of an injured witness and conviction can be made on the basis of the sole testimony of the prosecutrix.

Merely by alleging that mother of the prosecutrix was a lady of easy virtue or her husband left her, there is absolutely no supportive material brought by the appellant in his defence so as to explain why he was implicated. The court is separately required to adjudicate whether the accused committed rape on the victim or not. We find no reason to accept the contention that the alleged immoral character of the mother of the prosecutrix has any bearing on the accused being falsely roped in on the basis of a concocted story by the mother of the prosecutrix. The question of conviction of the accused for rape of the prosecutrix is independent and distinct. It has absolutely no connection with the character of the mother of the prosecutrix and seems to be a dire attempt at using it as a license to discredit the testimony of the prosecutrix. We find no merit in these contentions.

2025 0 INSC 335; 2025 0 KLT(Online) 1475; 2025 0 Supreme(SC) 470; Gyanendra Singh @ Raja Singh Vs. State Of U.P.; Criminal Appeal No(s). 1257 of 2025 (Arising out of SLP(Criminal) No(s). 3813 of 2025) (Diary No. 36334 of 2024); Decided On : 07-03-2025

The High Court, while deciding the appeal against conviction preferred by the appellant, observed that the sentence of life imprisonment awarded by the trial Court for the offences punishable under Sections 376(2)(f) and 376(2)(i) of IPC would extend to the remainder of the natural life of the appellant. This direction was merely a clarification to keep the sentence in tune with the language of the sentencing provision. Nevertheless, the fact remains that because of this clarification, the rigour of the sentence awarded

has been increased to the effect that the appellant would have to spend the remainder of his natural life in prison without any possibility of early release.

2025 0 INSC 338; 2025 0 KLT(Online) 1476; 2025 0 Supreme(SC) 473; Yuvraj Laxmilal Kanther & Anr. Vs. State Of Maharashtra; Criminal Appeal No. 2356 of 2024; Decided on : 07-03-2025

From the record of the case, it is evident that there was no intention on the part of the two appellants to cause the death or cause such bodily injury as was likely to cause the death of the two deceased employees. It cannot also be said that the appellants had knowledge that by asking the two deceased employees to work on the sign board as part of the work of decoration of the frontage of the shop, they had the knowledge that such an act was likely to cause the death of the two deceased employees. As such, no prima facie case of culpable homicide can be said to have been made out against the appellants. If that be so, the subsequent requirement of having knowledge that the act was likely to cause the death but not having any intention to cause death would become irrelevant though we may hasten to add that nothing is discernible from the record of the case that the appellants had the knowledge that by asking the two employees to work on the sign board would likely cause their death or cause such bodily injury as is likely to cause their death.

2025 0 INSC 350; 2025 0 KLT(Online) 1518; 2025 0 Supreme(SC) 485; Pradeep Nirankarnath Sharma Vs. State Of Gujarat & Ors.; Criminal Appeal No. 1313 Of 2025 (Arising out of SLP(Crl.) No. 3154 of 2024); Decided On : 17-03-2025

The scope of a preliminary inquiry, as clarified in the said judgment, is limited to situations where the information received does not prima facie disclose a cognizable offence but requires verification. However, in cases where the information clearly discloses a cognizable offence, the police have no discretion to conduct a preliminary inquiry before registering an FIR. The decision in Lalita Kumari (supra) does not create an absolute rule that a preliminary inquiry must be conducted in every case before the registration of an FIR. Rather, it reaffirms the settled principle that the police authorities are obligated to register an FIR when the information received prima facie discloses a cognizable offence.

Further, this Court cannot issue a blanket direction restraining the registration of FIRs against the appellant or mandating a preliminary inquiry in all future cases involving him. Such a direction would not only be contrary to the statutory framework of the CrPC but would also amount to judicial

overreach. As rightly observed by the High Court, courts cannot rewrite statutory provisions or introduce additional procedural safeguards that are not contemplated by law.

2025 0 INSC 360; 2025 0 Supreme(SC) 494; State of Rajasthan Vs. Chatra; Criminal Appeal No. 586 of 2017; Decided on : 18-03-2025

The child witness (victim), it is true, has not deposed anything about the commission of the offence against her. When asked about the incident, the trial Judge records that 'V' was silent, and upon being further asked, only shed silent tears and nothing more. Nothing could be elicited from the testimony regarding the commission of the offence. This, in our view, cannot be used as a factor in favour of the respondent. The tears of 'V', have to be understood for what they are worth. This silence cannot accrue to the benefit of the respondent. The silence here is that of a child. It cannot be equated with the silence of a fully realised adult prosecutrix, which again would have to be weighed in its own circumstances. It has been held in Hemudan Nanbha Gadhvi v. State of Gujarat, (2019) 17 SCC 523, that a nine-year-old prosecutrix turning hostile would not be a fatal blow to the prosecution case when other evidence can establish the guilt of the accused. In these facts, 'V' has not turned hostile. Trauma has engulfed her in silence. It would be unfair to burden her young shoulders with the weight of the entire prosecution. A child traumatized at a tender age by this ghastly imposition upon her has to be relieved of being the basis on which her offender can be put behind bars. In almost all other cases, the testimony of the prosecutrix is present and forms an essential part of the conviction of an accused, but at the same time, there is no hard and fast rule that in the absence of such a statement a conviction cannot stand, particularly when other evidence, medical and circumstantial, is available pointing to such a conclusion. Reference can be made to State of Maharashtra v. Bandu alias Daulat, (2018) 11 SCC 163, wherein the prosecutrix was "deaf and dumb and mentally retarded". The Court held that even in the absence of her being examined as a witness, other evidence on record was sufficient to record conviction of the accused. The principle of law, therefore, is that if the prosecutrix is unable to testify, or for some justifiable reason remains unexamined, the possibility of conviction is automatically excluded. At this stage, it is important to record that we should not for a moment be understood saying that a person with a disability is by definition an incompetent witness. This Court in Patan Jamal Vali v. State of A.P., (2021) 16 SCC 225 frowned upon an earlier observation made by this Court in Mange v. State of Haryana, (1979) 4 SCC 349, wherein the Court observed

"apart from being a child witness, she was also deaf and dumb and no useful purpose would have been served by examining her." It was held in para 48 as under :

> "48. This kind of a judicial attitude stems from and perpetuates the underlying bias and stereotypes against persons with disabilities. We are of the view that the testimony of a prosecutrix with a disability, or of a disabled witness for that matter, cannot be considered weak or inferior, only because such an individual interacts with the world in a different manner, vis-à-vis their able-bodied counterparts. As long as the testimony of such a witness otherwise meets the criteria for inspiring judicial confidence, it is entitled to full legal weight. It goes without saying that the court appreciating such testimony needs to be attentive to the fact that the witness' disability can have the consequence of the testimony being rendered in a different form, relative to that of an able-bodied witness. In the case at hand, for instance, PW 2's blindness meant that she had no visual contact with the world. Her primary mode of identifying those around her, therefore, is by the sound of their voice. And so PW 2's testimony is entitled to equal weight as that of a prosecutrix who would have been able to visually identify the appellant."(Emphasis supplied)

We fully endorse this view. The upshot of the discussion is that the absence of evidence of the prosecutrix is, not in all cases, a negative to be accounted for in the prosecution case.

The question that arises for consideration is whether this contradiction in the FIR versus the statement made in Court is material, in as much as, to discredit his statement, thereby landing a fatal blow to the prosecution case. A Constitution Bench of this Court in State of Punjab v. Kartar Singh, (1994) 3 SCC 569 speaking through Pandian J., held that the purpose of cross-examination is to discredit the witness/elicit facts from such person, which may favour the other party, etc. Having gone through the cross- examination of this witness, we find none of these criteria to have been met. Even this discrepancy was not put to him so as to get an answer from the witness in this regard. That apart, we may also take note of what has been held in Sanjeev Kumar Gupta v. State of U.P., (2015) 11 SCC 69. In the said case, a coordinate Bench of this Court was confronted with a similar situation while deciding an appeal arising from the High Court of Uttarakhand. There was a discrepancy in the statement made in the FIR and the deposition in Court. It was held that whether the discrepancy is material or not so, is a determination to be made in the facts and circumstances of the case. It was held that since evidence of other nature, such as the medical evidence,

supports the prosecution case, then the contradiction is to be judged in that light, as was done in that case.

The version suggested by the defence that the injury caused to the private part of 'V' could not have been caused by a nail or an all-pin. Further attempt to discredit the evidence of the Doctor by suggesting that he had, in fact, given his findings, influenced by a bribe, is only a mere allegation/statement, as the same is entirely unsubstantiated by the record. Even on being queried by the Court, the witness answered that the cause of injury to 'V' can be through sexual intercourse, or an accident. That, coupled with the finding of injury on the genital organ of the accused being possible only due to forceful intercourse with a minor female, leads to a circumstance pointing to the respondent-accused having committed the offense against 'V'.

2025 0 INSC 376; 2025 0 Supreme(SC) 514; State (CBI) Vs. Mohd. Salim Zargar @ Fayaz & Ors.; Criminal Appeal No. 1681 of 2009, Criminal Appeal No. 1770 of 2009; Decided on : 20-03-2025

Vires of the TADA Act was challenged before the Supreme Court in Kartar Singh (supra). A Constitution Bench of this Court while upholding the validity of Section 15 of the TADA Act as well as the entirety of the Act, however, laid down certain guidelines so as to ensure that confession obtained in the pre- indictment interrogation by a police officer not lower in rank than a Superintendent of Police is not tainted with any vice but is in strict compliance with well-recognized and accepted aesthetic principles and fundamental fairness. These guidelines are as follows:

> 263. However, we would like to lay down following guidelines so as to ensure that the confession obtained in the pre-indictment interrogation by a police officer not lower in rank than a Superintendent of Police is not tainted with any vice but is in strict conformity with the well-recognised and accepted aesthetic principles and fundamental fairness:
>
> (1) The confession should be recorded in a free atmosphere in the same language in which the person is examined and as narrated by him;
>
> (2) The person from whom a confession has been recorded under Section 15(1) of the Act, should be produced before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to whom the confession is required to be sent under Rule 15(5) along with the original statement of confession, written or recorded on mechanical device without unreasonable delay;
>
> (3) The Chief Metropolitan Magistrate or the Chief Judicial Magistrate should scrupulously record the statement, if any, made by the accused so produced and get his signature and in case of any complaint of torture,

the person should be directed to be produced for medical examination before a Medical Officer not lower in rank than of an Assistant Civil Surgeon;

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no police officer below the rank of an Assistant Commissioner of Police in the metropolitan cities and elsewhere of a Deputy Superintendent of Police or a police officer of equivalent rank, should investigate any offence punishable under this Act of 1987.

This is necessary in view of the drastic provisions of this Act. More so when the Prevention of Corruption Act, 1988 under Section 17 and the Immoral Traffic Prevention Act, 1956 under Section 13, authorise only a police officer of a specified rank to investigate the offences under those specified Acts.

(5) The police officer if he is seeking the custody of any person for pre-indictment or pre-trial interrogation from the judicial custody, must file an affidavit sworn by him explaining the reason not only for such custody but also for the delay, if any, in seeking the police custody;

(6) In case, the person, taken for interrogation, on receipt of the statutory warning that he is not bound to make a confession and that if he does so, the said statement may be used against him as evidence, asserts his right to silence, the police officer must respect his right of assertion without making any compulsion to give a statement of disclosure;

The Central Government may take note of these guidelines and incorporate them by appropriate amendments in the Act and the Rules.

2025 0 INSC 378; 2025 0 Supreme(SC) 516; Sudam Prabhakar Achat Vs. The State of Maharashtra; Criminal Appeal No. 641 of 2024; 21-03-2025

No doubt that all the witnesses are related to the deceased. As a matter of fact, the deceased and the complainant on the one hand and the accused persons on the other hand are also closely related to each other inasmuch they are first cousins. It is however a settled position of law that merely because the witnesses are relatives of the deceased and as such are interested witnesses, that alone cannot be a ground to discard their testimony. The only requirement is that the testimony of such witnesses has to be scrutinized with greater caution and circumspection.

2025 0 INSC 381; 2025 0 Supreme(SC) 518; Dhirubhai Bhailalbhai Chauhan and Another Vs. State of Gujarat and Others; Criminal Appeal No. 816 of 2016; WITH; Kiritbhai Manibhai Patel and Others Vs. The State of Gujarat; Crl. A. No. 817 of 2016; Decided On : 21-03-2025

In the instant case, the appellants were residents of the same village where riots broke out, therefore their presence at the spot is natural and by itself not incriminating. More so, because it is not the case of the prosecution that they came with arms or instruments of destruction. In these circumstances, their presence at the spot could be that of an innocent bystander who had a right to move freely in absence of prohibitory orders. In such a situation, to sustain their conviction, the prosecution ought to have led some reliable evidence to demonstrate that they were a part of the unlawful assembly and not just spectator. Here no evidence has come on record to indicate that the appellants incited the mob, or they themselves acted in any manner indicative of them being a part of the unlawful assembly.

in absence of any inculpatory role ascribed to the appellants, their arrest on the spot is not conclusive that they were a part of the unlawful assembly, particularly when neither instrument of destruction nor any inflammatory material was seized from them. Besides that, the police resorted to firing causing people to run helter skelter. In that melee, even an innocent person may be mistaken for a miscreant. Thus, appellants' arrest from the spot is not a guarantee of their culpability. In our view, therefore, mere presence of the appellants at the spot, or their arrest therefrom, was not sufficient to prove that they were a part of the unlawful assembly comprising of more than a thousand people.

2025 0 INSC 386; 2025 0 Supreme(SC) 529; Jothiragawan Vs. State Rep. By The Inspector of Police & Anr.; Criminal Appeal No. 1434 of 2025 [@ Special Leave Petition (Crl) No. 6821 of 2024]; Decided On : 24-03-2025

We have already found that there is no promise of marriage to coerce consent from the victim for sexual intercourse; as forthcoming from the statements made by the victim. The promise if any was after the first physical intercourse and even later the allegation was forceful intercourse without any consent. In all the three instances it was the allegation that, the intercourse was on threat and coercion and there is no consent spoken of by the victim, in which case there cannot be any inducement found, on a promise held out. The allegation of forceful intercourse on threat and coercion is also not believable, given the relationship admitted between the parties and the willing and repeated excursions to hotel rooms.

On a reading of the statements made by the victim before the Police, both the First Information Statement and that recorded later on, we are not convinced that the sexual relationship admitted by both the parties was without the consent of the victim. That they were closely related and were in a relationship is admitted by the victim. The allegation is also of threat and

coercion against the victim, to have sexual intercourse with the accused, which even as per the victim's statement was repeated thrice in the same manner, when she willingly accompanied the accused to a hotel room. The victim had also categorically stated that after the first incident and the second incident she was mentally upset, but that did not caution her from again accompanying the accused to hotel rooms.

Having heard both sides in this case, we have absolutely no doubt in our mind that the criminal proceedings initiated against the present appellant are nothing but an abuse of process of the court.

2025 0 INSC 387; 2025 0 Supreme(SC) 528; Firoz Khan Akbarkhan Vs. The State of Maharashtra; Criminal Appeal No. 257 of 2013; Decided On : 24-03-2025 (THREE JUDGE BENCH)

To our mind, the prosecution has succeeded in proving its case beyond reasonable doubt. Having carefully gone through the material on record, especially the depositions of the witnesses and upon a keen examination of the relevant aspects of the case, we find that the presence of the appellant at the site of the incident and him having stabbed the deceased on the stomach repeatedly has been the consistent stand of the PWs who were eye-witnesses. The Courts below have also concurrently found the same. The accused-appellant has not been able to controvert the evidence on record. Minor and immaterial inconsistencies and/or discrepancies shall not harm the case of the prosecution, as held, inter alia, in State of Himachal Pradesh v Lekh Raj, (2000) 1 SCC 247; Narayan Chetanram Chaudhary v State of Maharashtra, (2000) 8 SCC 457; State of Madhya Pradesh v Ramesh, (2011) 4 SCC 786; Mekala Sivaiah v State of Andhra Pradesh, (2022) 8 SCC 253, and; Rameshji Amarsingh Thakor v State of Gujarat, 2023 SCC OnLine SC 1321.

2025 0 INSC 384; 2025 0 Supreme(SC) 531; Amit Kumar & Ors Vs. Union Of India & Ors.; Criminal Appeal No. 1425 of 2025 (@SLP (CRL) NO. 13324 OF 2024); Decided on : 24-03-2025

The investigation after registration of F.I.R. under Section 154 of the CrPC is an investigation into an offence. In contrast, the investigation under Section 174 of the CrPC is an investigation or an "inquiry" into the apparent cause of death.

The marginal note attached to Section 174 of the CrPC reads "Police to inquire and report on suicide, etc." This is self-explanatory as to the scope of the provision. Sections 174 to 176 of the CrPC only contemplate inquiry into the cause of death. Although the phrase 'investigation' is used in Section 174

of the CrPC, yet it is only an investigation in the nature of an inquiry. Sometimes, during the inquest, the police record the presence of witnesses who are also witnesses in the case. These statements are not meant as substitutes for statements under Section 161 of the CrPC. The inquest requirement under Section 174 does use the word investigation but if one considers the entire phraseology of Section 174 of the CrPC, one comes to the conclusion that the word investigation in Section 174 is not an investigation to find out who are the offenders. It is only to enable the police to come up with the "apparent cause of death". This phrase in Section 174 should give us the clue as to the correct understanding of the role of the police in inquest panchnama.
State Governments instructed to constitute task force to check suicides in higher educational institutions.

2025 0 INSC 390; 2025 0 Supreme(SC) 520; Deepak Kumar Tala Vs. State of Andhra Pradesh & Ors.; Criminal Appeal No. 1471 of 2025 Arising out of SLP (Crl.) No. 17738 of 2024; Decided On : 25-03-2025
From a prima facie examination of the FIR, it is very clear that there is only one alleged instance of an insult/caste slur but there is no allegation that such offending statement was made in the presence of members of the general public [See Swaran Singh v. State, (2008) 8 SCC 435, paras 28, 33; Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710, para 15; Ramesh Chandra Vaishya v. State of Uttar Pradesh, 2023 SCC OnLine SC 668, para 17; Priti Agarwalla v. State of GNCT of Delhi, 2024 SCC OnLine SC 973, para 19.1; Rabindra Kumar Chhattoi v. State of Odisha, SLP (Crl.) No 1608/2020 (order dt. 05.12.2024), para 13; Karuppudayar v. State, 2025 SCC OnLine SC 215, para 11]. Hence, an essential ingredient for attracting Sections 2(1)(r) and 2(1)(s) of the SC/ST Act, i.e., that such statement must be made within "public view", as held by this Court in Shajan Skaria v. State of Kerala, 2024 SCC OnLine SC 2249 is prima facie not made out from the FIR.

2025 0 INSC 397; 2025 0 Supreme(SC) 539; State Rep. By The Deputy Superintendent Of Police Vs. G. Easwaran: Criminal Appeal No. 1405 of 2019; Decided on : 26-03-2025
Third, the validity of the sanction can always be examined during the course of the trial and the problems due to the typographical error as alleged by the State could have been explained by producing the file at the time of trial. Fourth, it is settled that a mere delay in the grant of sanction for prosecuting a public authority is not a ground to quash a criminal case.

https://indiankanoon.org/doc/154240111/; Pradeep Kumar Agarwal vs State Of Telangana; 12.3.2025; CRLA 328,354,391 and 395 of 2021(DB)

When addressing cases involving minor children or victims of rape, Courts must exercise heightened vigilance and sensitivity recognizing that child victims of sexual assault endure not only the trauma experienced by adults but also additional layers of vulnerability due to their developmental stage, limited understanding and reliance on adults for protection. The testimony of a child victim deserves special weight as their innocence and lack of sophistication make it unlikely for them to fabricate such traumatic experiences. The psychological impact on child victims is profound often leading to developmental challenges, educational setbacks, trust issues and lifelong scars. Behavioural changes, regression, and nightmares often corroborate their accounts underscoring the need for a child-friendly judicial process that safeguards their dignity and ensures their voiceis heard. Society bears a moral obligation to protect its most vulnerable members, and the legal system must reflect this by approaching such cases with care, prioritizing the well-being of the child while gathering corroborative evidence without causing further harm.

33. Moreover, in our considered opinion while dealing with such sensitive matters the gravity of such cases demands utmost attention and sensitivity. It is equally imperative that the prosecution exercises due diligence in implicating accused persons. This Bench observes that the prosecution cannot justify the implication of adding accused persons merely based on unreliable statements of co-accused, particularly when there exists no direct testimony or statement from the victims against such persons. Thus, the sanctity of justice requires that only those against whom there is clear and reliable evidence primarily through the testimony of the victims should face prosecution. To do otherwise would not only compromise the integrity of the judicial process but also dilute the focus from delivering justice to the actual victims of these heinous crimes, and at the same time, also subjecting the innocent persons to traumatic trial leading to anxiety and also resulting in damage to their reputation within in the society and within the family and outside the society

https://indiankanoon.org/doc/71447610/; Chukka Shilpa vs The National Investigation Agency; CRIMINAL APPEALS No. 678 of 2024 and 705 of 2024 ; Date: 07.03.2025 (DB)

A bare reading of Sub-section (5) of Section 43-D shows that it bars the Special Court from releasing an accused on bail without affording the Public

Prosecutor an opportunity of being heard on the application seeking release of an accused on bail. The proviso to Sub- section (5) of Section 43-D puts a complete embargo on the powers of the Special Court to release an accused on bail. It lays down that if the Court, on perusal of the case diary or the report made under Section 173 of the Code of **Crimin**al Procedure', is of the opinion that there are reasonable grounds for believing that the accusation, against such person, as regards commission of offence or offences under Chapter IV and/or Chapter VI of the Act 1967 is prima facie true, such accused person shall not be released on bail or on his own bond. It is interesting to note that there is no analogous provision traceable in any other statute to the one found in Section 43-D (5) of the Act 1967. In that sense, the language of bail limitation adopted therein remains unique to Act 1967.

https://indiankanoon.org/doc/169060556/;Kuntala Suresh Kumar vs The State Of Telangana on 12 March, 2025; CRLP 2601 and 1648 of 2019 it appears that the complaint has been made to force the accused into settling the civil disputes. A reading of the complaint clearly reflects that the claim and the counter claims made in the civil suits are mentioned in the complaint. The issues that have to be decided by the civil Court, cannot be a subject matter of investigation and the Investigating Officer is not competent to decide regarding the rights or otherwise of the parties. As already discussed, nothing specific is alleged against A2 and A4 to A30. The present complaint was filed after the respondent/complainant failed to get any favourable orders in the Civil Court. Criminal forum cannot be used to force a settlement in civil cases. None of the ingredients of either cheating or fabrication of record is made out against A2 and A4 to A30.

https://indiankanoon.org/doc/193341909/; Ambati Venkateswarlu 3 Others vs The State Of A.P. ; CRLRC No: 992/2009 11.03.2025;
In the instant case, the learned Principal Assistant Sessions Judge, Ongole instead of adopting the procedure contemplated under Section 195 (1) (B) of „the Cr.P.C.," i.e., either the Court making a complaint in writing or directing the officer of the Court by authorization in writing or of some other Court to which that Court is subordinate, directed the Station House Officer, Santhanuthalapadu to register a case, which procedure is against the spirit of Section 195 of „the Cr.P.C". The learned Trial Court cannot take cognizance on the basis of the charge sheet filed by the Sub Inspector of Police Santhanuthalapadu. The legally permissible course available to the learned Principal Assistant Sessions Judge, Ongole was that either the

Presiding Officer should have, in writing, made a complaint or authorized the officer of the Court in writing to make a complaint or directed the Court subordinate to the Principal Assistant Sessions Judge to make a complaint. Therefore, the learned Trial Court or the learned Appellate Court failed to point out this material procedural irregularity in lodging the complaint for taking cognizance for the offence under Section 193 of „the IPC".

https://indiankanoon.org/doc/56560098/; Kamatham Balaiah, 65 Others, vs The State Of AP; Crl.R.C.Nos: 561, 784, 587, 586, 585, 584, 581, 579, 566, 562, 564 of 2011 and 1188 of 2009 Dated 11.03.2025

as can be seen from the impugned order the learned District Collector had authorized a certain cadre of the officers to conduct inquiry obtaining the information and submit report within only one day. Sections 6-A and 6-B of 'the E.C Act.,' contemplate that the inquiry has to be conducted by the learned District Collector himself; he cannot delegate the power of conducting the inquiry to some subordinate authorities. The maximum „delegatus non potest delegare" has to be applied where a statute clearly and strictly directs the learned District Collector to conduct himself an inquiry as contemplated under Section 6-B of 'the E.C Act.,' he cannot further delegate his powers to any of his subordinates.

https://indiankanoon.org/doc/10293410/; V.Raghavulu vs The Government Of Telangana on 13 March, 2025; WP 17170/2019

Regarding petitioner's claim of acquittal in **crimin**al case, it is important to note that departmental proceedings and **crimin**al trial operates under different standards of proof. The object of **crimin**al trial is to inflict appropriate punishment on the offender, while the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance with the service rules. In a **crimin**al trial, in**crimin**ating statement made by the accused in certain circumstances or before certain officers is totally inadmissible in evidence. Such strict rules of evidence and procedure would not apply to departmental proceedings. The degree of proof which is necessary to order a conviction is different from the one to record commission of delinquency. The rule relating to appreciation of evidence in the two proceedings is also not similar. In **crimin**al law, burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of accused beyond reasonable doubt, he cannot be convicted by a Court of law. In a departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of preponderance of probability. In this case, admittedly, petitioner was acquitted in **Crimin**al

Case as prosecution miserably failed to prove the guilt of accused beyond all reasonable doubt by adducing cogent evidence. Upon acquittal, petitioner is also stated to have submitted representation on 06.05.2019 requesting the respondent authorities to set aside the penalty. The said representation was rejected vide order dated 06.08.2019 and the same was communicated to him. In this context, the judgments relied on by learned Government Pleader support the case of respondents. In the light of the same, it cannot be said that acquittal in **crimin**al case would be of help to consider the case of petitioner positively.

https://indiankanoon.org/doc/168325617/; Kalvakuntla Chandrashekar Rao vs The State Of Telangana on 18 March, 2025; CRLP 15970/2024
Under Section 256 of the CrPC, it is only in summons- cases that the death of the complainant will result in an acquittal of the accused. All other cases which are warrant-cases, the death of the complainant will not result in an acquittal. This can be seen in Section 249 of the CrPC.

https://indiankanoon.org/doc/144475762/;Sode Vishnu Narayana, Shivaiah vs The State Of A.P. on 21 March, 2025; CRLRC 1476/2011
It is the case of the prosecution that the petitioner-accused committed rape upon the victim by putting her under fear by threatening with knife and also promised her that he will marry her. Thereafter, the petitioner-accused had sexual intercourse with her several times and that she had become pregnant. But no complaint was lodged by the victim. It shows that the relationship between the victim and accused is consensual. Moreover, it is an admitted fact that they are married couple. Therefore, the petitioner-accused is the husband of the victim and the offence under Section 376 of IPC cannot be attributed to the husband, as he falls under the exception 2 of Section 375 of IPC. The present complaint was filed when the accused refused to continue his marital life with the victim.

https://indiankanoon.org/doc/36239221/; Sk Mahaboob Subhani vs The State Of Andhra Pradesh, on 21 March, 2025; APHC 010137432025
M.Paul Anthony v. Bharat Gold Mines Limited (1999) 3 SCC 679 , wherein at para No.22, the Hon'ble Apex Court observed as follows: "22. The conclusions which are deducible from various decisions of this Court referred to above are:
(i) Departmental proceedings and proceedings in a criminal case can proceed simultaneously as there is no bar in their being conducted simultaneously, though separately.

(ii) If the departmental proceedings and the criminal case are based on identical and similar set of facts and the charge in the criminal case against the delinquent employee is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case.
(iii) Whether the nature of a charge in a criminal case is grave and whether complicated questions of fact and law are involved in that case, will depend upon the nature of offence, the nature of the case launched against the employee on the basis of evidence and material collected against him during investigation or as reflected in the chargesheet.
(iv) The factors mentioned at (ii) and (iii) above cannot be considered in isolation to stay the departmental proceedings but due regard has to be given to the fact that the departmental proceedings cannot be unduly delayed.
(v) If the criminal case does not proceed or its disposal is being unduly delayed, the departmental proceedings, even if they were stayed on account of the pendency of the criminal case, can be resumed and proceeded with so as to conclude them at an early date, so that if the employee is found not guilty his honour may be vindicated and in case he is found guilty, the administration may get rid of him at the earliest."

https://indiankanoon.org/doc/113378487/; CRLP 15967/2024: Cherukuri Ranganayakamma vs The State Of Telangana on 17 March, 2025; it is pertinent to note that there is no prescribed format for filing a petition under Section 156(3) of the Cr.P.C.

https://indiankanoon.org/doc/190160848/; S. Veeravenakata Satya Ganesh Kumar vs B.V.S. Murthy on 25 March, 2025; FA 332/2005
The documents to be received as additional evidence in this application is certified copy of the judgment in C.C.No.78 of 2015 on the file of Principal Junior Civil Judge-cum-Judicial Magistrate of First Class, Kovvur. The contention of the petitioners/appellants is that they were acquitted in a criminal case filed by the respondent. The law is well settled that the proceedings and orders of a criminal court are not binding on a civil Court. The subject matter of the present suit is recovery of possession as sought by the 1st respondent which is a title suit. As noticed supra, the judgment of a criminal court is not at all binding on a civil Court.

https://indiankanoon.org/doc/189750561/; Tummala Prakash Babu vs The State Of Telangana on 18 March, 2025; CRLP 12769/2017

Considering these contentions, it is clear that there was no sanction to prosecute the petitioner, and the procedure laid down under Section 197 of the Cr.P.C., was not followed. Moreover, for any irregularity, respondent No.2 should have filed an appeal before the appropriate authority for rectification of the revenue entries. Without exhausting this remedy, respondent No.2 filed a police complaint against the petitioner. Additionally, since the entries had already been rectified, continuation of proceedings against the petitioner amounts to an abuse of the process of law. Therefore, the proceedings against the petitioner are liable to be quashed.

https://indiankanoon.org/doc/77668470/:Mandha Jaya Sheeba Sheela vs The State Of Telangana on 19 March, 2025; CRLP 13059/2024

Section 64-A of the Act was introduced but there is no mention about the authority, by whom such immunity can be granted from prosecution to the addicts volunteering for treatment. The Legislature had deemed it fit to introduce the provision under Section 64-A of the Act to grant immunity to persons who are addicted to drugs and not in any way involved either with peddling or sale of drugs. In the absence of any specification regarding the authority or the procedure to grant immunity from prosecution to the addicts volunteering treatment, this Court under the inherent powers can quash the proceedings by granting immunity from prosecution considering the facts and circumstances in a given case. In similar circumstances, the High Court of Madras in the case of Sanjiv Bhatnagar v.State, represented by its Intelligence Officer (2016 SCC OnLine Mad 33796) and also in the case of AnishKumar Dundoo v. State of Telangana (2021 SCC OnLine TS2195) invoked the provision under Section 482 of Cr.P.C for grant of immunity from prosecution

2025 0 INSC 410; 2025 0 Supreme(SC) 552; Imran Pratapgadhi Vs. State of Gujarat and Another; Criminal Appeal No. 1545 of 2025; 28-03-2025

Following is the summary of our conclusions:

(i) Sub-Section (3) of Section 173 of the BNSS makes a significant departure from Section 154 of Cr.P.C. It provides that when information relating to the commission of a cognizable offence which is made punishable for 3 years or more but less than 7 years is received by an officer-in- charge of a police station, with the prior permission of a superior officer as mentioned therein, the police officer is empowered to conduct a preliminary inquiry to ascertain whether there exists a prima facie case

for proceeding in the matter. However, under Section 154 of the Cr.P.C. as held in the case of Lalita Kumari2, only a limited preliminary inquiry is permissible to ascertain whether the information received discloses a cognizable offence. Moreover, a preliminary inquiry can be made under the Cr.P.C. only if the information does not disclose the commission of a cognizable offence but indicates the necessity for an inquiry. Sub-Section (3) of Section 173 of the BNSS is an exception to Sub-Section (1) of Section 173. In the category of cases covered by Sub-Section (3), a police officer is empowered to make a preliminary inquiry to ascertain whether a prima facie case is made out for proceeding in the matter even if the information received discloses commission of any cognizable offence.

(ii) Under Sub-Section (3) of Section 173 of the BNSS, after holding a preliminary inquiry, if the officer comes to a conclusion that a prima facie case exists to proceed, he should immediately register an FIR and proceed to investigate. But, if he is of the view that a prima facie case is not made out to proceed, he should immediately inform the first informant/complainant so that he can avail a remedy under Sub-Section (4) of Section 173.

(iii) In case of the offence punishable under Section 196 of the BNS to decide whether the words, either spoken or written or by sign or by visible representations or through electronic communication or otherwise, lead to the consequences provided in the Section, the police officer to whom information is furnished will have to read or hear the words written or spoken, and by taking the same as correct, decide whether an offence under Section 196 is made out. Reading of written words, or hearing spoken words will be necessary to determine whether the contents make out a case of the commission of a cognizable offence. The same is the case with offences punishable under Sections 197, 299 and 302 of BNS. Therefore, to ascertain whether the information received by an officer-in-charge of the police station makes out a cognizable offence, the officer must consider the meaning of the spoken or written words. This act on the part of the police officer will not amount to making a preliminary inquiry which is not permissible under Sub-Section (1) of Section 173.

(iv) The police officers must abide by the Constitution and respect its ideals. The philosophy of the Constitution and its ideals can be found in the preamble itself. The preamble lays down that the people of India have solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure all its citizens liberty of thought, expression, belief, faith and worship. Therefore, liberty of thought and expression is one of the ideals of our Constitution. Article 19(1)(a) confers

a fundamental right on all citizens to freedom of speech and expression. The police machinery is a part of the State within the meaning of Article 12 of the Constitution. Moreover, the police officers being citizens, are bound to abide by the Constitution. They are bound to honour and uphold freedom of speech and expression conferred on all citizens.

(v) Clause (2) of Article 19 of the Constitution carves out an exception to the fundamental right guaranteed under sub-clause (a) of clause (1) of Article 19. If there is a law covered by clause (2), its operation remains unaffected by sub-clause (a) of clause (1). We must remember that laws covered by the clause (2) are protected by way of an exception provided they impose a reasonable restriction. Therefore, when an allegation is of the commission of an offence covered by the law referred to in clause (2) of Article 19, if sub- Section (3) of Section 173 is applicable, it is always appropriate to conduct a preliminary inquiry to ascertain whether a prima facie case is made out to proceed against the accused. This will ensure that the fundamental rights guaranteed under sub-clause (a) of clause (1) of Article 19 remain protected. Therefore, in such cases, the higher police officer referred to in sub- Section (3) of Section 173 must normally grant permission to the police officer to conduct a preliminary inquiry.

(vi) When an offence punishable under Section 196 of BNS is alleged, the effect of the spoken or written words will have to be considered based on standards of reasonable, strong-minded, firm and courageous individuals and not based on the standards of people with weak and oscillating minds. The effect of the spoken or written words cannot be judged on the basis of the standards of people who always have a sense of insecurity or of those who always perceive criticism as a threat to their power or position.

(vii) There is no absolute rule that when the investigation is at a nascent stage, the High Court cannot exercise its jurisdiction to quash an offence by exercising its jurisdiction under Article 226 of the Constitution of India or under Section 482 of the Cr.P.C. equivalent to Section 528 of the BNSS. When the High Court, in the given case, finds that no offence was made out on the face of it, to prevent abuse of the process of law, it can always interfere even though the investigation is at the nascent stage. It all depends on the facts and circumstances of each case as well as the nature of the offence. There is no such blanket rule putting an embargo on the powers of the High Court to quash FIR only on the ground that the investigation was at a nascent stage.

(viii) Free expression of thoughts and views by individuals or group of individuals is an integral part of a healthy civilised society. Without

freedom of expression of thoughts and views, it is impossible to lead a dignified life guaranteed by Article 21 of the Constitution. In a healthy democracy, the views, opinions or thoughts expressed by an individual or group of individuals must be countered by expressing another point of view. Even if a large number of persons dislike the views expressed by another, the right of the person to express the views must be respected and protected. Literature including poetry, dramas, films, stage shows including stand-up comedy, satire and art, make the lives of human beings more meaningful. The Courts are duty-bound to uphold and enforce fundamental rights guaranteed under the Constitution of India. Sometimes, we, the Judges, may not like spoken or written words. But, still, it is our duty to uphold the fundamental right under Article 19 (1)(a). We Judges are under an obligation to uphold the Constitution and respect its ideals. If the police or executive fail to honour and protect the fundamental rights guaranteed under Article 19 (1)(a) of the Constitution, it is the duty of the Courts to step in and protect the fundamental rights. There is no other institution which can uphold the fundamental rights of the citizens.

(ix) 75 years into our republic, we cannot be seen to be so shaky on our fundamentals that mere recital of a poem or for that matter, any form of art or entertainment, such as, stand-up comedy, can be alleged to lead to animosity or hatred amongst different communities. Subscribing to such a view would stifle all legitimate expressions of view in the public domain which is so fundamental to a free society.

https://indiankanoon.org/doc/161860638/; Chimakurthi Naga Venkata Sai Kiran vs The State Of Andhra Pradesh; THE HONOURABLE SRI JUSTICE T MALLIKARJUNA RAO CRIMINAL PETITION NO: 2641/2025 Date: 27.03.2024

In light of these facts, this Court finds that custodial interrogation of the Petitioner is necessary. The purpose of such an interrogation would be to recover the amount that was withdrawn under questionable circumstances. Given the gravity of the offence and the Petitioner's failure to account for the misappropriated funds, it is essential to ensure that further investigations are carried out to determine the fate of the withdrawn money and to ascertain the Petitioner's role of involvement in the crime. Therefore, this Court holds that custodial interrogation is justified in order to facilitate the recovery of the amount and to fully uncover the details of the Petitioner's role in the offence. While considering the similar submissions in W.P.No.3848 of 2020, this Court passed an order dated 28.04.2020, observing that even in the case of

Arnesh Kumar (3 supra), the Hon'ble Supreme Court of India has spelt out the manner in which the power under Section 41 (1) (b) and 41-A of Cr.P.C. are to be exercised. The Hon'ble Supreme Court of India, after considering Section 41 (1) Cr.P.C., noted that in all cases where the arrest of a person is not actually required, the Police Officer should issue a notice directing the accused to appear before him at a specified place and time. **This Court concurs with the submission of the learned Government Pleader that the discretion to arrest or not to arrest a person and thereafter to follow Section 41-A of Cr.P.C. is solely vested in the Investigating Officer. This Court cannot compel the police to act based on 41-A Cr.P.C. as a matter of right. In this Court's opinion, the discretion should be left to the officer concerned to arrest or not to arrest.**

In light of the preceding discussion and settled case law, simply because the offences prima facie made out against the Petitioner/A.20 are punishable with imprisonment of seven years or less than seven years, it cannot be held that the Petitioner is entitled to the benefit of notice under section 35(3) of BNSS. The discretion should be left to the investigating officer concerned to arrest or not to arrest and, therefore, to follow under section 35(3) of BNSS, is solely vested in the investigating officer.

In a case containing severe allegations, the Investigating Officer deserves a free hand to take the investigation to its logical conclusion. The investigation officer who has been prevented from subjecting the Petitioner to custodial interrogation can hardly be fruitful in finding prima facie substance in the extremely serious allegations. The possibility of the investigation being effected once the Petitioner is released on bail is very much foreseen. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail.

https://indiankanoon.org/doc/11884754/; Shaikshafi Ahmed vs The State Of Andhra Pradesh, on 28 March, 2025;WP 7984/2025

It is now well settled law that an order passed under Section 164 of BNSS (145 Cr.P.C) or the proceedings initiated under Section 164 of BNSS (145 Cr.P.C) are amenable to revisional jurisdiction under Section 438 of BNSS (397(1) Cr.P.C). Any proceedings that are initiated or order passed under Section 164 of BNSS (145 Cr.P.C) cannot be construed as an interlocutory order so as to attract the bar under Section 438 of BNSS (397(1) Cr.P.C).

https://indiankanoon.org/doc/60008213/; Md. Ibrahim vs The State Of Telangana on 28 March, 2025; CRLP 4127/2025

Police directed to issue SECOND 41A CrPC{35(3) BNSS} notice.

MUDIREDDYDIVYA VS SULKTISIVARAMA REDDY; FAMILY COURT APPEAL No.19 of 2025; 26.3.2025; (DB) TGHC

The discussion in the foregoing paragraphs of this judgment persuade us to conclude that the respondent married the appellant during the lifetime of his first wife without being covered by the exception carved out under section 29(2) of the1955 Act with regard to customary divorce. This leads to the irrefutable presumption that the respondent knowingly cohabited with the appellant as her spouse from 08.03.2018 on the appellant's mistaken belief that the respondent had divorced his first wife.

Under section 5(i) read with section 11 of the 1955 Act, if the husband is already a married man, the subsequent marriage is void *ab initio* and has no sanctity in law. Since the respondent knew at the material point of time that he had a wife living at the time of entering into physical relations with the appellant and the appellant's consent to such physical relations was premised on her believing that the respondent is her lawfully-wedded husband, the respondent is guilty of the offence punishable under sections 375 and 376 of the IPC and alternatively, under sections 63 and 64 of the BNS.

NOSTALGIA

Preventive Detention

In Kamarunnissa vs. Union of India, (1991) 1 SCC 128 the detenus were already in judicial custody at the time the orders of preventive detention were passed against them. This Court affirmed that detention orders could be validly passed against detenus who were in jail, provided the officers passing the orders were alive to the factum of the detenus being in custody and there was material on record to justify the conclusion that they would indulge in similar activities, if set at liberty. Reference was made to the earlier decision of this Court in Binod Singh vs. District Magistrate, Dhanbad, Bihar, (1986) 4 SCC 416 wherein it was held that there must be cogent material before the officer passing the detention order to infer that the detenu was likely to be released on bail and such an inference must be drawn from the material on record and must not be the ipse dixit of the officer passing such order. This Court, therefore, emphasized that before passing the detention order in respect of a person who is in jail, the concerned authority must satisfy himself and such satisfaction must be reached on the basis of cogent material that there is

a real possibility of the detenu being released on bail and, further, if released on bail, the material on record must reveal that he/she would indulge in prejudicial activity again, if not detained.

9. On similar lines, in Rekha vs. State of Tamil Nadu, (2011) 5 SCC 244 a 3-Judge Bench of this Court affirmed that, where a detention order is passed against a person already in jail, there should be a real possibility of the release of that person on bail, that is, he must have moved a bail application which is pending. It was observed that if no bail application is pending it logically followed that there is no likelihood of the person in jail being released on bail. The Bench, however, pointed out that the exception to this Rule would be where a co-accused, whose case stood on the same footing, was granted bail. The Bench cautioned that details in this regard have to be recorded, otherwise the statement would be mere ipse dixit and cannot be relied upon. The law laid down in Rekha (supra) was reiterated and followed in Huidrom Konungjao Singh vs. State of Manipur and Others, (2012) 7 SCC 181.

10. Earlier, in Union of India vs. Paul Manickam and Another, (2003) 8 SCC 342 this Court observed that, where detention orders are passed against persons who are already in jail, the detaining authority should apply its mind and show awareness in the grounds of detention of the chances of release of such persons on bail. It was observed that the detaining authority must be reasonably satisfied, on the basis of cogent material, that there is a likelihood of the detenu's release and in view of his/her antecedent activities, which are proximate in point of time, he/she must be detained in order to prevent him/her from indulging in such prejudicial activities. It was held that an order of detention would be valid in such circumstances only if the authority passing the order is aware of the fact that the detenu is actually in custody; the authority has a reason to believe, on the basis of reliable material, that there is a real possibility of the detenu being released on bail and that, upon such release, he/she would, in all probability, indulge in prejudicial activities; and it is felt essential to detain him/her to prevent him/her from so doing. This principle was again reiterated and applied in Union of India and Another vs. Dimple Happy Dhakad, (2019) 20 SCC 609.

11. We may now refer to the Constitution Bench judgment in Harikisan vs. State of Maharashtra and Others, AIR 1962 SC 911 in the context of proper communication of the grounds of detention to the detenu so as to protect his/her right under Article 22(5) of the Constitution of making an effective representation against such detention. In that case, the grounds of detention were in English and the authorities asserted that the same were explained to the detenu in Hindi, a

language known to the detenu, and that it would amount to satisfactory compliance. This plea was, however, rejected. The observations of the Bench in this regard read as under:

> "In our opinion, this was not sufficient compliance in this case with the requirements of the Constitution, as laid down in clause (5) of Article 22. To a person, who is not conversant with the English language, service of the Order and the grounds of detention in English, with their oral translation or explanation by the police officer serving them does not fulfil the requirements of the law. As has been explained by this Court in the case of State of Bombay vs. Atma Ram Sridhar Vaidya, 1951 SCC 43 : (1951) SCR 167 clause (5) of Article 22 requires that the grounds of his detention should be made available to the detenue as soon as may be, and that the earliest opportunity of making a representation against the Order should also be afforded to him. In order that the detenue should have that opportunity, it is not sufficient that he has been physically delivered the means of knowledge with which to make his representation. In order that the detenue should be in a position effectively to make his representation against the Order, he should have knowledge of the grounds of detention, which are in the nature of the charge against him setting out the kinds of prejudicial acts which the authorities attribute to him. Communication, in this context, must, therefore, mean imparting sufficient knowledge of all the grounds on which the Order of Detention is based. In this case the grounds are several, and are based on numerous speeches said to have been made by the appellant himself on different occasions and different dates. Naturally, therefore, any oral translation or explanation given by the police officer serving those on the detenue would not amount to communicating the grounds. Communication, in this context, must mean bringing home to the detenue effective knowledge of the facts and circumstances on which the Order of Detention is based."

The Constitution Bench went on to affirm that, if the detenu is not conversant with the English language, in order to satisfy the requirements of the Constitution, the detenu must be given the grounds in a language which he/she can understand and in a script which he/she can read, if he/she is a literate person.

Sec 306 IPC

he crucial word in Section 306 IPC is 'abets'. 'Abetment' is defined in Section 107 of IPC. As per Section 107 IPC, a person would be abetting the doing of a thing if he instigates any person to do that thing or if he encourages with one or more person

or persons in any conspiracy for doing that thing or if he intentionally aids by any act or illegal omission doing of that thing. There are two explanations to Section 107. As per Explanation 1, even if a person by way of wilful misrepresentation or concealment of a material fact which he is otherwise bound to disclose voluntarily causes or procures or attempts to cause or procure a thing to be done, is said to instigate the doing of that thing. Explanation 2 clarifies that whoever does anything in order to facilitate the commission of an act, either prior to or at the time of commission of the act, is said to aid the doing of that act.

17. Section 114 IPC is an explanation or clarification of Section 107 IPC. What Section 114 IPC says is that whenever any person is absent but was present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such an act or offence and would be liable to be punished as an abettor.

18. In Ramesh Kumar vs. State of Chhattisgarh, (2001) 9 SCC 618 this Court held that to 'instigate' means to goad, urge, provoke, incite or encourage to do 'an act'. To satisfy the requirement of 'instigation', it is not necessary that actual words must be used to that effect or that the words or act should necessarily and specifically be suggestive of the consequence. Where the accused by his act or omission or by his continued course of conduct creates a situation that the deceased is left with no other option except to commit suicide, then 'instigation' may be inferred. A word uttered in a fit of anger or emotion without intending the consequences to actually follow cannot be said to be 'instigation'.

19. Elaborating further, this Court in Chitresh Kumar Chopra vs. State (Govt. of NCT of Delhi), (2009) 16 SCC 605 observed that to constitute 'instigation' a person who instigates another has to provoke, incite, urge or encourage the doing of an act by the other by 'goading' or 'urging forward'. This Court summed up the constituents of 'abetment' as under:

(i) the accused kept on irritating or annoying the deceased by words, deeds or wilful omission or conduct which may even be a wilful silence until the deceased reacted or pushed or forced the deceased by his deeds, words or wilful omission or conduct to make the deceased move forward more quickly in a forward direction.

(ii) that the accused had the intention to provoke, urge or encourage the deceased to commit suicide while acting in the manner noted above. Undoubtedly, presence of mens rea is the necessary concomitant of instigation.

20. Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707 is a case where this Court held that in a case of alleged abetment of suicide, there must be

proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the deceased to commit suicide, conviction in terms of Section 306 IPC would not be sustainable. Similar view has been expressed by this Court in case of Ude Singh vs. State of Haryana, (2019) 17 SCC 301.

21. After considering the provisions of Sections 306 and 107 of IPC, this Court in Rajesh vs. State of Haryana, (2020) 15 SCC 359 held that conviction under Section 306 IPC is not sustainable on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide.

22. Abetment to commit suicide involves a mental process of instigating a person or intentionally aiding a person in the doing of a thing. Without a positive proximate act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. Besides, in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence.

23. This Court in Amudha vs. State, 2024 INSC 244 held that there has to be an act of incitement on the part of the accused proximate to the date on which the deceased committed suicide. The act attributed should not only be proximate to the time of suicide but should also be of such a nature that the deceased was left with no alternative but to take the drastic step of committing suicide.

24. Again, in the case of Kamaruddin Dastagir Sanadi vs. State of Karnataka, (2024) SCC Online SC 3541 this Court observed that discord and differences in domestic life are quite common in society. Commission of suicide largely depends upon the mental state of the victim. Until and unless some guilty intention on the part of the accused is established, it is ordinarily not possible to convict the accused for an offence under Section 306 IPC.

25. Prakash vs. State of Maharashtra, 2024 INSC 1020 is a case where this Court after analysing various decisions on the point summed up the legal position in the following manner:

> 14. Section 306 read with Section 107 of IPC, has been interpreted, time and again, and its principles are well established. To attract the offence of abetment to suicide, it is important to establish proof of direct or indirect acts of instigation or incitement of suicide by the accused, which must be in close proximity to the commission of suicide by the deceased. Such instigation or incitement should reveal a clear mens rea to abet the commission of suicide and

should put the victim in such a position that he/she would have no other option but to commit suicide.

25.1. In the aforesaid judgment, this Court referred to its earlier decision in Sanju @ Sanjay Singh Sengar vs. State of Madhya Pradesh, (2002) 5 SCC 371 and held that in a given case, even a time gap of 48 hours between using of abusive language by the accused and the commission of suicide would not amount to a proximate act.

Sec 389 CrPC

in Omprakash Sahni v. Jai Shankar Chaudhary and another 2023 SCC ONLINE 551. The Hon'ble Apex Court in the above referred judgment observed as follows : - "However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the Court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The Appellate Court should not re-appreciate the evidence at the stage of Section 389 of the Cr.P.C. and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach."

BAIL

The discussion made in Ajwar v. Waseem, (2024) 10 SCC 768 by a coordinate Bench of this Court (which included one of us, i.e. Amanullah J.) is on point. The relevant paragraphs are as under:

"Relevant parameters for granting bail:

26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer: Chaman Lal v. State of U.P., (2004) 7 SCC 525 : 2004 SCC (Cri) 1974; Kalyan Chandra Sarkar vs. Rajesh Ranjan, (2004) 7 SCC 528 : 2004 SCC (Cri) 1977; Masroor vs. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368; Prasanta Kumar Sarkar vs. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC

(Cri) 765; Neeru Yadav vs. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527; Anil Kumar Yadav vs. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425; Mahipal vs. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P vs. State of M.P., (2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1) Cr.P.C. in the following words: (SCC p. 224, Para 24)

"24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram vs. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237]. To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."

Considerations for setting aside bail orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima-facie case needs to be examined and detailed reasons relating to the merits of the case that may cause

prejudice to the accused, ought to be avoided. Suffice it is to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused."

8.4 A recent judgment of this Court in Shabeen Ahmad vs. State of U.P. in Criminal Appeal No. 1051 of 2025 from the pen of Vikram Nath J. referred to the above paragraphs of Ajwar (supra) in cancelling the bail granted to certain accused persons in connection with alleged offences under Sections 498A, 304B, Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

CASES INVOLVING A CHILD VICTIM OF SEXUAL ASSAULT.

In State of Rajasthan v. Om Prakash, (2002) 7 SCC 745 this Court sounded a warning against offences of sexual nature against children, in the following terms:

"19. Child rape cases are cases of perverse lust for sex where even innocent children are not spared in pursuit of sexual pleasure. There cannot be anything more obscene than this. It is a crime against humanity. Many such cases are not even brought to light because of the social stigma attached thereto. According to some surveys, there has been a steep rise in child rape cases. Children need special care and protection. In such cases, responsibility on the shoulders of the courts is more onerous so as to provide proper legal protection to these children. Their physical and mental immobility call for such protection. Children are the natural resource of our country. They are the country's future. Hope of tomorrow rests on them. In our country, a girl child is in a very vulnerable position and one of the modes of her exploitation is rape besides other modes of sexual abuse. These factors point towards a different approach required to be adopted…"

In numerous cases, this Court as well as others, have discussed the applicability of the statement of a child witness to a case. We may notice a few of them:

In Dattu Ramrao Sakhare v. State of Maharashtra, (1997) 5 SCC 341 this Court held :"5….A child witness if found competent to depose to the facts and reliable one such evidence could be the basis of conviction. In other words even in the absence of oath the evidence of a child witness can be considered under Section 118 of the Evidence Act provided that such witness is able to understand the questions and able to give rational answers thereof. The evidence of a child witness and credibility thereof would depend upon the circumstances of each case. The only precaution which the court should bear in mind while assessing the evidence of a child witness is that the witness must be a reliable one and his/her demeanour must be like any other competent witness and there is no likelihood of being tutored…"

In Hari Om v. State of U.P., (2021) 4 SCC 345, a three-Judge Bench reiterated the caution observed by this Court in Suryanarayana v. State of Karnataka, (2001) 9 SCC 129, that "corroboration of the testimony of a child witness is not a rule but a measure of caution and prudence". It was further observed therein :

> "6. This Court in Panchhi v. State of U.P. [Panchhi v. State of U.P., (1998) 7 SCC 177 : 1998 SCC (Cri) 1561] held that the evidence of the child witness must be evaluated more carefully and with greater circumspection because a child is susceptible to be swayed by what others tell him and thus an easy prey to tutoring. The evidence of the child witness must find adequate corroboration before it is relied upon, as the rule of corroboration is of practical wisdom than of law (vide Prakash v. State of M.P. [Prakash v. State of M.P., (1992) 4 SCC 225 : 1992 SCC (Cri) 853]; Baby Kandayanathil v. State of Kerala [Baby Kandayanathil v. State of Kerala, 1993 Supp (3) SCC 667 : 1993 SCC (Cri) 1084]; Raja Ram Yadav v. State of Bihar [Raja Ram Yadav v. State of Bihar, (1996) 9 SCC 287 : 1996 SCC (Cri) 1004] and Dattu Ramrao Sakhare v. State of Maharashtra [Dattu Ramrao Sakhare v. State of Maharashtra, (1997) 5 SCC 341 : 1997 SCC (Cri) 685]).
>
> 7. To the same effect is the judgment in State of U.P. v. Ashok Dixit [State of U.P. v. Ashok Dixit, (2000) 3 SCC 70 : 2000 SCC (Cri) 579]."

13. The rule regarding child witnesses was laid down by the US Supreme Court as far back as 1895[19][Wheeler v. United States, 1895 SCC OnLine US SC 220] in the following terms :

> "5. … While no one would think of calling as a witness an infant only two or three years old, there is no precise age which determines the question of competency. This depends on the capacity and intelligence of the child, his appreciation of the difference between truth and falsehood, as well as of his duty to tell the former. The decision of this question rests primarily with the trial Judge, who sees the proposed witness, notices his manner, his apparent possession or lack of intelligence, and may resort to any examination which will tend to disclose his capacity and intelligence as well as his understanding of the obligations of an oath. As many of these matters cannot be photographed into the record the decision of the trial Judge will not be disturbed on review unless from that which is preserved it is clear that it was erroneous."

In interpreting the evidence given by a child victim of sexual assault, this Court in State of H.P. v. Sanjay Kumar, (2017) 2 SCC 51, held that social realities have to be given due attention. It was observed by Sikri J., writing for the Court that :

> "30. By no means, it is suggested that whenever such charge of rape is made, where the victim is a child, it has to be treated as a gospel truth and the accused

person has to be convicted. We have already discussed above the manner in which the testimony of the prosecutrix is to be examined and analysed in order to find out the truth therein and to ensure that deposition of the victim is trustworthy. At the same time, after taking all due precautions which are necessary, when it is found that the prosecution version is worth believing, the case is to be dealt with all sensitivity that is needed in such cases. In such a situation one has to take stock of the realities of life as well. Various studies show that in more than 80% cases of such abuses, perpetrators have acquaintance with the victims who are not strangers. The danger is more within than outside. Most of the time, acquaintance rapes, when the culprit is a family member, are not even reported for various reasons, not difficult to fathom. The strongest among those is the fear of attracting social stigma. Another deterring factor which many times prevents such victims or their families to lodge a complaint is that they find whole process of criminal justice system extremely intimidating coupled with absence of victim protection mechanism. Therefore, time is ripe to bring about significant reforms in the criminal justice system as well. Equally, there is also a dire need to have a survivor-centric approach towards victims of sexual violence, particularly, the children, keeping in view the traumatic long-lasting effects on such victims."

In Pradeep v. State of Haryana, 2023 SCC OnLine SC 777, it was held that the role of the trial Judge, when a case involves a child witness, becomes heightened. The Court recorded :

"10. Before recording evidence of a minor, it is the duty of a Judicial Officer to ask preliminary questions to him with a view to ascertain whether the minor can understand the questions put to him and is in a position to give rational answers. The Judge must be satisfied that the minor is able to understand the questions and respond to them and understands the importance of speaking the truth. Therefore, the role of the Judge who records the evidence is very crucial. He has to make a proper preliminary examination of the minor by putting appropriate questions to ascertain whether the minor is capable of understanding the questions put to him and is able to give rational answers. It is advisable to record the preliminary questions and answers so that the Appellate Court can go into the correctness of the opinion of the Trial Court."

In Sooryanarayana v. State of Karnataka, (2001) 9 SCC 129 referred to by a Bench of three Judges in Hari Om v. State of U.P., (2021) 4 SCC 345, it has been held thus :"5. Admittedly, Bhavya (PW 2), who at the time of occurrence was about four years of age, is the only solitary eyewitness who was rightly not given the oath. The time

and place of the occurrence and the attending circumstances of the case suggest no possibility of there being any other person as an eyewitness. The evidence of the child witness cannot be rejected per se, but the court, as a rule of prudence, is required to consider such evidence with close scrutiny and only on being convinced about the quality of the statements and its reliability, base conviction by accepting the statement of the child witness. The evidence of PW 2 cannot be discarded only on the ground of her being of tender age. The fact of PW 2 being a child witness would require the court to scrutinise her evidence with care and caution. If she is shown to have stood the test of cross-examination and there is no infirmity in her evidence, the prosecution can rightly claim a conviction based upon her testimony alone. Corroboration of the testimony of a child witness is not a rule but a measure of caution and prudence. Some discrepancies in the statement of a child witness cannot be made the basis for discarding the testimony. Discrepancies in the deposition, if not in material particulars, would lend credence to the testimony of a child witness who, under the normal circumstances, would like to mix-up what the witness saw with what he or she is likely to imagine to have seen. While appreciating the evidence of the child witness, the courts are required to rule out the possibility of the child being tutored. In the absence of any allegation regarding tutoring or using the child witness for ulterior purposes of the prosecution, the courts have no option but to rely upon the confidence inspiring testimony of such witness for the purposes of holding the accused guilty or not."

Recently, a coordinate Bench of this Court in State of Madhya Pradesh v. Balveer Singh, 2025 SCC OnLine 390; 2025 INSC 261 speaking through J.B. Pardiwala, J., considered a large number of prior decisions of this Court to lay down guidelines for the appreciation of the evidence of a child witness. We have perused through the same.

Reference can also be made to other judgments in State of M.P v. Ramesh, (2011) 4 SCC 786; Panchhi v. State of U.P., (1998) 7 SCC 177; and State of U.P. v. Ashok Dixit, (2000) 3 SCC 70, etc.

14. The principles that can be adduced from an overview of the aforesaid decisions, are:

a. No hard and fast rule can be laid down qua testing the competency of a child witness to testify at trial.

b. Whether or not a given child witness will testify is a matter of the Trial Judge being satisfied as to the ability and competence of said witness. To determine the same the Judge is to look to the manner of the witness, intelligence, or lack

thereof, as may be apparent; an understanding of the distinction between truth and falsehood etc.

c. The non-administration of oath to a child witness will not render their testimony doubtful or unusable.

d. The trial Judge must be alive to the possibility of the child witness being swayed, influenced and tutored, for in their innocence, such matters are of ease for those who may wish to influence the outcome of the trial, in one direction or another.

e. Seeking corroboration, therefore, of the testimony of a child witness, is well-placed practical wisdom.

f. There is no bar to cross-examination of a child witness. If said witness has withstood the cross- examination, the prosecution would be entirely within their rights to seek conviction even solely relying thereon.

REASONABLE DOUBT & PROOF

in Ramakant Rai v. Madan Rai, (2003) 12 SCC 395, wherein it was observed :

"23. A person has, no doubt, a profound right not to be convicted of an offence which is not established by the evidential standard of proof beyond reasonable doubt. Though this standard is a higher standard, there is, however, no absolute standard. What degree of probability amounts to "proof" is an exercise particular to each case. Referring to (sic) of probability amounts to "proof" is an exercise, the interdependence of evidence and the confirmation of one piece of evidence by another, as learned author says : [see The Mathematics of Proof II : Glanville Williams, Criminal Law Review, 1979, by Sweet and Maxwell, p. 340 (342)]

"The simple multiplication rule does not apply if the separate pieces of evidence are dependent. Two events are dependent when they tend to occur together, and the evidence of such events may also be said to be dependent. In a criminal case, different pieces of evidence directed to establishing that the defendant did the prohibited act with the specified state of mind are generally dependent. A juror may feel doubt whether to credit an alleged confession, and doubt whether to infer guilt from the fact that the defendant fled from justice. But since it is generally guilty rather than innocent people who make confessions, and guilty rather than innocent people who run away, the two doubts are not to be multiplied together. The one piece of evidence may confirm the other."

24. Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than the truth. To constitute

reasonable doubt, it must be free from an over emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt; but a fair doubt based upon reason and common sense. It must grow out of the evidence in the case.

25. The concepts of probability, and the degrees of it, cannot obviously be expressed in terms of units to be mathematically enumerated as to how many of such units constitute proof beyond reasonable doubt. There is an unmistakable subjective element in the evaluation of the degrees of probability and the quantum of proof. Forensic probability must, in the last analysis, rest on a robust common sense and, ultimately, on the trained intuitions of the judge. While the protection given by the criminal process to the accused persons is not to be eroded, at the same time, uninformed legitimisation of trivialities would make a mockery of the administration of criminal justice. This position was illuminatingly stated by Venkatachaliah, J. (as His Lordship then was) in State of U.P. v. Krishna Gopal [(1988) 4 SCC 302 : 1988 SCC (Cri) 928 : AIR 1988 SC 2154]."

16.1 Observations by O. Chinappa Reddy J., in K. Gopal Reddy v. State of A.P., (1979) 1 SCC 355 are also instructive. He observed :

"9. … "A reasonable doubt", it has been remarked, "does not mean some light, airy, insubstantial doubt that may flit through the minds of any of us about almost anything at some time or other; it does not mean a doubt begotten by sympathy out of reluctance to convict; it means a real doubt, a doubt founded upon reasons [Salmon, J. in his charge to the jury in R. v. Fantle reported in 1959 Criminal Law Review 584] . As observed by Lord Denning in Miller v. Minister of Pensions [(1947) 2 All ER 372] "Proof beyond a reasonable doubt does not mean proof beyond a shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the course of justice. If the evidence is so strong against a man as to leave only a remote possibility in his favour, which can be dismissed with the sentence "of course it is possible but not in the least probable", the case is proved beyond reasonable doubt, but nothing short of that will suffice." In Khem Karan v. State of U.P. [(1974) 4 SCC 603 : 1974 SCC (Cri) 689 : AIR 1974 SC 1567] this Court observed:

"Neither mere possibilities nor remote possibilities nor mere doubts which are not reasonable can, without danger to the administration of justice, be the

foundation of the acquittal of an accused person, if there is otherwise fairly credible testimony."

ISSUE ESTOPPEL Vs DOUBLE JEOPARDY

in the case of Ravinder Singh Vs. Sukhbir Singh, (2013) 9 SCC 245, examined the principle of issue estoppel. That was a case arising out of a prayer for quashing of criminal proceedings under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This Court explained the principle of issue estoppel in the following manner:

25. The principle of issue estoppel is also known as "cause of action estoppel" and the same is different from the principle of double jeopardy or autrefois acquit, as embodied in Section 300 CrPC. This principle applies where an issue of fact has been tried by a competent court on a former occasion, and a finding has been reached in favour of an accused. Such a finding would then constitute an estoppel, or res judicata against the prosecution but would not operate as a bar to the trial and conviction of the accused, for a different or distinct offence. It would only preclude the reception of evidence that will disturb that finding of fact already recorded when the accused is tried subsequently, even for a different offence, which might be permitted by Section 300(2) CrPC. Thus, the rule of issue estoppel prevents re-litigation of an issue which has been determined in a criminal trial between the parties...

APPRECIATION OF EVIDENCE OF THE VICTIM OF SEXUAL OFFENCE

26. It would be relevant at this juncture to refer to a couple of decisions on the subject matter. In the case of State of Uttar Pradesh vs. Chhotey Lal 1, the Hon'ble Supreme Court in paragraph Nos.22 to 29 held as under, viz., "22. In the backdrop of the above legal position, with which we are in respectful agreement, the evidence of the prosecutrix needs to be analysed and examined carefully. But, before we do that, we state, as has been repeatedly stated by this Court, that a woman who is a victim of sexual assault is not an accomplice to the crime. Her evidence cannot be tested with suspicion as that of an accomplice. As a matter of fact, the evidence of the prosecutrix is similar to the evidence of an injured complainant or witness. The testimony of the prosecutrix, if found to be reliable, by itself, may be sufficient to convict the culprit and no corroboration of her evidence is necessary. In prosecutions of rape, the law does not require corroboration. The evidence of the prosecutrix may sustain a conviction. It is only

by way of abundant caution that the court may look for some corroboration so as to satisfy its conscience and rule out any false accusations.

23. In State of Maharashtra v. Chandraprakash Kewalchand Jain [(1990) 1 SCC 550 : 1990 SCC (Cri) 210] this Court at SCC p. 559 of the Report said: (SCC para 16) "16. A prosecutrix of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of (2011) 2 Supreme Court Cases 550 physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence."

24. In State of Punjab v. Gurmit Singh [(1996) 2 SCC 384 : 1996 SCC (Cri) 316] this Court made the following weighty observations at pp. 394-96 and p. 403: (SCC paras 8 & 21) "8. ... The court overlooked the situation in which a poor helpless minor girl had found herself in the company of three desperate young men who were threatening her and preventing her from raising any alarm. Again, if the investigating officer did not conduct the investigation properly or was negligent in not being able to trace out the driver or the car, how can that become a ground to discredit the testimony of the prosecutrix? The prosecutrix had no control over the investigating agency and the negligence of an investigating officer could not affect the credibility of the statement of the prosecutrix ... The courts must, while

evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case ... Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury ... Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances.

21. ... The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations."

(emphasis in original)

25. In Vijay v. State of M.P. [(2010) 8 SCC 191 : (2010) 3 SCC (Cri) 639] , decided recently, this Court referred to the above two decisions of this Court in Chandraprakash Kewalchand Jain [(1990) 1 SCC 550 : 1990 SCC (Cri) 210] and Gurmit Singh [(1996) 2 SCC 384 : 1996 SCC (Cri) 316] and also few other decisions and observed as follows: (Vijay case [(2010) 8 SCC 191 : (2010) 3 SCC (Cri) 639] , SCC p. 198, para 14) "14. Thus, the law that emerges on the issue is to the effect that the statement of the prosecutrix, if found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix."

26. The important thing that the court has to bear in mind is that what is lost by a rape victim is face. The victim loses value as a person. Ours is a conservative society and, therefore, a woman and more so a young unmarried woman will not put her reputation in peril by alleging falsely about forcible sexual assault. In examining the evidence of the prosecutrix the courts must be alive to the conditions prevalent in

the Indian society and must not be swayed by beliefs in other countries. The courts must be sensitive and responsive to the plight of the female victim of sexual assault. Society's belief and value systems need to be kept uppermost in mind as rape is the worst form of women's oppression. A forcible sexual assault brings in humiliation, feeling of disgust, tremendous embarrassment, sense of shame, trauma and lifelong emotional scar to a victim and it is, therefore, most unlikely of a woman, and more so by a young woman, roping in somebody falsely in the crime of rape. The stigma that attaches to the victim of rape in Indian society ordinarily rules out the levelling of false accusations. An Indian woman traditionally will not concoct an untruthful story and bring charges of rape for the purpose of blackmail, hatred, spite or revenge.

27. This Court has repeatedly laid down the guidelines as to how the evidence of the prosecutrix in the crime of rape should be evaluated by the court. The observations made in Bharwada Bhoginbhai Hirjibhai v. State of Gujarat [(1983) 3 SCC 217 :

1983 SCC (Cri) 728] deserve special mention as, in our view, these must be kept in mind invariably while dealing with a rape case. This Court observed as follows: (SCC p. 224, para 9) "9. In the Indian setting, refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule, is adding insult to injury. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion? To do so is to justify the charge of male chauvinism in a male dominated society. We must analyse the argument in support of the need for corroboration and subject it to relentless and remorseless cross- examination. And we must do so with a logical, and not an opinionated, eye in the light of probabilities with our feet firmly planted on the soil of India and with our eyes focussed on the Indian horizon. We must not be swept off the feet by the approach made in the western world which has its own social milieu, its own social mores, its own permissive values, and its own code of life. Corroboration may be considered essential to establish a sexual offence in the backdrop of the social ecology of the western world. It is wholly unnecessary to import the said concept on a turnkey basis and to transplant it on the Indian soil regardless of the altogether different atmosphere, attitudes, mores, responses of the Indian society, and its profile. The identities of the two worlds are different. The solution of problems cannot, therefore, be identical."

28. This Court went on to observe at SCC pp. 225-26: (Bharwada case [(1983) 3 SCC 217 : 1983 SCC (Cri) 728] , SCC para 10) "10. Without the fear of making too wide a

statement, or of overstating the case, it can be said that rarely will a girl or a woman in India make false allegations of sexual assault on account of any such factor as has been just enlisted. The statement is generally true in the context of the urban as also rural society. It is also by and large true in the context of the sophisticated, not so sophisticated, and unsophisticated society. Only very rarely can one conceivably come across an exception or two and that too possibly from amongst the urban elites. Because--(1) A girl or a woman in the tradition- bound non-permissive society of India would be extremely reluctant even to admit that any incident which is likely to reflect on her chastity had ever occurred.(2) She would be conscious of the danger of being ostracised by the society or being looked down by the society including by her own family members, relatives, friends, and neighbours.(3) She would have to brave the whole world.(4) She would face the risk of losing the love and respect of her own husband and near relatives, and of her matrimonial home and happiness being shattered.(5) If she is unmarried, she would apprehend that it would be difficult to secure an alliance with a suitable match from a respectable or an acceptable family.(6) It would almost inevitably and almost invariably result in mental torture and suffering to herself.(7) The fear of being taunted by others will always haunt her.(8) She would feel extremely embarrassed in relating the incident to others being overpowered by a feeling of shame on account of the upbringing in a tradition-bound society where by and large sex is taboo. (9) The natural inclination would be to avoid giving publicity to the incident lest the family name and family honour is brought into controversy.(10) The parents of an unmarried girl as also the husband and members of the husband's family of a married woman, would also more often than not, want to avoid publicity on account of the fear of social stigma on the family name and family honour.(11) The fear of the victim herself being considered to be promiscuous or in some way responsible for the incident regardless of her innocence.(12) The reluctance to face interrogation by the investigating agency, to face the court, to face the cross-examination by the counsel for the culprit, and the risk of being disbelieved, acts as a deterrent."

29. We shall now examine the evidence of the prosecutrix. The prosecutrix at the relevant time was less than 18 years of age. She was removed from the lawful custody of her brother in the evening on 19-9-1989. She was taken to a different village by two adult males under threat and kept in a rented room for many days where A-1 had forcible sexual intercourse with her. Whenever she asked A-1 for return to her village, she was threatened and her mouth was gagged. Although we find that there are certain contradictions and omissions in her testimony, but such

omissions and contradictions are minor and on material aspects, her evidence is consistent. The prosecutrix being illiterate and rustic young woman, some contradictions and omissions are natural as her recollection, observance, memory and narration of chain of events may not be precise."

27. In the case of Haneel vs. State 2, the learned Single Judge of the High Court of Allahabad held in paragraph No.17 as under, viz., "17. The pain and suffering of a child is a brutal assault oh her physical frame, when she is raped. She has no idea about the sex or rape. It is a nightmare. It is not a Utopian thought or "floating fancy" of unwarranted assumption. It is the demonstration of reality in concrete terms. When a society moves in this way, there has to be instillation of fear of law and the punishment has to be definitive in a different way. In such a situation the classical understanding of crime by Marcus Aurelius, the Roman Emperor of 2nd Century A.D., who had said that poverty is the mother of crime may not hold good, for the crimes committed on girl children has no nexus with the economic status of the perpetrator of crime; on the contrary, may have nexus with neurotic behaviour. In fact, this is a crime which is a shameless demonstration and total insensitive exposition of attitude to a victim. It is a gross violation of the social values and a failure of an individual. It is an act of extreme depravity." 2016 SCC OnLine All 3058

Extortion X Theft

In Salib @ Shalu @ Salim (supra), the Apex Court dealt with the ingredients of extortion in terms of Sections 383 of IPC and punishment for extortion under Section 386 of IPC. The Apex Court held that one of the necessary ingredients of the offence of extortion is that the victim must be induced to deliver to any person any property or valuable security etc. That is to say, the delivery of the property must be with consent which has been obtained by putting the person in fear of any injury. In contrast to theft, in extortion there is an element of consent, of course, obtained by putting the victim in fear of injury. In extortion, the will of the victim has to be overpowered by putting him or her in fear of injury. Forcibly taking any property will not come under this definition. It has to be shown that the person was induced to part with the property by putting him in fear of injury. Illustrations to the Section given in the IPC make this perfectly clear.

NO COERCIVE STEPS

Special Leave to Appeal (Crl.) No.9859/2023; SATISH KUMAR RAVI Vs. THE STATE OF JHARKHAND; 29-11-2024

Charge sheet cannot be filed, if any order not to take coercive steps is existing.

{ contributed by Sri Siva Prasad, APP, Vijayawada }

NEWS

- The Disaster Management (Amendment) Act, 2025 Published' 29.03.2025
- Notification Of Nagpur (Maharashtra), Raipur (Chhattisgarh), And Khordha (Odisha) Campus Of The National Forensic Sciences University (NFSU) Dt 18.3.2025
- Designation Of The Court Of The Principal Junior Civil Judge-Cum-Metropolitan Magistrate, Ranga Reddy At Lb Nagar For Trail Of Cases Registered At Economic Offences Wing Police Station, Cyberabad Covering Part Of The Territorial Jurisdiction Of Ranga Reddy, Sangareddy And Medchal Malkajgiri Districts.
- Telugu Translation Of Certain State Acts - Publication Of State Acts In The Andhra Pradesh Gazette Part Iv-C - Extraordinary As Authoritative Text.
- Buildings- Issuance Of Certain Revised Instructions - Official Functions Relating To Laying Of Foundation Stones And Inauguration Of New Courts & Guidelines For Construction Of Buildings For Bar Associations, Advocate Clerks' Association, Branches Of Banks, Post Office, Canteen Etc., -Regarding.
- Telangana_Police_Manual_(Part-1,_volume-II) New standing orders regd Mode of service of Sec 41A CrPC/35(3) BNSS; 160 CrPC/179BNSS etc on accused.

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ON A LIGHTER VEIN

A German walks into a bar and orders a beer.

The bartender tells him : "20 euros!"

The German is shocked - "20 euros? yesterday it was only 3 euros !"

"Well, today it is 20 euros."

- "But why 20, damn it?"

Bar tender : "I'll explain it,

-3 euros is beer,

-3 to help Ukraine, UA

-4 assistance to European countries who have imposed sanctions and are not members of the EU.

-4 euros in aid to the UK, GB for successful implementation of sanctions against Russia RU.

-Then 3 euros are sent to the Balkan countries as aid to buy furnace coal.

- and finally, 3 euros for a gas subsidy for the EU and fund to help maintain sanctions!"

The German DE silently took out the money and gave the bartender 20 euros.

The bartender took them, entered in the cash register and gave him 3 euros back.

German in disbelief : "Wait, you said 20 euros, right ? I gave you 20, why are you giving me back 3 euros?"

"Ahh... We have no beer!"

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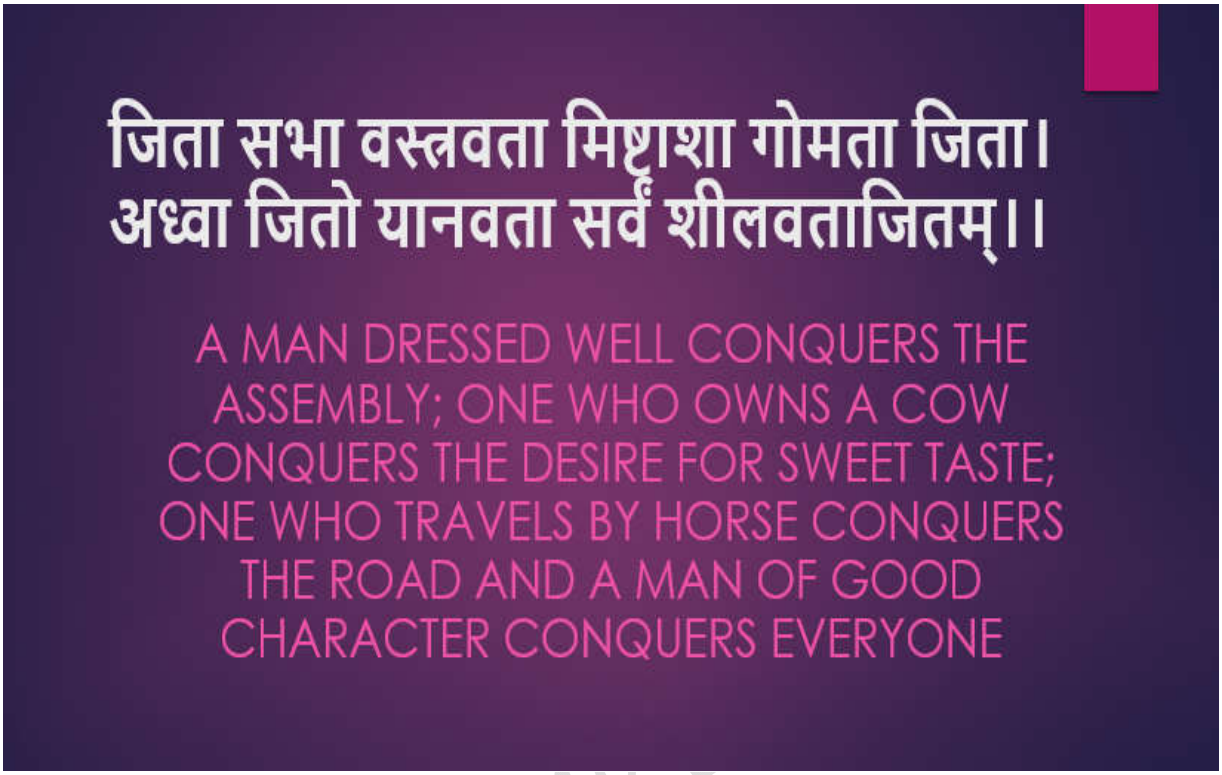
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Aano Bhadr Kratvo Yantu Viswatah
(Let Noble Thoughts Come To Me from All Directions)

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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).
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> 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:
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> (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;
>
> (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)

NEWS

- AP- Budget Estimates 2025 - 26 Comprehensive Budget Release Order For Rs. 107063000.00 /- (TEN CRORE SEVENTY LAKH SIXTY THREE THOUSAND) To Prosecutions Department (HOM18) - Orders Issued
- AP- PUBLIC SERVICES – Recruitment – Filling Up Of Vacant Posts In Prosecution Department Through Direct Recruitment – Permission To The Andhra Pradesh State Level Police Recruitment Board (APSLPRB)–Orders – Issued.
- AP- Public Services – Re-Constitution of Departmental Promotion Committee For The First And Second Level Gazetted Posts In Prosecutions Department For A Period Of Two (2) Years With Effect From 13-12-2024 – Orders - Issued.
- Appointment of Chairperson And Members In 23rd Law Commission of India
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- The Waqf (Amendment) Act, 2025
- The Immigration And Foreigners Act, 2025

- Notification for Enforcement Of Disaster Management (Amendment) Act, 2025
- Designation of Exclusive Special Court Under NIA at Mumbai.
- APHC- Disposal of execution petitions by the Executing Courts within six months - Certain instructions - Issued -Reg.
- APHC-Reduction of Pendency in the District Judiciary - Expeditious disposal of old cases - Inclusion of 2020 cases (Pre-2021) - Issuance of certain directions - Regarding.

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

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The Constitutionality of giving Voice Sample vis a vis Testimonial Compulsion

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It is aptly relevant to pose the following four questions ourselves in respect of the voice samples evidence and refusal of the accused person/s to give such specimen voice samples.

Q-1 Whether the accused person/s can be compelled to give the specimen voice samples, if so, does it not amount to self-incrimination U/Article 20(3) of the constitution?

Q-2 If the accused person/s is/are refused to give such specimen voice samples, what is the legal remedy available to the prosecution?

Q-3 Whether the adverse inference can be drawn against the accused person/s on the refusal of giving such specimen voice samples to the investigation Agency?

Q-4 Is there any legal statutary provision with regard to the voice samples in the Indian legislative context?

The above said questions have been dealt in detail as under in seriatim:

Q-1 Whether the accused person/s can be compelled to give the specimen voice samples, if so, does it not amount to self-incrimination U/Article 20(3) of the constitution?

It is aptly relevant to mention herein that the **87th Report of the Law Commission of India** describes a voiceprint as a **"visual recording of voice".** Voiceprints resemble fingerprints, in that each person has a distinctive voice with characteristic features dictated by vocal cavities and articulates.

It is submitted that the Voice sample is like finger print impression, signature or specimen handwriting of an accused. Like giving of a finger print impression or specimen writing by the accused for the purposes of investigation, giving of a voice sample for the purpose of investigation cannot be included in the expression ***"to be a witness".*** *By giving voice sample,the accused does not convey information based upon his personal knowledge which can incriminate him. A voice sample by itself is fully innocuous. By comparing it with tape recorded conversation, the investigator may draw his conclusion but, voice sample by itself is not a testimony at all. When an accused is asked to give voice sample, he is not giving any testimony of the nature of a personal testimony. When compared with the recorded conversation with the help of mechanical process, it may throw light on the points in controversy. It cannot be said, by any stretch of imagination that by giving voice sample, the accused conveyed any information based upon his personal knowledge and became a witness against himself. The accused by giving the voice sample merely gives* ***'identification data'*** *to the investigating agency. He is not subjected to any testimonial compulsion.*

Further, voice prints of a person are like finger prints of a person as mentioned above. Each person has a distinctive voice with characteristic features. A Voice print expert has to compare spectrographic prints to arrive at identification of a voiceprint. A voiceprint identification of voice involves measurement of frequency and intensity of sound waves. The process of measuring frequency or intensity of the speech-sound waves falls within the ambit of the term **"measurements"** as envisaged in Section 2(a) of the Identification of the Prisoners Act. It is further submitted that in ***Central Bureau of Investigation, New Delhi v. Abdul Karim Ladsab Telgi and others reported in 2005 Crl. L.J. 2868*** the Bombay High Court has interpreted the term "measurement" appearing in Section 5 of the Prisoners Act expansively and purposefully to include measurement of voice i.e. speech sound waves

Further, a voice sample is physical non-testimonial evidence. It does not communicate to the investigator any information based on personal knowledge of the accused which can incriminate him. A voice sample is not conceptually different from physical non-testimonial evidence-like blood, semen, sputum, hair etc. It is further submitted that even if the voice sample of accused is not treated as a bodily substance, it is still physical evidence involving no transmission of personal knowledge. Therefore, the process of taking of voice sample from an accused does not involve any testimonial responses from the accused and therefore recording of voice sample of an accused cannot be said to be violative of Art. 20(3) of the Constitution.

The Magistrate's power to authorize the investigating agency to record voice sample of the person accused of an offence can be traced to Section 5 of the Identification of Prisoners Act and Section 53 of the Criminal Code of procedure. The Magistrate has an ancillary or implied power under Section 53 of the Code to pass an order permitting taking of voice sample to aid investigation, in *Sakiri Vasu v. State of Uttar Pradesh reported in (2009) 2 SCC 409*, the Hon'ble Apex Court has referred to the incidental and implied powers of a Magistrate during investigation.

In R M Malkani Vs State of Maharashtra (SC 157 AJR 1973. It was held by the supreme court that the tape-recorded conversation is admissible provided (1) First the conversation is relevant to the matters in issue (2) Secondly, there is identification of the voice (3) Thirdly, the accuracy of the tape- secured conversation is provided by eliminating the possibility of erasing the tape record.

The Hon'ble High Court of Delhi in SUDHIR CHAUDHARY Vs. STATE = 2015 [2] JCC 1447 held that giving of voice sample for the purpose of investigation cannot be included in expression 'to be a witness' – By giving voice sample, accused does not convey any information based upon his personal knowledge which can incriminate him – Accused was not asked nor expected to furnish any statement based on his personal knowledge as would be barred under Article 20(3) of the Constitution of India – Voice sample is not substantive piece of evidence – Use of such sample is limited to purposes for which it was collected – Only use of such sample is for comparison and no other – Merely because text provided to petitioners contained some inculpatory statements, it would not mean that petitioners were forced to be witness in their own case – Once accused persons had given their consent for furnishing their voice samples, they could not be allowed to shift their stand course of drawing their voice samples should contain no part of inculpatory words which are a part of disputed recorded conversation. A commonality of words, held, is necessary to facilitate a spectrographic examination.

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Further, the Hon'ble Apex court in catena judgements reiterated that the voice samples of the accused persons does not fall under the category of Article 20(3) of the Constitution i.e **Mukul *Roy v State of W.B.* (2019) SCC OnLine Cal 4341; *State of Maharashtra v Suresh BaliramRane* (2021) SCC Online Bom 38; *P.C. Mishra v C.B.I.* (2021) SCC On Line Del 82.**

Finally, the Hon'ble Apex Court has put an end to the controversy with regard to the validity of obtaining the voice samples without the consent of the accused in Ritesh Sinha Vs. State of Uttar Pradesh 2013 Crl.L.J. 1301, wherein the Hon'ble Apex Court held that taking voice sample of an accused by the police during course of investigation is not hit by Article 20(3) of the Constitution. Investigating Officer cannot take physical samples, including voice samples, from accused without authorization from Magistrate.

It is pertinent to mention that in the recent judgement of Hon'ble Apex Court in **Union of India through National Investigation Agency Vs Roopesh @ Praveen**. held that the Voice sample of the accused could be given to the investigating Agency for the purpose of the inquiry. Thus, the decision was passed in favour of the Investigating Agency.

Further, the following are the various **Hon'ble High Courts *judgements, which have*** been pronounced in favour of the Prosecution stating that at the investigation stage, the Prosecution is at liberty to take the voice sample of the accused person as it is voice Spectrograph test which is just the comparison of the wavelength of the voices of the accused is not violative of Article 20(3) of Constitution of India

Article 20(3) of the constitution of India says that no person should be forced to become a witness against himself. In the recent case of **Raj Kumar Singh Chauhan Vs State of Rajasthan** Hon'ble High Court held that Voice samples can be taken against the choice of accused (without consent). The High Court have validated that the voice sample could be collected from the accused person without taking their permission.

Furrher, In **R K Akhande Vs Special Police establishment**, the Madhya Pradesh High Court held that the necessitating the accused person to give voice sample does not meant that he is giving evidence against himself and also in **Kamal Pal and another Vs State of Punjab,** the Punjab and Haryana High Court held that the accused, who is judicially directed to give that voice sample for the purpose of Inquiry or comparison purposes do not infringe the right to privacy

VARIOUS HON'BLE HIGH COURT JUDGEMENTS

- Raj Kumar Singh Chouhan vs State Of Rajasthan on 10 September, 2021
- GOLLA VARA PRASAD Vs. STATE OF ANDHRAPRADESH
- Shahrukh vs The State Nct Of Delhi on 22 March, 2022
- Usha Dogra vs State Of Himachal Pradesh And Others on 2 May,2024
- M. R. Lohith Manohar Versus State by Rammurthy Nagar Police Station – 2011
- Sri Halappa @ Harthal Halappa vs The State Of Karnataka on 27.05.2010
- Mahendrakumar Kanhyalal Jain vs Shri Mahavir Urban Co-Operative on 19 June, 2013
- Shri Madhukar K. Farde V. Central Bureau of Investigation
- Singh Rana vs State Of Haryana on 18 April, 2022
- Ravi Parkash Sharma vs State of Punjab on 30 March, 2022
- Kishore vs State Rep. By on 16 November, 2017
- State vs Vikramjeet Singh @ Vika Virk on 23 May, 2018
- *P. Kishor Vs. State (2018(1) MLJ (Crl.) 208) of Madras High Court,*
- *Ravindra Kumar Bhalotia and others Vs. State and others (2018(1) MLJ (Crl) 149 of High Court of Madras*
- *State Vs. Vikramjeet Singh @ Vika Virka of Rajasthan High Court*
- *Leena Katiyar Vs. State of UP and others (2015(1) ACR 989) of Allahabad High Court*
- *Y. Ranganadh Goud vs State of Andhra Pradesh reported in (2010) 2 ALD (Cri) 538,*
- Smt. Leena Katiyar v. State of U.P., 2015 (89) ACC 556 (HC)

At this juncture, it is pertinent to mention that the foreign courts have also recognized the collection of voice samples from the accused persons by stating that they do not fall under the category of self-incrimination

Voice samples of the accused persons Jurisprudence in Foreign Countries are as under: -

In *United States v. Wade*,59 the Supreme Court of the United States held that compulsion to speak in the presence of witnesses does not amount to self-incrimination.

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The Australian jurisprudence has had its own set of issues with voice identification. Mostly, in controlling the admissibility of such identifications, it treated them as non-testimonial. The most significant case law on this matter is ***R v. Smith*** **(*—Smith*II)** since it tried to impose maximum limitations of its admissibility and came up with the most unique proposition on the subject.

In view of the above judgments of the Hon'ble Apex Court as well as various Hon'ble High Courts, it is evident that the accused person/s can be compelled to give the specimen voice samples and it does not amount to self-incrimination U/Article 20(3) of the constitution.

Q-2 If the accused person/s is/are refused to give such specimen voice samples, what is the legal remedy available to the prosecution?

The Hon'ble Apex Court of India in Narayan Dutt Tiwari Vs Rohit Shekar and another ((2012) 12 SCC 554) held that the reasonable force can be used by the Police to ensure the compliance of the Hon'ble Apex Court order for giving DNA test.

Further, the Hon'ble Apex Court has relied on in ***H.M Kamaluddin Ansari & Co. vs. Union of India ((1983) 4 SCC 417)*** and ***Attorney General vs. Guardian Newspapers Ltd. ((1987) 1 WLR 1248****), which* held that orders of the court were to be complied with and the court would not pass an order which would be ineffective. It also referred to ***K.A. Ansari vs. Indian Airlines Ltd ((2009) 2 SCC 164)*** wherein it was held that difficulty in implementation of an order passed by the court, could not be an excuse for its non-implementation.

Selvi vs. State of Karnataka ((2010) 7 SCC 263)*, which held that compelled extraction of blood samples in course of medical test did not amount to conduct that shocks the conscience and use of reasonable force, where necessary, was mandated by law.*

In view of the above judgments of the Apex Court, it is crystal clear that the assistance of the Police may be taken for the enforcement of the judicial orders and the same analogy applicable to obtain the voice sample from the accused persons even by using the force, the prosecution is at liberty to file a fresh application stating the reasons for the refusal of the accused person/s giving voice samples in the laboratory and assign the cogent reasons thereof and seek further direction to implement its earlier orders, if necessary by using the reasonable force with the assistance of the Police.

The Supreme Court recently in **Shimnit Utsch India Pvt. Ltd. v. West Bengal Transport Infrastructure Development Corporation Ltd. (2010) 6 SCC 303** reiterated that law on the binding effect of an order passed by a Court of law is well settled; if an order has been passed by a Court which had jurisdiction to

pass it, then the error or mistake in the order can be got corrected from a higher Court and not by ignoring the order or disobeying it expressly or impliedly.

In view of the above judgments of the Hon'ble Apex Court as well as various Hon'ble High Courts, it is evident that the accused person/s can be compelled to give the specimen voice samples by using the reasonable force and it does not amount to self-incrimination U/Article 20(3) of the constitution.

Q-3 Whether the adverse inference can be drawn on the refusal of giving specimen voice samples to the investigation Agency?

It is pertinent to mention that the term "adverse inference rule" refers to a principle that if the accused fails to provide a witness/evidence that is within his control to provide, and should have been produced, the court may instruct the jury to infer that the absence of such witness/evidence is unfavourable to the accused's case

Adverse inference rule is also known as empty chair doctrine or adverse interest rule, when the trial judge will almost automatically infer unfavourably from the accused's silence or failure to provide relevant witness or evidence that is under the accused's control.

Section 114 of the IEA gains relevance here.

"**114. Court may presume existence of certain facts.** – The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case."

Thus, Section 114 allows for the courts to presume certain facts from the facts of a particular case and in aid of the Section, the Act also provides a number of illustrations to assist in the presumptions that a court may draw. Of these, Illustration (g) is of relevance to this Rule.

"(g) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it." Supreme Court, in a catena of judgments has relied upon **Illustration (g)** to hold that it is the duty of the prosecution to lead the best evidence and adverse inference can be drawn when the best evidence is not produced before the Court.

It is submitted that in the case of **Phula Singh v. State of H.P**. the appellant, charged with bribery under prevention of Corruption Act, 1988, refused to provide any explanation as to the circumstances against him and evaded the questions with bare denials. While appreciating the right to silence, in view of the 313 statements of the accused, the court held that: "The accused has a to furnish an explanation... regarding any incriminating duty material that has been

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produced against him. If the accused has been given the freedom to remain silent... or even remain in complete denial...However, in such an event, the court would be entitled to draw an inference, including such adverse inference against the accused as may be permissible in accordance with law."

Section 27(2) of POTA envisages that if an accused person/s refuses to give his voice samples, only an adverse inference could have been taken.

Prahlad V. The State of Rajasthan, wherein the court held the accused guilty by drawing adverse inference. The word **'adverse inference'** suggests that the court is authorised to draw 'such inferences as appear proper' including an unfavourable decision from the defendant's silence; in other words, the court may hold the defendant's silence against him.

It is further submitted that the **Hon'ble High Court of Rajasthan at Jaipur Bench in Omkar Sapre Vs State of Rajasthan through his Public Prosecutor** held that and adverse inference can also be taken at the time of trial

The Apex Court undoubtedly in **Sharda Vs Dharmpal ((2004)4 SCC 493 and Bhavani Prasad Jena Vs Convenor Secretary Orissa State Commission for women and another ((2010) 8 SCC 633**) has held that "if despite an order passed by the Court, a person refuses to submit himself to such medical examination, a strong case for drawing an adverse inference" within the meaning of Section 114 of the Evidence Act would be made out.

It is further submitted the concept of adverse inference is also recognized by the foreign countries under different statues as under: -

The Criminal Justice and Public Order Act 1994 The United Kingdom is adopting a very broad scope of adverse inferences. The Criminal Justice and Public Order Act 1994 Section 34 allows adverse inferences when a suspect is silent when questioned under caution prior to charge (section 34(1)(a)).

In view of the above judgments of the Hon'ble Apex Court as well as various Hon'ble High Courts, it is evident that the Hon'ble Courts may take an adverse inference against the accused person/s if they are reluctant to give the specimen voice samples.

Q-4 The present legal position with respect to the specimen voice sample of the accused person/s?

The recent Bhartiya Nagarik Suraksha Sanhita (BNSS) has put an end to the anomaly to the concept of obtaining voice samples of the accused person/s, which has been in question for the last 20/25 years with advent of the Technological developments in the commission of the crime by inserting a statuary provision in the above said Act and made a legal by making it as

statutory enforceable right'. The extract of the said provision has been reproduced herein as under: -

Section 349 Bharatiya Nagarik Suraksha Sanhita Act, 2023: Power of Magistrate to order person to give specimen signatures or handwriting, etc.

If a Magistrate of the first class is satisfied that, for the purposes of any investigation or proceeding under this Sanhita, it is expedient to direct any person, including an accused person, to give specimen signatures or finger impressions or **handwriting or voice sample**, he may make an order to that effect and in that case the person to whom the order relates shall be produced or shall attend at the time and place specified in such order and shall give his specimen signatures or finger impressions or handwriting or **voice sample**:

Provided that no order shall be made under this section unless the person has at some time been arrested in connection with such investigation or proceeding:

Provided further that the Magistrate may, for the reasons to be recorded in writing, order any person to give such specimen or sample without him being arrested.

In view of the insertion of the above said provision in the BNSS Act it is crystal clear that **fourth question** is also answered in **affirmative**

The present legal status with regard to obtaining the voice samples from the accused person/s is thus clear from the existing laws and the various judgements of the Hon'ble Apex Court as well as various Hon'ble High Courts.

CITATIONS

https://indiankanoon.org/doc/162421918/; Somula Sathyavathi vs The State Of Andhra Pradesh; CRLP No.9700 of 2023 Dated 30.04.2025

The learned counsel for the respondent places reliance on Kotla Hari Chakrapani Reddy Vs. The State of A.P., this Court has held that there is no provision in law for deleting an accused from the case by the police officers, investigating officer or the Superintendent of the Police district concerned and that it is for the investigating officer to place all the material before the Magistrate. Without there being judicial decision on cognizance, no police officer can unilaterally delete or direct deletion of an accused from a case.

These omnibus allegations making sweeping reference to the involvement of the petitioners without specific details such as date and place cannot sustain the scrutiny of trial. Such allegations could not qualify for tested before a Trial Court.

Admittedly, the petitioners are sisters of the Accused No.1 and were married much prior to the marriage of the Accused No.1. Soon after their marriage they were residing with their respective families in different towns away from the marital home of the 2 nd respondent and the Accused No.1. This case on hand is another classic case where the sisters of the husband are roped in as accused for wreaking vengeance against the 1st accused.
Married sisters living with their respective families separately in different towns cannot be roped in as accused without any specific allegations and without any details of the specific allegations in the complaint or in the statement before the Police under Section 161 of Cr.P.C., Any improvements made by PW.1 before the Court would have to be considered as an afterthought only with a view to implicate the petitioners as accused.

2025 0 INSC 615; 2025 0 Supreme(SC) 761; Raju @ Umakant Vs. The State of Madhya Pradesh; Criminal Appeal No. 2377 of 2025 (@ Special Leave Petition (Crl.) No. 17398 of 2024); Decided On : 01-05-2025
It is well-settled that the evidence of the prosecution witness cannot be rejected in toto merely because the prosecution chose to treat him as hostile and cross- examined him. It has been held that the evidence of such witnesses cannot be treated as effaced or washed off the record altogether but the same can be accepted to the extent their version is found to be dependable on a careful scrutiny thereof. It has been held that where the evidence of such a witness is consistent with the case of the prosecution, it can be relied upon. [See Selvamani vs. State Rep. by the Inspector of Police, 2024 SCC OnLine SC 837 and Neeraj Dutta vs. State (Government of NCT of Delhi) (2023) 4 SCC 731 (para 87).

2025 0 INSC 618; 2025 0 Supreme(SC) 764; Aman Bhatia Vs. State (GNCT of Delhi); Criminal Appeal No. 2613 of 2014; 02-05-2025
Insofar as the presumption under Section 20 of the PC Act is concerned, such presumption is drawn only qua the offence under Sections 7 and 11 respectively and not qua the offence under Section 13(1)(d) of the PC Act. The presumption is contingent upon the proof of acceptance of illegal gratification to the effect that the gratification was demanded and accepted as a motive or reward as contemplated under Section 7 of the PC Act. Such proof of acceptance can follow only when the demand is proved.
Stamp vendors across the country, by virtue of performing an important public duty and receiving remuneration from the Government for the discharge of such duty, are undoubtedly public servants within the ambit of Section 2(c)(i) of the PC Act.

https://indiankanoon.org/doc/194406500/; Faiyaz Mehemood Ansari vs State Of Telangana; CRIMINAL APPEAL Nos.363, 429, 478 of 2020 & 146 of 2021 Date: 01.05.2025 (DB)

the allegation of practicing witchcraft or doing any Tantrik acts of inflicting injuries on PW.2 would attract penal consequences for causing bodily injury. In the State of Telangana, there is no enactment punishing people practicing witchcraft/black magic or any such practices.

Section 2(c) is the definition of a magic remedy. The enactment is intended to punish any false claims of magic remedies for practicing witchcraft or any such acts of black magic or similar practices. There is no punishment prescribed in the Drugs and Magic Remedies (objectionable advertisements) Act, 1954.

https://indiankanoon.org/doc/66272979/; Mandaloju Mandaladi Mohana Chary vs State Of Telangana; CRLP No.5039 of 2022; 01-05-2025

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 498-A 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 them.

https://indiankanoon.org/doc/36928189/; Veeralla Ramakrishna vs Devarakonda Vinay Kumar on 1 May, 2025; CRLP 4738/2025

The petitioners and the 1st respondent in both the criminal petitions have instituted legal proceedings against each other, resulting in a case and a counter-case. The dispute arises on account of the differences in the financial transactions. In connection with this dispute, the petitioners lodged a complaint against the 1st respondent, who, in turn, filed a counter-complaint against the petitioners. Both criminal cases are sought to be compounded.

Recording the submissions of the 1st respondent, the respective I.A. Nos.2 and 3 of 2025 in both the criminal petitions are allowed, thereby the proceedings in Crime No.331 of 2024 of Medikonduru Police Station, Guntur District,against the petitioners for the offences Sections 109 (1), 118(1) read with 3(5) of the B.N.S., Sections 3(1)(r)(s), 3(2)(v) of SC & ST (POA) Act, 1989,and the proceedings in Crime No.332 of 2024 of Medikonduru Police Station, Guntur CRL.P. Nos.4738 & 4739 OF 2025 District, registered

against the petitioner under Section 109 (1), 118(1) read with 3(5) of the B.N.S., are hereby quashed.

https://indiankanoon.org/doc/141380824/; Tekumatta Chakrapani, Medak vs The State Of Telangana, on 1 May, 2025; Crla_552_2016

It is a settled proposition, reiterated in several Supreme Court decisions, that when the facts proved show the accused was last seen with the deceased, and in the absence of any other explanation, a negative inference can be drawn against the accused.

Furthermore, the first information statement (Ex.P-1) and the evidence of PWs. 1 to 4 clearly and consistently state that the accused informed them, in the presence of caste elders, about the commission of the offence, after which they went to the location, searched, and found the dead body. This version remained uncontroverted except for denial suggestions. The discovery of the dead body based on the accused's statement is another material circumstance.

Moreover, delay in filing the FIR cannot, by itself, be a ground to discard the material evidence and the prosecution's case. It is well settled that in cases of delay, the relevant consideration is whether there was any deliberation for falsely implicating the accused. In this case, the allegations in the first information statement were specific and directed only against the accused, and cross-examination did not reveal any reason for false implication. Thus, this ground of defence is without merit.

https://indiankanoon.org/doc/57311118/; T. Prabhakar Rao vs The State Of Telangana on 2 May, 2025; CRLP 4207/2025

as per the provisions of the Cr.P.C., Section 41-A of the Cr.P.C., notice has to be issued to the accused person directly.

https://indiankanoon.org/doc/79361604/; Koka Raghava Rao, vs The State Of Telangana on 2 May, 2025; CRLP 5564/2025

when there is ambiguity exists in Section 167 Cr.P.C, it must be interpreted to protect personal liberty. The 60/90-day remand period begins from the date of the Magistrate's remand order and includes that day. If a charge-sheet is filed on or after the 61st/91st day, the accused is entitled to default bail, provided the application is made before such filing. Once the right to default bail accrues, it cannot be defeated by the subsequent filing of the charge-sheet.

https://indiankanoon.org/doc/139412190/; Vunukonda Devender A.1 & 7 Others vs State Of Telangana And Anr on 2 May, 2025; CRLP 750/2022
In the instant case, having gone through the record, it clearly depicts that no complaint was made by the de facto complainant-wife before the jurisdictional Magistrate alleging the offence under Section 494 of IPC. On the other hand, she has filed a complaint before the jurisdictional Police for investigation and the same is not maintainable in view of the bar enshrined in Section 198(1) of Cr.P.C. The Police, after concluding investigation have filed charge sheet before the trial Court and the same was taken cognizance by the learned Magistrate without perusing the mandate under Section 198(1) of Cr.P.C. and issued process to the accused, which is contrary to law. Even no material was produced by the prosecution to prove the second marriage of petitioner-accused No.1 with accused No.2. Therefore, the First Information Report, charge sheet and the order taking cognizance on such charge sheet are without jurisdiction and the same are liable to be quashed, in view of the law laid down by the High Court of Andhra Pradesh in B.Parvathi's case {2020 0 Supreme(AP) 9}
(THIS JUDGMENT HAS NOT DISCUSSED THE JUDGMENT OF THE APEX COURT IN BETWEEN A.SUBASH BABU VS STATE OF A.P, which discusses the judgment between S.Radhika Sameena Vs. Station House Officer, 1997 Criminal Law Journal 1655, relied upon by the court in this case AND the Apex Court has held that *"offences under Sections 494, 495 and 496 having been rendered cognizable and non-bailable by virtue of the Code of Criminal Procedure (Amendment Act, 1992) can be investigated by the Police and no illegality is attached to the investigation of these offences by the police. If the Police Officer in charge of a Police Station is entitled to investigate offences punishable under Section 494 and 495 IPC, there is no manner of doubt that the competent Court would have all jurisdiction to take cognizance of the offences after receipt of report as contemplated under Section 173(2) of the Code."* "Once, it is held that the offences under Section 494 and 495 IPC are cognizable offences, the bar imposed by operative part of sub-section 1 of Section 198 of the Criminal Procedure Code beginning with the words "No Court shall take cognizance of an offence punishable under Chapter XX of the Indian Penal Code except upon a complaint made by some person aggrieved by the offence" gets lifted so far as offences punishable under Sections 494 and 495 IPC are concerned.") A. Subash Babu VS State of A. P. , 21 Jul 2011; 2011 0 AIR(SC) 3031; 2011 0 CrLJ 4373; 2011 7 SCC 616; 2011 3 SCC(Cri) 267;

https://indiankanoon.org/doc/157467595/; P Aruna vs B Madhava Reddy on 2 May, 2025; WA 1225/2023 (DB)

Section 91 of Cr.P.C. requires any person in possession of documents to furnish the documents as directed by the Investigating Officer. In the present case, the High Court cannot be termed to be a "person" under Section 91of Cr.P.C. In such circumstances, the provision of Section 91 of Cr.P.C. would be inapplicable and consequently, the Inspector of Police would not have jurisdiction or authority to call upon this Court to furnish the documents, under Section 91 of Cr.P.C.

https://indiankanoon.org/doc/118032005/; Kunja Venkatalaxmi, vs The State Of Telangana on 2 May, 2025; CRLP 5877/2025

41A CrPC/35(3) BNSS notice directed to be served for the accused of offence u/s. 108 r/w. 62 BNS, which is punishable with imprisonment for 10 years

2025 0 INSC 631; 2025 0 Supreme(SC) 775; Kumari Rekha Vs. Shambhu Saran Paswan; Civil Appeal No. 3489 of 2025 [Arising out of SLP (Civil) No. 18812 of 2022]; 06-05-2025

Even though the respondent-husband has vehemently opposed the prayer for dissolution of marriage contending that none of the available grounds on which a Hindu marriage could be dissolved is present, the same is not a bar for us to exercise our powers under Article 142 of the Constitution; more particularly when we are satisfied that it is a case of irretrievable breakdown of marriage. In this regard, one may refer profitably to the decision of the Constitution Bench of this Court in Shilpa Sailesh v. Varun Sreenivasan, 2023 SCC OnLine SC 544.

2025 0 INSC 634; 2025 0 Supreme(SC) 778; Harjinder Singh Vs. The State Of Punjab & Anr.; Criminal Appeal No(s). 2477 of 2025 (@ SLP (Criminal) No. 1891 of 2024); 06-05-2025

We believe that the High Court, in interfering under Section 482 CrPC, placed decisive reliance on the investigation dossier and characterised the 10 May 2016 episode as mere “teasing”. Such a description underplays both the content and the effect of the words spoken. If the allegations is true, telling a physically challenged man that he and his family should die, and doing so in the immediate aftermath of a grievous acid attack, is not banter. Sensitivity to the social context, where honour and shame weigh heavily, was called for. The offence, no doubt, will have to be established at the trial. The Trial Court will also decide whether on facts the offence is established,

keeping in view the law laid down by this Court in Mahendra Awase vs. State of Madhya Pradesh, 2025 SCC OnLine SC 107 and other judgments interpreting Section 306 IPC.

Having regard to the purpose of Section 319 CrPC, we see no infirmity in the order of the Trial Court. On the contrary, non-summoning of respondent no. 2 would have risked a truncated trial and a possible failure of justice. The High Court, by elevating unproved defence documents above sworn testimony, adopted an approach that was neither consistent with the text of Section 319 CrPC nor consonant with the realities of a case involving a vulnerable victim. The Court's intervention, in effect, foreclosed the prosecution from testing the alibi and deprived the Trial Court of jurisdiction expressly conferred upon it.

https://indiankanoon.org/doc/134095413/; B Narendra Kumar vs Union Of India; WRIT PETITION No.27032 OF 2024 Dated 05.05.2025

It has to be uppermost kept in mind that impartial and truthful investigation is imperative. It is judiciously acknowledged that fair trial includes fair investigation as envisaged by Articles 20 & 21 of the Constitution of India. The role of the police is to be one for protection of life, liberty and property of citizens, that investigation of offences being one of its foremost duties. That the aim of investigation is ultimately to search for truth and to bring the offender to book.

Apart from ensuring that the offences do not go unpunished, it is the duty of the prosecution to ensure fairness in the proceedings and also to ensure that all relevant facts and circumstances are brought to the notice of the court for just determination of the truth so that due justice prevails. It is the responsibility of the investigating agency to ensure that every investigation is fair and does not erode the freedom of an individual, except in accordance with law. One of the established facets of a just, fair and transparent investigation is the right of an accused to ask for all such documents that he may be entitled to under the scheme contemplated by the Cr.PC.

As observed by this Court in the case of V.K. Sasikala v. State represented by Superintendent (2012) 9 SCC 771, though it is only such reports which support the prosecution case that are required to be forwarded to the Court under Section 173(5), in every situation where some of the seized papers and the documents do not support the prosecution case and, on the contrary, support the accused, a duty is cast on the investigating officer to evaluate the two sets of documents and materials collected and, if required, to exonerate the accused at that stage itself.

Even in a case where the public prosecutor did not examine the witnesses who might have supported the accused, this Court in the case of Darya Singh v. State of Punjab AIR 1965 SC 328 has observed that the prosecution must act fairly and honestly and must never adopt the device of keeping back from the Court only because the evidence is likely to go against the prosecution case. It is further observed that it is the duty of the prosecution to assist the court in reaching to a proper conclusion in regard the case which is brought before it for trial. It is further observed that it is no doubt open to the prosecutor not to examine witnesses who, in his opinion, have not witnessed the incident, but, normally he ought to have examined all the eye-witnesses in support of his case. It is further observed that it may be that if a large number of persons have witnessed the incident, it would be open to the prosecutor to make a selection of those witnesses, but the selection must be made fairly and honestly and not with a view to suppress inconvenient witnesses from the witness box. It is further observed that if at the trial it is shown that the persons who had witnessed the incident have been deliberately kept back, the Court may draw an inference against the accused and may, in a proper case, record the failure of the prosecution to examine the said witnesses as constituting a serious infirmity in the proof of the prosecution case.

The prosecution/investigating agency is expected to act in an honest and fair manner without hiding anything from the accused as well as the Courts, which may go against the prosecution. Their ultimate aim should not be to get conviction by hook or crook.

The expression "fair and proper investigation" in criminal jurisprudence was held by this Court in Vinay Tyagi vs Irshad Ali @ Deepak and others (2013)5SCC 762 to encompass two imperatives; firstly the investigation must be unbiased, honest, just and in accordance with law and secondly, the entire emphasis has to be to bring out the truth of the case before the court of competent jurisdiction.

https://indiankanoon.org/doc/91379985/; Dasari Bheemalinga, vs The State Of Andhra Pradesh; CRLP NO.4505 of 2025 Date: 05.05.2025

initially, a notice under Section 41-A of the Cr.P.C. was issued to all the petitioners. However, after the receipt of the Wound Certificate, the offence has been subsequently reclassified and registered under Section 118(2) of the BNS Act.

A-1 to A-5 approached filed for Anticipatory bail. A4 & A5 granted bail as they are women with no criminal antecedents, but the anticipatory bail application of A-1 to A-3 was dismissed.

https://indiankanoon.org/doc/126995574/; Balaji Govindappa vs State Of Andhra Pradesh on 7 May, 2025; Crl.P.Nos.4837 of 2025 & Batch

In Ashok Kumar V. State of Union Territory Chandigarh , the Hon'ble Apex Court held that:

12. There is no gainsaying that custodial interrogation is one of the effective modes of investigating the alleged crime. It is equally true that just because custodial interrogation is not required that by itself may also not be a ground to release an accused on anticipatory bail if the offences are of a severe nature.

However, a mere assertion on the part of the State while opposing the plea for anticipatory bail that custodial interrogation is required would not be sufficient. The State would have to show or indicate more than prima facie why the custodial interrogation of the accused is required for investigation.

The anticipatory bail, the extraordinary privilege, should be granted only in exceptional circumstances, where the court is prima facie convinced that the petitioners are enroped in the crime and unlikely to misuse the liberty granted. The necessity for custodial interrogation of the petitioners is paramount in this case to facilitate a thorough investigation into the accusations. Denying custodial interrogation could result in significant loopholes and gaps in the ongoing investigation, adversely affecting its integrity. To bring out all material information relating to the offence, the petitioners must undergo custodial interrogation.

APHC010503122024;https://indiankanoon.org/doc/50990251/; Crl.P. No. 8067 of 2024 & batch; Sirigireddy Arjun Reddy vs The State Of Andhra Pradesh on 7 May, 2025;

The primary requirement to attract "organised crime" is that the unlawful activity should be for material benefit for the accused including financial benefit in view of the wording "to obtain direct or indirect material benefit including a financial benefit," occurring in Section 111(1) of the BNS as above. The term "material benefit including a financial benefit" is not defined in the BNS. Though similar wordings are used in defining "organised crime" in the UN Convention against Transnational Organised Crime and UN Protocol against Smuggling of migrants by Land, Sea and Air, the said term occurring in Article 2(a) thereof was not defined. The Article 2(a) of the Convention reads as under:

Article 2 (a): "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and BNSing in concert with the aim of committing one or more serious crimes or offences

established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

The definition of "organised crime" in the Acts of the State like A.P. Control of Organised Crime Act, 2001, Maharashtra Control of Organised Crime Act, 1999 etc., is slightly different. The Section 2(e) of the A.P. Control of Organised Crime Act, 2001 which is similar in Acts akin thereto is extracted below:

Section 2 (e) "organised crime" means may continuing unlawful activity by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate by use of violence or threat of violence or intimidation or coercion of other unlawful means, with the objective of gaining pecuniary benefit or gaining undue economic or other advantage for himself or any other person or promoting insurgency.

In the absence of any specific explanation as to what constitutes material benefit, it would be appropriate to rely on common understanding. In general sense, the term "material benefit" refers to tangible benefits that can be expressed in terms of money or property or is referable to some visible benefit and not a perceptual benefit. In these cases, what material benefit the Petitioner obtained assuming that the confession of co-accused is taken to be true is not forthcoming at this stage.

The second aspect of the issue is that explanation (ii) to Section 111 of the BNS defining "Continuing unlawful activity" mandates more than one chargesheet against the accused in the previous ten years. As on the date of registration of the crimes against the Petitioner, nothing has been pointed out as to the pendency of any chargesheet against the Petitioner for the offences referred in Section 111 of the BNS in the preceding 10 years.

In the absence of any chargesheet at the time of registration of crime, the registration of offence under Section 111 of the BNS at this stage appears to be not in consonance with the requirement of law. The High Court of Kerala in the matter of Mohammed Hashim v. State of Kerala after referring to the Judgement of the Hon'ble Supreme Court in the matter of State of Maharashtra v. Shiva Alias Shivaji Ramaji Sonawane and others arising under the Maharashtra Control of Organised Crime Act, 1999 (for short „MCOC" Act) held that two chargesheets are a requirement for registering an offence under Section 111 of the BNS. Similar view was taken by the Division Bench of this Court in Pappula Chalama Reddy v. The State of Andhra Pradesh in W.P.No. 26769 of 2024, disposed of on 18.12.2024.

https://indiankanoon.org/doc/97364984/; Mr. Vallabhneni Vamsi Mohan, vs The State Of A.P; CRLP No.3909 OF 2025 Date: 08.05.2025

All the offences are punishable with imprisonment of up to seven years, except 386 of IPC. Furthermore, this court finds reason to doubt the applicability of Section 386 of the IPC; instead, Section 384 IPC, which was invoked initially and carries a lesser punishment of up to three years, maybe more appropriately applicable. At least the petitioner has made a case for issuance of notice under section 35(3) of BNSS (section 41A of IPC).

For prosecuting this petitioner for an offence under Sections 467 and 471, a complaint by the court may not be necessary as under Section 195(1)(b) CrPC a complaint may be made only when it is committed by a party to any proceeding in any court.

https://indiankanoon.org/doc/27514208/; P. Joshua vs The State Of Andhra Pradesh; Criminal Petition No.5333 of 2025 Date: 09.05.2025

The prosecution's case, in brief, is that the Vigilance & Enforcement (V&E) Department conducted an enquiry based on a representation from Sri Nallapaneni Chalapathi Rao, Managing Partner of Sri Lakshmi Balaji Stone Crushers, Edlapadu, Palnadu District. The complaint alleged that Smt. Vidadala Rajani (A.1, former Minister and MLA), Sri P. Joshua, IPS (A.2, then RV&EO, Guntur), and others demanded and accepted bribes. The enquiry report, submitted vide Letter No.3999/V&E/NR/2024 dated 03.12.2024, recommended a comprehensive ACB investigation, disciplinary action against A.2, and legal proceedings against other involved parties. The Government forwarded the V&E report to the ACB through Memo No. 2645183/SC.D/A1/2024 dated 23.01.2025, requesting an investigation under the Prevention of Corruption Act. Subsequently, the DG, ACB, A.P., Vijayawada sought sanction under Section 17A of the PC (Amendment) Act, 2018. The Government, vide Memo No.2645183/SC.D/A1/2024 dated 18.02.2025, granted permission for investigation against A.2 and A.4 (Sri Dodda Ramakrishna, PA to A.1). However, through Memo No. 2723576/A1/2025/Poll.B, dated 07.03.2025, it clarified that A. 1, being an MLA, does not require sanction under Section 17A as the alleged act, extorting money from a businessman, was unrelated to her official duties. According to the complainant, A.1, her brother-in-law Sri Vidadala Gopi, i.e., A.3, A.4, and A.2 demanded and extorted 2 crores for A.1 and 10 lakhs each for A.2 and A.3. A.2 allegedly conducted an unauthorized inspection of the complainant's stone crusher unit on 10.09.2020, without a formal petition or orders, solely to intimidate and extort.

As a result, the Criminal Petition is 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.

2025 0 INSC 666; 2025 0 Supreme(SC) 808; Aashish Yadav Vs. Yashpal & Ors.; Criminal Appeal No. 2573 of 2025 (@ Special Leave Petition (Crl.) No. 14681 of 2024); Decided On : 13-05-2025

Admittedly, from the day of arrest till filing of the first chargesheet wherein these respondent accused were shown as absconding, the respondents were successful in evading their arrest and subsequently when the application for grant of bail was rejected these respondents accused surrendered themselves to the Trial Court and then the application for grant of bail was filed before the High Court.

It was also submitted before the Court that the contract killer Vicky @ Kartoos is having criminal antecedents and is a history sheeter. Thus, the apprehension of the complainant, that the respondent accused, if released on bail may pressurise the witnesses is not unjustified.

The complainant is also justified in making the submission that as the trial is now in the process and key prosecution witnesses are yet to be examined, there exists a reasonable apprehension that if these accused persons are granted bail, then they may attempt to pressurise or influence the witnesses or even abscond.

The High Court therefore failed to consider these above grounds and has mechanically passed the order and allowed the appeal. The order of grant of bail to accused on parity is error apparent on the face of the record. The High Court failed to consider that the accused are the main accused in the matter and cannot be enlarged on bail because the other co-accused persons have been granted bail. The High Court order granting bail to the accused respondents is hereby set aside. Accordingly, the present appeal is allowed.

2025 0 INSC 671; 2025 0 Supreme(SC) 813; Rajesh Chaddha Vs. State of Uttar Pradesh; Criminal Appeal No(s). of 2025 [Arising out of SLP (Crl.) Nos. 2353-2354 of 2019]; Decided on : 13-05-2025

Notwithstanding the merits of the case, we are distressed with the manner, the offences under Section 498A IPC, and Sections 3 & 4 of the D.P. Act, 1961 are being maliciously roped in by Complainant wives, insofar as aged parents, distant relatives, married sisters living separately, are arrayed as accused, in matrimonial matters. This growing tendency to append every relative of the husband, casts serious doubt on the veracity of the allegations

made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. The observations made by this Hon'ble Court in the case of Dara Lakshmi Narayana & Ors. v. State of Telangana & Anr., (2025) 3 SCC 735 appropriately encapsulates this essence as under:

> "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."

The term "cruelty" is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. We cannot ignore the missing specifics in a criminal complaint, which is the premise of invoking criminal machinery of the State. Be that as it may, we are informed that the marriage of the Appellant has already been dissolved and the divorce decree has attained finality, hence any further prosecution of the Appellant will only tantamount to an abuse of process of law.

2025 0 INSC 674; 2025 0 Supreme(SC) 816; P. Shanthi Pugazhenthi Vs. State Represented By The Inspector of Police SPE/CBI/ACB/ Chennai; Criminal Appeal No. 2581 of 2025 (@ Special Leave Petition (Criminal) no. 3472 of 2018); Decided On : 13-05-2025

The law was laid down by this Court with respect to offences under section 109 IPC read with 13(1)(e) of the 1988 Act, in P. Nallammal & Anr. v. State, represented by Inspector of Police (1999) 6 SCC 559, where this court was considering whether the appellants therein are liable to be convicted of abetting crime under 13(1)(e) of the 1988 Act.

In P. Nallamal (Supra), it was contended before this Court that an offence under section 13(1)(e) of the 1988 Act cannot be abetted by a non-public servant. Further, that there is no provision in the 1988 Act which provides punishment for abetment of offence under section 13(1)(e) whereas it provides punishment for abetment of some other offences under the 1988 Act. However, after discussing the history of Section 13 of the 1988 Act which was a substitute for some of the provisions of Chapter-IX of IPC which deals with offences by or relating to public servants, this Court held that an offence under section 13(1)(e) of the 1988 Act can be abetted by any other person. After reading Section 107 of IPC and accepting suggestions of Counsel, this Court gave illustrations that how even a person who is not a public servant can abet the offence under section 13(1)(e) of the 1988 Act. The relevant paragraphs are as follows:

> "24. Shri Shanti Bhushan cited certain illustrations which, according to us, would amplify the cases of abetments fitting with each of the three clauses in Section 107 of the Penal Code vis-a-vis Section 13(1)(e) of the PC Act. The first illustration cited is this:
>
> If A, a close relative of the public servant tells him of how other public servants have become more wealthy by receiving bribes and A persuades the public servant to do the same in order to become rich and the public servant acts accordingly. If it is a proved position there cannot be any doubt that A has abetted the offence by instigation.
>
> Next illustration is this:
>
> Four persons including the public servant decide to raise a bulk amount through bribery and the remaining persons prompt the public servant to keep such money in their names. If this is a proved position then all the said persons are guilty of abetment through conspiracy.
>
> The last illustration is this:
>
> If a public servant tells A, a close friend of his, that he has acquired considerable wealth through bribery but he cannot keep them as he has no known source of income to account, he requests A to keep the said wealth in A's name, and A obliges the public servant in doing so. If it is a proved position A is guilty of abetment falling under the "Thirdly" clause of Section 107 of the Penal Code.
>
> 25. Such illustrations are apt examples of how the offence under Section 13(1)(e) of the PC Act can be abetted by non-public servants. The only mode of prosecuting such offender is through the trial envisaged in the PC Act."
>
> (Emphasis Provided)

In other words, any person who persuades a public servant to take bribes, decides to raise money through bribes along with a public servant and prompts such public servant to keep the wealth with him/her or keeps the amassed wealth of a public servant in his/her own name is guilty of committing the offence of abetment of offence under section 13(1)(e) of the 1988 Act. We must also note that the 2018 Amendment to the 1988 Act has substituted Section 12 of 1988 Act and made all offences under the 1988 Act abettable. This Section 12 of 1988 Act reads as follows:

> **"12. Punishment for abetment of offences.—** Whoever abets any offence punishable under this Act, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall not be less than three years, but which may extend to seven years and shall also be liable to fine."

In any case, there is no doubt that offence under section 13(1)(e) was abettable even prior to the 2018 Amendment.

In the case at hand, it is an admitted position that the appellant's husband has acquired assets (disproportionate to his income), during the check period, in appellant's name. Both the courts below have given concurrent findings on this aspect, and it is not required for us to deal with that aspect in detail.

2025 0 INSC 683; 2025 0 Supreme(SC) 824; Tukesh Singh & Ors. Vs State of Chhattisgarh; Criminal Appeal No. 1157 of 2011 with Criminal Appeal No.1608 of 2011 and Criminal Appeal No.1713 of 2012; Decided On : 14-05-2025 (THREE JUDGE BENCH)

In a case where there are eyewitnesses, one situation can be that the eyewitness knew the accused before the incident. The eyewitnesses must identify the accused sitting in the dock as the same accused whom they had seen committing the crime. Another situation can be that the eyewitness did not know the accused before the incident. In the normal course, in case of the second situation, it is necessary to hold a Test Identification Parade. If it is not held and if the evidence of the eyewitness is recorded after a few years, the identification of such an accused by the eyewitness in the Court becomes vulnerable. Identification of the accused sitting in the Court by the eyewitness is of utmost importance. For example, if an eyewitness states in his deposition that "he had seen A, B and C killing X and he knew A, B and C". Such a statement in the examination-in-chief is not sufficient to link the same to the accused. The eyewitness must identify the accused A, B and C in the Court. Unless this is done, the prosecution cannot establish that the accused are the same persons who are named by the eyewitness in his deposition. If

an eyewitness states that “he had seen one accused assaulting the deceased with a sword, another accused assaulting the deceased with a stick and another accused holding the deceased to enable other accused to assault the deceased.” In such a case, the eyewitness must identify the accused in the open Court who, according to him, had assaulted the accused with a stick, who had assaulted the deceased with a sword and who was holding the deceased. Unless the eyewitnesses identify the accused present in the Court, it cannot be said that, based on the testimony of the eyewitnesses, the guilt of the accused has been proved.

2025 0 INSC 695; 2025 0 Supreme(SC) 834; In Re : Alarming Rise In The Number Of Reported Child Rape Incidents C.A. No. 7968 of 2019, Suo Moto Writ Petition (Criminal) No(s). 1 of 2019; Decided on : 15-05-2025

In our opinion, since the timelines have been stipulated under the POCSO Act for all stages right from the stage of Investigation up to the stage of Trial, the same must be adhered to as far as possible. Because of the inadequacy of the number of exclusive Courts for the POCSO Cases, the said timelines mandated in the Act for completion of the trials are not being maintained. It is therefore expected that the Union of India and the State Governments shall take appropriate steps to sensitize the officials associated with the investigation of POCSO cases, and also to create dedicated Courts to try POCSO Cases on top priority basis, and to see to it that the chargesheets are filed within the mandatory period stipulated in the Act, and the Trials are completed within the time frame as contemplated in the Act.

2025 0 INSC 703; 2025 0 Supreme(SC) 842; Nagarajan & Anr. Vs. The State of Tamil Nadu; Criminal Appeal No. 1390 of 2025 [Arising Out of SLP(Crl.) No. 8401 of 2022]; With Naresh Chandra @ Naresh Babu Vs. State Of Uttar Pradesh; Criminal Appeal No. 2054 of 2025 [Arising Out of SLP(Crl.) No. 2217 of 2022]; Decided On : 15-05-2025

A canonical rule of statutory interpretation, i.e, the rule of literal construction, is that the words of a statute should be read as it is and should be understood in their natural and ordinary sense. A reference to the rule of beneficial construction of a statute or any other rule of statutory interpretation may be resorted to only if the literal rule fails to provide suitable guidance or results in absurdity.

There can be no quarrel that Section 20AA, introduced by way of amendment, is too clear admitting of no absurdity and seals this question of law against the appellants. Nothing in these decisions have shown us that the rule of beneficial construction can also be extended to the release of

offenders on probation, especially considering the express provision present in Section 20AA of the PoFA Act.

This Court has often lamented the lack of sentencing guidelines in this country, which we echo. That being said, we are of the firm opinion that there exists a fundamental difference between reduction or mollification of a sentence and releasing an offender on probation. The probationary process envisages that first time offenders who are capable of reformation can be provided a benefit such that they can continue to a be a part of society as capable and law-abiding citizens in the future. The thrust of penology in the past few decades has been focused on the reformation of an individual. "Every saint has a past, and every sinner has a future". While there is no quarrel with the probationary process, we ought to remain subservient to the wisdom of the legislature in applying the benefit of probation. This Court cannot offend the express provisions present in any legislative instrument merely to provide a benefit to an offender, not envisaged under the law. Section 20AA of the PoFA Act read with Section 97 of the FSS Act makes it clear that the benefit under the Probation Act cannot be made applicable to an offence committed between 1976 (when Section 20AA was introduced) up to the repeal of the statute in 2006 by the FSS Act in line with the decision rendered in Babu Ram (supra).

Therefore, the first question is decided against the appellants.

While deliberating on the second question, we have also considered the claim that the sentence should at least be reduced as per the FSS Act. Several decisions have been cited before us to contend that mollification of a punishment on the ground that the new enactment provides for a lesser punishment is permissible. We are, however, in respectful disagreement with such proposition insofar as the instant case is concerned. A 'repeals and savings' clause in any statute is not mere surplusage that the Courts may ignore in the interpretation of the law. When a 'repeal and savings' clause specifically protects a penalty provided for in the old enactment, the intention of the legislature is clear. This Court, in its enthusiasm, cannot and should not provide a benefit to the accused that is not permitted in law. Mollification must only be provided in cases where a provision in relation to 'repeal and savings' is either not present or where the 'repeal and savings' clause envisages such a possibility.

2025 0 INSC 705; 2025 0 Supreme(SC) 844; A1: Rajesh in Criminal Appeal No. 2617 of 2025 @ SLP (Crl.) No.4651 of 2024) A1: Makbool Ahmed in Criminal Appeal No. 2616 of 2025 @ SLP (Crl.) No. 4650 of 2024) Vs Union of India; R1: Union of India in Criminal Appeal No. 2616

of 2025 @ SLP (Crl.) No.4651 of 2024) R1: State of Maharashtra in Criminal Appeal No. 2616 of 2025 @ SLP (Crl.) No. 4650 of 2024) Criminal Appeal Nos. OF 2025 [@ Special Leave Petition (Criminal) Nos.4650-4651 of 2024] Decided On : 15-05-2025

The present lis concerns offences under the Act. It need not be over-emphasised that in the present times, the area left open to the wildlife ecosystem is diminishing everyday due to massive urbanisation, colonization, industrialisation and land-use for various commercial purposes, the threat of wild life, flora and fauna, vanishing and even becoming extinct is real and not imaginary. Thus, no doubt, a very strict approach is required to be taken by the concerned Governments and authorities. If guilt of the accused is established beyond reasonable doubt for any offence under the Act, the punishment meted out should be appropriate and commensurate to the offence, as laid down in the Act .

19. However, having stated the above, the standard of 'proof beyond reasonable doubt' still holds the field. Any infringement on the life and liberty of an accused should only be countenanced when the prosecution meets the standard supra.

20. In the present scenario, much can be said about the vague investigation which shows that it has been open-ended without delving into the relevant aspects which were necessarily required to be gone into. Going by the prosecution version, huge quantity of banned/illegal animal products having been recovered, it would obviously mean that there would have been a supplier (either the 'Madhu' adverted to earlier, or someone else) of the seized products, and prospective buyer(s), since the prosecution itself stated that the products were to be handed over to some other person. What we can gather is that the CBI team did not have the patience to wait for the transaction to reach its logical conclusion, as the interception of only the accused took place. With regard to the supplier, it is apparent that no investigation in this behalf was pursued by the CBI. It has not even been indicated as to how the appellants were involved with and had links with the trade. Pausing for a moment, we would like to clarify that this does not absolve the appellants of their liability of discharging the presumption operating against them by virtue of Section 57 of the Act. Even the Forensic Report prepared by the Wildlife Institute of India only mentions that the material belonged to tiger, panther, leopard, hyena, chital but the age of the animal products was not determined.

21. This, in our view, indicates a casual approach in conducting the investigation. It is gainsaid that in matters of the like herein, the first and foremost duty is on the investigators, including the responsibility of ensuring

full and proper forensic tests as also in-depth investigation which encompassing all possibilities, such that the chain of events from the beginning till the end is complete. Be that as it may, the above lacuna do not fully aid the appellants.

2025 0 INSC 710; 2025 0 Supreme(SC) 849; Virender Pal @ Vipin Vs. State of Haryana; Criminal Appeal No(s). 342 of 2015; 15-05-2025

We feel that the approach of the trial Court in accepting the testimony of Dr. Rahul Diwan (PW-9), the Medical Officer on affidavit, is contrary to the mandate of Section 296 of the CrPC (corresponding Section 332 of Bharatiya Nagarik Suraksha Sanhita, 2023) which provides that only evidence of formal character may be received on an affidavit.

26. However, the fact remains that the defence has cross-examined Dr. Rahul Diwan (PW-9), the Medical Officer, with reference to the affidavit and the post- mortem report. It is also clear that the defence did not take any objection to the mode of recording evidence adopted by the presiding officer. Thus, we feel that this omission on the part of the presiding officer tantamounts to a curable irregularity because no prejudice was caused to the accused-appellant by following such course of action.

Upon going through the post-mortem report[13] [Exhibit PK-3], it is clear that the death of Punita was caused by ante-mortem injuries caused by mechanical violence and hence, her death was definitely otherwise than under natural circumstances within the meaning of Section 304-B IPC.

28. The accused has taken alternative defences for explaining the death of Punita. The two defences which are totally divergent are (a) that the deceased accidently fell down from the terrace and received the injuries, or (b) that the deceased-Punita committed suicide by jumping from the terrace as she was perturbed because of the knee issue which was plaguing her. We feel that this diametrically opposite defence taken by the accused-appellant does not have any legs to stand and we have strong reasons to observe so.

29. Satender Kumar (PW-3), the brother of deceased-Punita, categorically stated that when he reached the matrimonial home of his sister after receiving the news of her death, he saw the dead body of his sister lying on a cot at the second floor of the building and blood was oozing from her nose and ear. No cross-examination whatsoever was conducted from Satender Kumar (PW-3) on this important aspect of his testimony. Thus, the explanation offered by the defence that deceased-Punita fell down from the terrace and received injuries or that she committed suicide by jumping off

from the terrace is totally a figment of imagination unsubstantiated by the evidence on record.

2025 0 INSC 727; 2025 0 Supreme(SC) 867; Ravinder Singh Sidhu Vs. The State of Punjab and Others; Writ Petition (Crl.) No. 394 of 2024; Decided On : 19-05-2025

The law in this issue is now fairly well settled. It has been held by this Court that multiplicity of proceedings will not be in larger public interest. Further, since many States have invoked local Acts, particularly the Act dealing with the Protection of Interest of Depositors, transferring them out of the State also will not serve the ends of justice. Hence, the correct course of action would be to merge the FIRs with the earliest FIR in the State concerned. It is clarified that if the first FIR in the respective States of Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand is registered in respect of offence under the general law and not the special enactment, but if the subsequent FIRs now clubbed are registered in connection with the special law or registered also in connection with the special law, the same after clubbing must be tried under the special law by the Special Courts. [See Radhey Shyam vs. State of Haryana and Others, 2022 SCC Online SC 1935 and Abhishek Singh Chauhan vs. Union of India and Others, 2022 SCC Online SC 1936]

The writ petition stands allowed in the above terms. We further direct while the first FIR will be treated as the First Information Report (hereinafter for convenience called the ‘principal FIR’), the subsequent FIRs in each State shall be treated as Statements under Section 161 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The Investigating Officer in the criminal case arising out of the principal FIR in the concerned State will be free to file supplementary charge- sheets after the collation of all records concerning other FIRs in the concerned State which are clubbed in terms of this order. We further direct that if Police Report under Section 173 of Cr.P.C. stands already filed in the clubbed FIRs and the concerned Courts have taken cognizance thereof, the said FIRs and criminal cases would also stand transferred and merged/clubbed along with the principal FIR to be proceeded with in accordance with law.

The investigating officer in the principal proceedings will be free to file supplementary charge-sheet on the basis of the material collated during investigation of other FIRs. We also make it clear that the other offences not part of the special enactments can also be tried by the Special Court under the concerned State legislation. We also further direct that in case the petitioner has been granted bail in connection with the principal

proceeding/criminal case to which the other cases have been clubbed, the bail so granted must enure to the petitioner's favour in the other FIRs now clubbed as well. We further clarify that if the principal FIR is limited to offence under the general law/Penal Code but the subsequent FIRs contain allegations attracting offences under the special enactment or certain other IPC offences and if the bail granted is only for some offences under the general law, the Special Court is entitled to insist for a fresh bail application to be filed by the petitioner in relation to those offences including under the Special Act. The said bail applications shall be decided on its own merits in accordance with law.

2025 0 INSC 728; 2025 0 Supreme(SC) 868; Hakim Vs. State of NCT of Delhi and Another; Criminal Appeal No. 5303 of 2024, Criminal Appeal No. 5304 of 2024; Decided On : 19-05-2025

The question of the nature and contents of the alleged substance used and thrown on the victim would not arise as the possibility of recovery of the same does not arise as the incident was committed at railway crossing adjacent to the railway line where all the accused ran away after committing the offence. However, chemical burns on the person of the Respondent-Victim are substantiated from testimonies and medical evidence as referred to above. This ground also fails.

The explanation relating to the delay in recording of statement of Respondent-Victim (PW-4) and PW-6 stands explained and substantiated on the basis of the medical documentary evidence. Further, it is stated that their family was under constant threat because of which all had to leave Mathura to save and protect themselves apart from the aspect of medical treatment of the victim. The fact that the statements were recorded immediately on their return to Mathura by the police is substantiated.

With regard to the non-following of the Standard Operating Procedure by the Investigation Officer. It is enough to mention here that the same are procedural guidelines and not mandatory. The prosecution has followed due procedure and measures in the investigation. Hence, no interference is required by this Court as far as the said contention is concerned.

2025 0 INSC 729; 2025 0 Supreme(SC) 869; Shivappa Reddy Vs. S. Srinivasan; Criminal Appeal No. 4363 of 2024; Decided On : 19-05-2025

A perusal of Section 72 of the Partnership Act would show that notice of retirement must be given to the Registrar of Firms under Section 63 and by publication in the Official Gazette, and in at least one vernacular newspaper circulated in the district where the Firm to which it relates has its place or

principal place of business, such notice needs to be published. This should relate to the retirement of a partner, which includes admission, expulsion, or resignation from the Firm in any manner that is including or excluding a partner in a partnership Firm. Section 32 of the Partnership Act deals with the retirement of a partner. In addition, Section 62 of the Partnership Act deals with the information to be submitted with regard to the change in the names and addresses of the partners to the Registrar of Firms. What, therefore, is mandated under the Statute is that if any registered Firm intends to include or exclude by way of resignation, expulsion or addition of any partner in the Firm, an intimation to the said effect has to be forwarded and conveyed to the Registrar of Firms. As per Section 63, the Registrar shall make a record of the notice in the entry relating to the Firm in the Register of Firms and shall file a notice along with a statement relating to the Firm as provided for under Section 59 of the Partnership Act.

None of these requirements as provided and mandated for under the Statute, have been adhered to by Respondent No. 1. Merely putting forth a resignation or the partners entering into an agreement or drafting a deed or/and accepting the resignation of a partner of the Firm is insufficient for discharging the liability of a partner of the Firm unless a proper entry to the said effect after the publication has been given effect to with the same, having been recorded in the Register of Firms in the office of the Registrar of Firms as provided for in Section 63 of Partnership Act.

2025 0 INSC 737; 2025 0 Supreme(SC) 876; Rajni Vs. State of Uttar Pradesh & Anr.; Criminal Appeal No. 603 of 2025 (Arising Out of SLP (CRL.) no. 11233 of 2022) With Criminal Appeal No. 2569 of 2025 (Arising Out of SLP (Crl.) No. 7370 of 2025); (Arising Out of SLP (Crl.) Diary No. 24862 of 2022); 20-05-2025

Under the scheme of the JJ Act, 2015, a declaration of juvenility may not by itself enure to the benefit of the juvenile in conflict with law. Section 2 (33) of the JJ Act, 2015 defines ‘heinous offences’ to include the offences for which the minimum punishment under the Indian Penal Code, 1860 (IPC) or any other law for the time being in force is imprisonment for seven years or more. Section 15 of the JJ Act, 2015 deals with preliminary assessment into heinous offences alleged to have been committed by a juvenile by the JJB.

what Section 15 contemplates is that in a case of heinous offence alleged to have been committed by a juvenile who has completed or is above 16 years of age, the JJB shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he had

allegedly committed the offence and, thereafter, pass an order in accordance with the provisions of sub-section (3) of Section 18. The proviso says that for making such an assessment, the JJB may take the assistance of experienced psychologists or psycho-social workers or other experts.
Section 18 deals with orders regarding child found to be in conflict with law. We are concerned with sub-section (3) which says that where the JJB after preliminary assessment under Section 15 passes an order that there is a need for trial of the said child as an adult, then the JJB may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.
As per Section 19(1), after receipt of preliminary assessment from the JJB under Section 15, the Children's Court may decide whether there is need for trial of the child as per provisions of Cr.P.C. or there is no need for trial of the child as an adult. Depending upon the decision taken, the process laid down from sub-section (2) to sub-section (5) of Section 19 shall be carried out.

2025 0 INSC 738; 2025 0 Supreme(SC) 877; Ramji Prasad Jaiswal @ Ramjee Prasad Jaiswal And Ors. Vs. State Of Bihar; CrlA 490 Of 2025 (Arising Out Of SLP(Criminal) No. 2629 Of 2012); 20-05-2025
Section 7A contemplated was that when a claim of juvenility was raised or if the court was of the opinion that a person was a juvenile on the date of commission of the offence, the court was mandated to make an inquiry and after taking such evidence as might be necessary, was mandatorily required to record a finding whether the person was a juvenile or a child or not, stating his age as nearly as possible. As per the proviso, a claim of juvenility could be raised before any court and at any stage. If upon such inquiry, court found the person to be a juvenile on the date of commission of the offence, it had to forward the juvenile to the Juvenile Justice Board for passing appropriate orders and the sentence if any, passed by a court, would be deemed to have no effect.
Where a juvenile charged with an offence was produced before a Juvenile Justice Board then in terms of Section 14(1) of the JJ Act, the Juvenile Justice Board was required to hold an inquiry in accordance with the provisions of the JJ Act and make such order in relation to the juvenile as it deemed fit. If the Juvenile Justice Board found that the juvenile had committed an offence then Section 15 of the JJ Act kicked in. Under Section 15 of the JJ Act, the Juvenile Justice Board could take various steps as contemplated thereunder and under sub-section (1)(g) had the discretion to make an order directing the juvenile to be sent to a special home for a period

of 3 years, which period could be reduced in an appropriate case in terms of the proviso.

2025 0 INSC 745; 2025 0 Supreme(SC) 884; K.H. Kamaladini Vs. State; Criminal Appeal No.5380 of 2024; 20-05-2025

The prayer for discharge was rejected by the Special Court. Therefore, a revision application under Section 401 read with Section 397 of the CrPC was preferred by the appellant. As far as the scope of hearing at the time of framing of the charge is concerned, the law is well settled. Firstly, at this stage, the Court can examine only the documents forming part of the charge sheet, and no other material can be considered. Secondly, after considering the material on record, the Court has to decide whether or not there exists a sufficient ground for proceeding with the trial against the appellant. Thirdly, at this stage, the Court cannot sift the evidence forming a part of the chargesheet with a view to separating the grain from the chaff. Fourthly, if the Court is of the view that the evidence without cross-examination or rebuttal shows that the accused has not committed any offence, then an order of discharge must be passed. Lastly, if the evidence adduced before the Court creates a grave suspicion against the accused, the Court will not discharge the accused.

Therefore, at this stage, the outcome of the disciplinary proceedings cannot be examined, and what needs to be examined is the material forming part of the chargesheet.

https://indiankanoon.org/doc/84961773/; Mogulla Parsharam Parsharamulu vs State Of Telangana; 21.05.2025; CRLA_422_2023(DB)

It is a well-established legal principle that even if a witness is declared hostile by the prosecution, their testimony shall not be disregarded on that count alone. The Court is endowed to carefully scrutinize the facts deposed and, assess whether the witness has been thoroughly discredited, and may consider any portion of the evidence that remains unshaken, corroborated and deemed reliable. Therefore, credible segments of such testimony may still be relied upon.

However, the mediators for the seizure of the wooden pestle and clothing the witnesses/PW9, PW10, PW11, and PW12 did not support the prosecution's version, which slightly favours the accused. Nevertheless, it would not be appropriate to disregard the testimony of the investigating officer/PW16 solely on this ground.

The accused also challenged the FSL findings, particularly the assertion that the clothing seized from him contained human blood of group 'A', and argued

that this evidence should not be used to convict him as that fact was not confronted to the accused in Section 313 CrPC examination. On perusal of the Section 313 CrPC examination record, in the related question the FSL report was referenced, but as pointed out by the defence, the incriminating finding of human blood stains on the clothing of the accused was not put to him. It is a settled principle that incriminating material not put to the accused cannot be used for conviction.

https://indiankanoon.org/doc/188207310/; Criminal Petition No.6616 of 2025
https://indiankanoon.org/doc/171009364/; Criminal Petition No.6631 of 2025
https://indiankanoon.org/doc/37400455/; Criminal Petition No.6619 of 2025
https://indiankanoon.org/doc/136001130/; Criminal Petition No.6617 of 2025
Yaser Arafat Vs State of Telangana; Dt: 21.05.2025
the Investigating Officer is directed to scrupulously follow the procedure contemplated under Section 41-A of the Criminal Procedure Code, 1973 (Cr.P.C.)/Section 35(3) of BNSS and the guidelines issued by the Hon'ble Apex Court in Arnesh Kumar Vs State of Bihar in the cases booked against the petitioner in case registered for the offences under Section 420 IPC and Section 10 of Emigration Act.
(Sec 41A CrPC/35(3) BNSS notice procedure is directed to be followed to an Accused involved in multiple cases)

2025 0 INSC 782; 2025 0 Supreme(SC) 918; Amol Bhagwan Nehul Vs. The State of Maharashtra & Anr.; Criminal Appeal No. 2835 of 2025 [Arising out of SLP (Crl.) No. 10044 of 2024]; Decided On : 26-05-2025
A consensual relationship turning sour or partners becoming distant cannot be a ground for invoking criminal machinery of the State. Such conduct not only burdens the Courts, but blots the identity of an individual accused of such a heinous offence. This Court has time and again warned against the misuse of the provisions, and has termed it a folly[3][Naim Ahmed Vs State (NCT) of Delhi (2023) SCC Online SC 89] to treat each breach of promise to marry as a false promise and prosecute a person for an offence under section 376 IPC.

2025 0 INSC 776; 2025 0 Supreme(SC) 913; Sameer Sandhir Vs. Central Bureau of Investigation; Criminal Appeal Nos. 4718-4719 Of 2024' Decided On : 23-05-2025
In the facts of the case, the CDs were seized and referred for forensic analysis to the CFSL along with voice samples of the accused. The CDs were referred to in the supplementary chargesheet. After the report of the

CFSL was received, the supplementary chargesheet was filed for placing on record the said report. Therefore, when the CDs were sought to be produced, in a sense, they were not new articles; the CDs were very much referred to in the supplementary chargesheet filed on 13th October 2013. There was only an omission on the part of the respondent-CBI to produce the CDs. Therefore, applying the law laid down in the case of R.S.Pai1, the impugned judgments of the Special Court and the High Court cannot be faulted with. We do not see how the decision in the case of R.S.Pai1 requires reconsideration.

In our view, the High Court ought not to have gone into the issue of the authenticity of the CDs allowed to be produced. Whether the CDs produced were the same which were seized on 4th May 2013 and 10th May 2013, is something which will have to be proved by the prosecution. The issue regarding the legality of the Certificate under Section 65B of the Evidence Act ought not to have been dealt with at this stage. Even if the production was allowed, the issue of the CDs' authenticity remains open.

https://indiankanoon.org/doc/160928463/; A. Raja vs D. Kumar; 06.05,2025 CIVIL APPEAL NO.2758 OF 2023 (THREE JUDGE BENCH)

It is relevant to observe that mere observance/performance of a ritual of/associated with any religion does not ipso facto and necessarily mean that the person 'professes' that religion. That is why the term used in the 1950 Order is 'professes', signifying that a person although born in a particular religion can profess another religion, inter alia, by practicing the rituals of that other religion as the basic tenets of his beliefs and lifestyle. Adherence merely to some ritual of another religion would not tantamount to giving-up the original religion, unless the person concerned makes such belief explicit.

NOSTALGIA

Abuse in presence of relatives and friends –POA Act

In the case of Swaran Singh and Others V/s. State of Maharashtra and Others, 2008 SCC 435. It was observed that the abuses on the caste should be uttered in the presence of independent witnesses. The independent person may not be those persons who are relatives or friends of complainant.

195 CrPC

The offences punishable under Section 193 and 196 IPC would fall within the ambit of clause (b) (i) of sub-section (1) of Section 195 whereas Sections 466,

467, 468 and 471 would fall within the ambit of clause (b) (ii) of sub- section (1) of Section 195. In the present case insofar as the offences under Section 193 and 196 IPC are concerned, the same relate to the execution proceedings because it is in the said proceedings that the false and fabricated decree has been produced, Whereas insofar as the offences under Sections 466, 467, 468 and 471 of the Indian Penal Code are concerned, the same have been committed in connection with the record of the Special Civil Suit. On behalf of the petitioner it has been contended that the record of the Special Civil Suit is also a proceeding within the meaning of the expression "proceeding, therefore, even after the disposal of the suit, the nature of the proceeding does not change, hence the offence committed would be in relation to the proceedings of the Special Civil Suit and the offence of forgery and fabrication having been committed while the documents were in custodia legis the provisions of Section 195(1)(b)(ii) would be clearly attracted.

12. Therefore the question that arises is whether Section 195 of the Code envisages a concluded proceeding also to be a proceeding within the meaning of the said expression so as to attract the bar of the said provision. Proceedings of a suit would stand concluded, either by way of a judicial pronouncement or if the party withdraws or does not press the same. What would be the legal implications once a suit is withdrawn? Would the proceeding still subsist or would it cease to exist. In the opinion of this Court, once a proceeding is withdrawn, there would be no proceeding before the Court as the plaintiff has taken back the proceeding. The position would be akin to no proceeding having been filed except for the purpose of barring a subsequent suit on the same cause of action. However, the record would be required to be maintained only for the purpose of record to indicate that such proceeding had been instituted. In the circumstances, once the suit had been withdrawn, there was no proceeding in the Court. In the opinion of this Court, by merely maintaining the documents in the record room, it cannot be said that the documents are in custodia legis, as envisaged under Section 195 of the Code. Hence, tampering with the record which is kept in the record room after the suit is disposed of would not fall within the purview of the provisions of section 195 of the Code as the same cannot be said to be an offence in relation to any proceeding in any Court. Besides, as held by the Apex Court in Iqbal Singh Marwah's case, for the purpose of falling within the ambit of Chapter XXVI of the Code, the offence committed should be of such type which directly affects the administration of justice, viz. which is committed after the document is produced or given in evidence in court. In the ordinary course

an offence would be committed in connection with a document produced or evidence given in court with the object of using the same in the very same proceeding to obtain a favourable result and such offence would directly affect the administration of justice as the Court would rely upon such document for the purpose of adjudicating the case. Whereas, once the case is concluded, tampering with the documents would not in any manner affect the administration of justice. Such offence would be a plain and simple offence under the Indian Penal Code of tampering with documents and forging and fabricating documents and not an offence affecting the administration of justice. In the circumstances, any offence committed in relation to the documents kept in the record room, cannot be said to be an offence falling within the ambit of Section 195(1) (b) (ii) of the Code so as to attract the provisions of Section 340 of the Code.

13 Adverting to the second part of the offence, viz. production of the said forged and fabricated decree in the execution proceedings, the same would be directly covered by the decision of the Apex Court in the case of Iqbal Singh Marwah (supra). As noticed hereinabove, the offence in question is committed in two parts: firstly, tampering with the original record of the Court which was lying in the record room after withdrawal of the suit by destroying part of the original record and substituting the same with a forged and fabricated decree and secondly instituting execution proceedings on the basis of such fabricated decree Thus the second part of the offence consists of producing a forged and fabricated decree in the execution proceeding. The Apex Court in the said decision has held that for the purpose of falling within the ambit of Chapter XXVI of the Code, the offence committed should be of such type which directly affects the administration of justice, viz. which is committed after the document is produced or given in evidence in court. Any offence committed with respect to a document at a time prior to its production or giving in evidence in court cannot, strictly speaking, be said to be an offence affecting the administration of justice. Applying the said principle to the facts of the present case, insofar as the second part of the offence is concerned, the same has been committed prior to the production of the document in the Court, in the circumstances, it would not be an offence which directly affects the administration of justice so as to fall within the ambit of section 195 of the Code.

14. In view of the above discussion, since the offence in question does not fall within the ambit of section 195 of the Code, as a natural corollary, the exception below section 195(1) as well as the provisions of section 340 of the

Act would not be come into play and there is no embargo on the power of the Court to take cognizance of the offence on the charge-sheet filed by the police authorities pursuant to the first information report lodged by the respondent No.2. In the circumstances, no infirmity can be found in the impugned order dated 24th July, 2009 passed by the learned Additional Sessions Judge, Bharuch in Criminal Revision Application No.112 of 2007 as well as in the order dated 25th May, 2007 passed by the learned Chief Judicial Magistrate, Bharuch below Exh.17 so as to warrant any intervention by this Court."

EX POST FACTO LAW

In the case of Rattan Lal v. State of Punjab, 1964 SCC OnLine SC 40 Hon'ble K. Subba Rao, J. (as His Lordship then was) speaking for the majority in a 3-Judge Bench decision held that:

> "6. …Every ex post facto law is necessarily retrospective. Under Article 20 of the Constitution, no person shall be convicted of any offence except for violation of a law in force at the time of the commission of that act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. But an ex post facto law which only mollifies the rigour of a criminal law does not fall within the said prohibition. If a particular law makes a provision to that effect, though retrospective in operation, it will be valid. The question whether such a law is retrospective and, if so, to what extent depends upon the interpretation of a particular statute, having regard to the well-settled rules of construction. Maxwell in his book On Interpretation of Statutes, 11th Edn., at pp. 274-75, summarizes the relevant rule of construction thus:
>
> 'The tendency of, modern decisions, upon the whole, is to narrow materially the difference between what is called a strict and a beneficial construction. All statutes are now construed with a more attentive regard to the language, and criminal statutes with a more rational regard to the aim and intention of the legislature, then formerly. It is unquestionably right that the distinction should not be altogether erased from the judicial mind, for it is required by the spirit of our free institutions that the interpretation of all statutes should be favourable to personal liberty, and this tendency is still evinced in a certain reluctance to supply the defects of language, or to eke out the meaning of an obscure passage by strained or doubtful influences. The effect of the rule of strict construction might

almost be summed up in the remark that, where an equivocal word or ambiguous sentence leaves a reasonable doubt of its meaning which the canons of interpretation fail to solve, the benefit of the doubt should be given to the subject and against the legislature which has failed to explain itself. But it yields to the paramount rule that every statute is to be expounded according to its expressed or manifest intention and that all cases within the mischiefs aimed at are, if the language permits, to be held to fall within its remedial influence.'

7. Let us now proceed to consider the question raised in the present case. This is not a case where an act, which was not an offence before the Act, is made an offence under the Act; nor this is a case where under the Act a punishment higher than that obtaining for an offence before the Act is imposed. This is an instance where neither the ingredients of the offence nor the limits of the sentence are disturbed, but a provision is made to help the reformation of an accused through the agency of the court. Even so the statute affects an offence committed before it was extended to the area in question. It is, therefore, a post facto law and has retrospective operation. In considering the scope of such a provision we must adopt the rule of beneficial construction as enunciated by the modern trend of judicial opinion without doing violence to the provisions of the relevant section. … As the Act does not change the quantum of the sentence, but only introduces a provision to reform the offender, there is no reason why the legislature should have prohibited the exercise of such a power, even if the case was pending against the accused at one stage or other in the hierarchy of tribunals…"

Factors determining the Sentence of a convict

In Jameel vs. State of Uttar Pradesh, (2010) 12 SCC 532 this Court, while referring to the decision in Gurmukh Singh vs. State of Haryana, (2009) 15 SCC 635 reiterated the relevant factors while determining sentence of a convict. These include: (a) motive or past enmity; (b) whether the act was impulsive; (c) the accused's intent or knowledge when causing injury; (d) whether death was immediate or occurred later; (e) the injury's gravity and nature; (f) the accused's age and health; (g) if the injury arose in a sudden fight without premeditation; (h) type and size of weapon and force used; (i) accused's criminal history; (j) if death resulted from shock despite non-fatal injury; (k) pending cases; (l) whether within family; and (m) post-incident conduct.

Scope of interference in Appeal against concurrent findings

in Mst Dalbir Kaur and Others vs. State of Punjab, (1976) 4 SCC 158 while dealing with a petition under Article 136 of the Constitution of India, seeking interference in concurrent findings of conviction, reassessment of evidence and credibility of witnesses, reiterated the ratio as laid down by this Court in Pritam Singh vs. State, 1950 SCC 189 and observed that this Court would interfere only when exceptional and special circumstances exist, which result in substantial and grave injustice having done to the accused. Furthermore, also relying on other decisions of this Court, the Bench went on to summarize the principles governing interference of this Court in a criminal appeal by special leave as follows: (1) it does not interfere with concurrent findings based solely on evidence appreciation, even if another view is possible; (2) it avoids reappraisal unless there's legal or procedural error, misreading or inconsistency in evidence, e.g. clear contradiction between ocular and medical evidence; (3) it refrains from re-evaluating credibility of witnesses; (4) interference occurs where judicial process or natural justice is violated, causing prejudice; (5) it intervenes if findings are perverse or based on no evidence. Adding to the same, it clarified that this Court only ensures that the High Court has correctly applied these principles.

Age of the Juvenile

in Union Territory of J&K Vs. Shubam Sangra, (2022) INSC 1205. In that case, a two-Judge Bench of this Court had set aside the order of the High Court affirming the order of the Chief Judicial Magistrate declaring the respondent as a juvenile. While date of birth of the respondent was shown and claimed as 23.10.2002, it was found from the record that no such delivery of the mother of the respondent had taken place on 23.10.2002 in the municipal hospital. It was in that context, the Bench observed that there was no good reason to overlook or ignore or doubt the credibility of the medical opinion given by a team of 5 qualified doctors all of whom said in unison that on the basis of physical, dental and radiological examination, approximate age of the respondent was between 19 and 23 years. The Bench made it clear that the documents evidencing date of birth of the respondent did not inspire any confidence and, therefore, there was no other option but to fall back on the report of the medical board.

PROFESS

The term 'professes' has been examined by five of our learned predecessors in Punjabrao v D. P. Meshram, 1964 SCC OnLine SC 76 in like background:

'13. What clause (3) of the Constitution (Scheduled Castes) Order, 1950 contemplates is that for a person to be treated as one belonging to a Scheduled Caste within the meaning of that Order, he must be one who professes either Hindu or Sikh religion. The High Court, following its earlier decision in Karwadi v. Shambharkar [AIR 1958 Bom 296] has said that the meaning of the phrase "professes a religion" in the aforementioned provision is "to enter publicly into a religions state" and that for this purpose a mere declaration by a person that he has ceased to belong to a particular religion and embraced another religion would not be sufficient. The meanings of the word "profess" have been given thus in Webster's New World Dictionary:"to avow publicly; to make an open declaration of ... to declare one's belief in : as, to profess Christ. To accept into a religious order". The meanings given in the Shorter Oxford Dictionary are more or less the same. It seems to us that the meaning "to declare one's belief in: as to profess Christ" is one which we have to bear in mind while construing the aforesaid order because it is this which bears upon religious belief and consequently also upon a change in religious belief. It would thus follow that a declaration of one's belief must necessarily mean a declaration in such a way that it would be known to those whom it may interest. Therefore, if a The afore-extract recently found this Court's approval in C. Selvarani v Special Secretary-cum- District Collector, public declaration is made by a person that he has ceased to belong to his old religion and has accepted another religion he will be taken as professing the other religion. In the face of such an open declaration it would be idle to enquire further as to whether the conversion to another religion was efficacious. The word "profess" in the Presidential Order appears to have been used in the sense of an open declaration or practice by a person of the Hindu (or the Sikh) religion. Where, therefore, a person says, on the contrary, that he has ceased to be a Hindu he cannot derive any benefit from that Order.' (emphasis supplied)

Fake Caste Certificate – procedure

In Madhuri Patil v Commr., Tribal Development, (1994) 6 SCC 241, the Court stated, in the context of fake certificate(s) having been obtained to secure admissions in educational institutions:

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'13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.
2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non- gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.
3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.
4. All the State Governments shall constitute a Committee of three officers, namely,

   (I) an Additional or Joint Secretary or any officer high-er in rank of the Director of the department concerned,

   (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and

   (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research

Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.
6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or

locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.
8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.
9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.
10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.
11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.
12. No suit or other proceedings before any other authority should lie.
13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge,

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then no further appeal would lie against that order to the Division Bench but subject to special leave under Article

14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.
15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post. xxx

PERFECT PROOF

in Ramanand *vs.* State of Himachal Pradesh, (1981) 1 SCC 511 has held that 'perfect proof is seldom to be had in this imperfect world and absolute certainty is a myth'.

NEWS

- AP- Public Services – Law Department – Constitution of Departmental Promotion Committee for preparation of panels for Promotion to First Level Gazetted posts in Advocate General's Office, Government Pleader's Office and Public Prosecutor's Office at High Court Buildings, Amaravathi for the panel years 2024 – 2025 and 2025-2026- Orders – Issued
- AP- Prosecuting Officers – Appointment of Sri. M. Kedar, Assistant Public Prosecutor, Judicial First Class Magistrate Court, Naidupet, SPSR Nellore District as Special Public Prosecutor U/s 15 of SCs & STs (POA) Act, 1989 to conduct the prosecution in Cr.No.24/2025 Podalakur Police station, SPSR Nellore District on the file of Special Judge for trial of offences under SCs & STs (POA) Act-cum-V Additional District and Sessions Judge, Nellore - Orders – Issued.

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- AP- Dearness Relief – Dearness Relief to Retired Judicial Officers and Family Pensioners – Enhancement of Dearness Relief from 53% to 55% w.e.f. 01.01.2025 – Recorded.
- AP- Dearness Allowance to Judicial Officers - Enhancement of Dearness Allowance from 53% to 55% w.e.f. 01.01.2025 – Recorded.
- AP- Dearness Relief to Hon'ble Judges of Supreme Court and High Courts – Dearness Relief to Retired High Court Judges and Family Pensioners – Enhancement of Dearness Relief from 53% to 55% w.e.f. 01.01.2025 – Recorded
- AP- Dearness Allowance to Hon'ble Judges of Supreme Court and High Courts - Enhancement of Dearness Allowance from 53% to 55% w.e.f. 01.01.2025 - Recorded.
- AP- Criminal Cases – Appointment of Advocates as Special Counsel to appear on behalf of the prosecution in Cr.No.21/2024 U/s 409, 420, 120(B) R/w 34 & 37 IPC Sec.7, 7A, 8, 13(1) (b), 13 (2) of Prevention of Corruption Act 1988 of CID PS A.P., Mangalagiri, before the Hon'ble High Court, Hon'ble Court of Special Judge for Trial of SPE and ACB cases-cum-III Addl. District Judge, Vijayawada and any other court in Andhra Pradesh and to aid, advise and coordinate with the investigating Officer, during the course of investigation exclusive for this case - Orders – Issued
- TG- High Court for the State of Telangana - Courts - Criminal - 20 Special Judicial Magistrates of Second Class Courts sanctioned under 13th Finance Commission on temporary basis- Converting as Regular Courts – Orders – Issued
- Andhra Pradesh Forensic Science Laboratory Officials as Scientific Experts Under Section 329 (4) (G) Of The Bharatiya Nagarik Suraksha Sanhita, 2023. [G.O.Ms.No.82, Home (Ser.I), 20th May, 2025.]
- TGHC- High Court for the State of Telangana - Letter received from Assistant Registrar (PIL-Writ), Supreme Court of India - Forwarded Certified Copy of Order dated 22.04.2025 in Suo Motu Writ Petition (C) No.07 of 2024 IN RE: COMPENSATION AMOUNTS DEPOSITED WITH MOTOR ACCIDENT CLAIMS TRIBUNALS AND LABOUR COURTS - Instructions issued - Reg.

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ON A LIGHTER VEIN

A man in an interrogation room says, “I’m not saying a word without my lawyer present.”

“You are the lawyer.” said the policeman.

“Exactly, so where’s my present?” replied the lawyer.

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

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CITATIONS

2025 0 INSC 800; 2025 0 Supreme(SC) 937; Vaibhav Vs. The State of Maharashtra; Criminal Appeal No. 1643 of 2012; Decided On : 04-06-2025

In gunshot cases wherein the nature of death – suicidal, accidental or homicidal – is not ascertainable from direct evidence, multiple factors are taken into account for arriving at a conclusion. Such factors include, but are not limited to, the point of entrance, the size of wound, direction of wound, position of wound, possible distance of gunshot, number of wounds, position of weapon, trajectory of bullet after entering into the human body, position of exit wound (if bullet has exited), direction of exit wound, direction of the bullet after exit, distance travelled by the bullet after exit, nature of final impact on surface (if any) etc. All such factors, to the extent of their applicability to the

facts of the case, need to be examined by the Court before arriving at a judicial finding of fact.

one would unmistakably note that the subsequent conduct of the appellant in indulging in destruction of evidence weighed heavily against him in the mind of the Court. The inability of the appellant to explain certain aspects also weighed against him. Undoubtedly, in a case based on circumstantial evidence, facts indicating subsequent conduct are relevant facts under Section 8 of the Evidence Act. Equally, the inconsistencies in the version of the appellant are also relevant. However, the occasion to examine the version/defence of the appellant could have arisen only if the prosecution had succeeded in discharging its primary burden beyond reasonable doubt. In criminal jurisprudence, it is a time-tested proposition that the primary burden falls upon the shoulders of the prosecution and it is only if the prosecution succeeds in discharging its burden beyond reasonable doubt that the burden shifts upon the accused to explain the evidence against him or to present a defence. In the present case, the version of the prosecution suffers from inherent inconsistencies and doubts, as discussed above, and in such a scenario, the inability of the appellant to explain certain circumstances could not be made the basis to relieve the prosecution from discharging its primary burden. The High Court fell in a grave error in doing so, as it placed greater reliance on the loopholes in the appellant's version without first determining whether the chain of circumstances sought to be proved by the prosecution was complete or not. Pertinently, the inability of an accused to offer plausible explanation on certain aspects would not automatically absolve the prosecution of its evidentiary burden, which must be discharged first and beyond doubt.

In law, there is a significant difference in the evidentiary burden to be discharged by the prosecution and the accused. Whereas, the former is expected to discharge its burden beyond reasonable doubt, the latter is only required to prove a defence on the anvil of preponderance of probabilities. If the accused leads defence evidence in the course of a criminal trial, the same ought to be tested as probable or improbable in the facts and circumstances of the case. The present case, we are afraid, reveals that the defence taken by the accused since the beginning of the case was not tested by the Trial Court and the High Court. Despite a specific defence taken by the appellant before both the Courts, the Courts simply did not examine the same in the manner required by law. The probability of the version put across by the appellant ought to have been tested against the circumstantial theory of the prosecution. In other words, it was incumbent upon the Courts below to have examined whether the defence taken by the appellant was a

probable defence or not. The failure to do so has certainly resulted into a failure of justice and it is sufficient to reopen the evidence in the instant appeal, as we have done.

It is trite law that in a case based on circumstantial evidence, motive is relevant. However, it is not conclusive of the matter. There is no rule of law that the absence of motive would ipso facto dismember the chain of evidence and would lead to automatic acquittal of the accused. It is so because the weight of other evidence needs to be seen and if the remaining evidence is sufficient to prove guilt, motive may not hold relevance. But a complete absence of motive is certainly a circumstance which may weigh in favour of the accused. During appreciation of evidence wherein favourable and unfavourable circumstances are sifted and weighed against each other, this circumstance ought to be incorporated as one leaning in favour of the accused.

The subsequent conduct of cleaning up the scene and restoring the living room in its original shape, although punishable in law, does not become so unnatural that it could be made the basis to convict him for the commission of murder without additional evidence to that effect. More so, when such conclusion is not consistent with the surrounding evidence on record, especially medical evidence, as discussed above.

No doubt, the subsequent acts of cleaning up the crime scene and making false enquiries amount to disappearance of evidence and raise grave suspicion against the appellant. However, mere suspicion, no matter how grave, cannot take the place of proof in a criminal trial. The suspicion ought to have been substantiated by undeniable, reliable, unequivocal, consistent and credible circumstantial evidence, which does not leave the probability of any other theory.

We have come far since our acknowledgement that in a case purely based on circumstantial evidence, it must be established that the chain of circumstances is complete. Such chain must be consistent with the conclusion of guilt only and must not support a contrary finding. The rigid principles underlying an examination based on circumstantial evidence are based on the premise that the very act of arriving at a finding of guilt on the basis of inferences must be performed with great caution and margin of error must be kept at a minimum. Having said so, we may also observe that naturally, there could be some inconsistencies in the chain of circumstances in the natural course of things and mere presence of inconsistencies does not automatically demolish the case of the prosecution. However, the prosecution must be able to explain the inconsistencies to the satisfaction of the Court. For, the ultimate test is the judicial satisfaction of the Court.

2025 0 INSC 802; 2025 0 Supreme(SC) 939; Nagarajan Vs. State of Tamil Nadu; Criminal Appeal Nos. 2892-2893 of 2025 [Arising Out of SLP (Crl.) Nos. 621-622 of 2024]; Decided On: 04-06-2025

That a right of appeal is an invaluable right, particularly for an accused who cannot be condemned eternally by a trial judge, without having a right to seek a re-look of the Trial Court's judgment by a superior or appellate court. The right to prefer an appeal is not only a statutory right but also a constitutional right in the case of an accused. This is because an accused has a right to not only challenge a judgment on its merits, namely, with respect to the conviction and sentence being imposed on him, but also on the procedural aspects of the trial. An accused can question procedural flaws, impropriety and lapses that may have been committed by the Trial Court in arriving at the judgment of conviction and imposition of sentence in an appeal filed against the same.

if an appeal lies under the Cr.P.C. but an application for revision has been made to the High Court by any person under an erroneous belief, then the High Court can treat the application for revision as petition of appeal and deal with the same accordingly.

it must be noted that for exercise of powers of the appellate court for enhancement of sentence in an appeal filed either by the State or the complainant or the victim, the Cr.P.C. provides that the appellate court can reverse the finding and sentence and acquit or discharge the accused, or order him to be re-tried by a court competent to try the offence, or alter the finding by maintaining the sentence, or with or without altering the finding, alter the nature or the extent, of the sentence so as to enhance or reduce the same. Thus, the power to enhance the sentence can be exercised by the appellate court only in an appeal filed by the State, victim or complainant, provided the accused has had an opportunity of showing cause against such enhancement.

We are of the view that in an appeal filed by the accused/convict and in the absence of any appeal filed by the victim, complainant or the State, the High Court cannot exercise suo motu revision either to enhance the sentence or to convict the appellant on any other charge.

https://indiankanoon.org/doc/97245322/;**Muddam Sampath Yadav, vs The State Of Telangana on 13 June, 2025; CRLP 6934 of 2025**

{Sec 35(3) BNSS notice directed to be served for the offence under section 341 BNS which is punishable with imprisonment for life or ten years}

2025 0 INSC 803; 2025 0 Supreme(SC) 940; Ghanshyam Soni Vs. State (Govt. of NCT of Delhi) and Another; Criminal Appeal No. 2894 of 2025 [Arising Out of SLP (Crl.) No. 9709 of 2024]; WITH Criminal Appeal No. 2895 of 2025 [Arising Out of SLP (Crl.) No. 17951 of 2024]; Decided On : 04-06-2025

It is a settled position of law that for the computation of the limitation period under Section 468 Cr.P.C. the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance. [Sarah Mathew vs. Institute Cardio Vascular Diseases by its Director Dr. K.M. Cherian and Others, (2014) 2 SCC 62] The dicta laid down in the case of Bharat Damodar Kale and Another vs. State of Andhra Pradesh, (2003) 8 SCC 559 makes it unequivocally clear that the Magistrate is well within his powers to take cognizance of a complaint filed within a period of three years from the date of the commission of offence as mandated under section 468 Cr.P.C.

The following observation in Kamatchi vs. Lakshmi Narayanan, (2022) 15 SCC 50 also re-iterates the said position, and further holds that simply because the cognizance is taken at a later stage, but the Complaint was filed within the specified period from the commission of the offence, the Complainant cannot be put to prejudice and her Complaint cannot be discarded as time-barred.

2025 0 INSC 806; 2025 0 Supreme(SC) 943; M/s. Balaji Traders Vs. The State Of U.P. & Anr.; Criminal Appeal No. of 2025 (Arising out of SLP(Crl.)No. 3159 of 2025); Decided on : 05-06-2025

It is a well-settled principle of law that penal statutes must be given strict interpretation. The Court ought not to read anything into a statutory provision that imposes penal liability.

When the Legislature has created two separate offences with distinct ingredients and punishments, then assigning the essential ingredient of one to another is not a correct approach adopted by the High Court. Nowhere does the Section say that extortion has to be committed while putting a person in fear of death or grievous hurt. Instead, it is the other way around, that is to say, putting a person in fear of death or grievous hurt to commit extortion. Extortion is not yet committed; it is in the process of committing it that a person is put in fear. Putting a person in fear would make an accused guilty of an offence under Section 387 IPC; it need not satisfy all the ingredients of extortion provided under Section 383 IPC. The High Court ought not to have relied on Dhananjay (supra) as that case, on the face of it,

is clearly distinguishable on facts, the reason being it dealt with allegations of 384 IPC not 387 IPC, and discussed the elements of extortion.

2025 0 INSC 807; 2025 0 Supreme(SC) 944; Abhishek Singh Vs. Ajay Kumar & Ors.; Criminal Appeal No. of 2025 (Arising out of SLP(Crl.) No. 480 of 2025); Decided On : 05-06-2025

It is true that the appellant repaid the amount, but with substantial delay. However, once the loan is settled, it is difficult to understand as to why the gold was revalued and auctioned.

Still further, the discussion made by the High Court in quashing the FIR in no way addresses the possibility of the respondents' possible involvement in the misappropriation of the gold pledged. There was no third-party verification undertaken by the bank to corroborate the findings returned by the 2nd valuer, so it cannot be positively ruled out, without appreciating the evidence, that all the persons involved from the bank or outside (valuers) did not commit any act affecting appellant's pledged gold. In any event, at all times the appellant had no access to the gold which, after its initial valuation, was always kept in the safe custody of the bankers. Fraud, if any, whether perpetrated at the first instance of valuation, or later, is a matter which could be unearthed only after a trial based on the evidence led by the parties. But, as of now, in no circumstances, it can be said that no prima facie case regarding commission of an offence, as alleged in the FIR, is made out from its perusal.

https://indiankanoon.org/doc/167720008/**; 2025 INSC 810; Amlesh Kumar vs The State Of Bihar on 9 June, 2025**

A presumption of fact under Section 114(a), Evidence Act must be drawn considering other evidence on record and without corroboration from other cogent evidence, it must not be drawn in isolation. The present case serves as a perfect example of why such a presumption should have been avoided by the Trial Court. Manoj's conviction, solely relying on the disclosure statements made by himself and the other co-accused, does not suffice to warrant a presumption under Section 411, IPC. It would not be unreasonable to presume that a goldsmith, who has to deal in ornaments and jewelleries on a day-to-day basis, would obviously be in possession of a significant quantity of ornaments at his shop. Given the circumstances, such a presumption drawn under Section 114(a) stands vitiated.

The accused has a right to voluntarily undergo a narco- analysis test at an appropriate stage. We deem it appropriate to add, that the appropriate stage for such a test to be conducted is when the accused is exercising his right to

lead evidence in a trial. However, there is no indefeasible right with the accused to undergo a narco- analysis test, for upon receipt of such an application the concerned Court, must consider the totality of circumstances surrounding the matter, such as free consent, appropriate safeguards etc., authorizing a person to undergo a voluntary narco-analysis test. We deem it appropriate to reproduce and reiterate the guidelines issued in Selvi (Supra) in this regard as follows :

“265. The National Human Rights Commission had published Guidelines for the Administration of Polygraph Test (Lie Detector Test) on an Accused in 2000. These Guidelines should be strictly adhered to and similar safeguards should be adopted for conducting the “narcoanalysis technique” and the “Brain Electrical Activation Profile” test. The text of these Guidelines has been reproduced below:

(i) No lie detector tests should be administered except on the basis of consent of the accused. An option should be given to the accused whether he wishes to avail such test.

(ii) If the accused volunteers for a lie detector test, he should be given access to a lawyer and the physical, emotional and legal implication of such a test should be explained to him by the police and his lawyer.

(iii) The consent should be recorded before a Judicial Magistrate.

(iv) During the hearing before the Magistrate, the person alleged to have agreed should be duly represented by a lawyer.

(v) At the hearing, the person in question should also be told in clear terms that the statement that is made shall not be a “confessional” statement to the Magistrate but will have the status of a statement made to the police.

(vi) The Magistrate shall consider all factors relating to the detention including the length of detention and the nature of the interrogation.

(vii) The actual recording of the lie detector test shall be done by an independent agency (such as a hospital) and conducted in the presence of a lawyer.

(viii) A full medical and factual narration of the manner of the information received must be taken on record.”

https://indiankanoon.org/doc/24021807/**; Ram Rajaiah vs The State Of Telangana;CRIMINAL PETITION No.5158 of 2025 Date: 09.06.2025**

a perusal of the charge sheet discloses that the petitioners are sought to be prosecuted for the offence punishable under Section 186 of IPC including other penal provisions i.e., 341 and 506 of IPC. As per the judgment of the Hon'ble Supreme Court in Hermareddy (AIR 1981 SC 1417) it is clear that if the offences formed part of the same transaction of the offences

contemplated under Section 191 of Cr.P.C., it is not possible to split up and hold the prosecution of accused for the other offences. In view of the above, the FIR culminating in taking cognizance of the aforesaid offences stands vitiated. Hence, continuation of criminal proceedings against the petitioners is nothing but abuse of process of law.

https://indiankanoon.org/doc/155238535/; **Pendyala Sita Rama Anjaneyulu Ips vs State Of AP; Crl.P.Nos.5701 & 5748 of 2025; 09.06.2025**

it can be said that unless it is established that the alleged act was in excess of discharge of his official duties, and there is a reasonable connection between the act and the performance of official duty, the protection under Section 197 of the Cr.P.C., would not arise.

https://indiankanoon.org/doc/172875869/; **Uppala Vijay Kumar vs The State Of Telangana; CRIMINAL PETITION No.15715 of 2024 Date: 09.06.2025**

The core dispute is thus regarding payment of maintenance and utility charges. The documents filed by the petitioners demonstrate that they have paid the common service charges, and in such a scenario, as per Section 21 of the Apartments Act, any person who incurs such expenses is entitled to recover the same from the flat owners. Moreover, if such dues remain unpaid, they may withhold services like water supply and lift operation to the concerned flats.

Therefore, the registration of a criminal case against the petitioners for the aforementioned offences appears to be a misuse of the legal process. Both parties have also conceded that title disputes are pending before the competent civil Court. Ownership rights and related issues must be determined by the civil Court, and such civil disputes cannot be converted into criminal proceedings. Hence, the continuation of the criminal proceedings against the petitioners constitutes an abuse of process of law, and the same are liable to be quashed.

https://indiankanoon.org/doc/56916343/; **Yadagiri Abhilash vs The State Of Telangana on 11 June, 2025; CRLP 6900 of 2025**

Learned Additional Public Prosecutor would submit that it is a clear case of misappropriation, the petitioner and similarly placed other rice millers have caused loss of crores of rupees to the State and by the direction of issuance of notice, it is becoming difficult in proceeding with the investigation for want of cooperation from the petitioner. That apart, a Coordinate Bench of this

Court in Crl.P.Nos.3933 of 2024, 3305 of 2024 and 3306 of 2024, having considered the submissions dismissed the criminal petitions. The petitioner herein is also facing self same accusations, therefore, pending investigation proceedings, this petition has to be dismissed. Further submits that, if the Court considers otherwise, directing the petitioner for depositing considerable amount against the complaint mentioned loss.

Admittedly, the petitioner is a rice miller and running an industry under the name and style of 'M/s. Sri Raghavendra Rice Industries'. It is clear by the averments of the complaint that TGSCSCL Department had entered into agreement with the petitioner for carrying out milling of paddy. Further, in the complaint, the misappropriation has been alleged. Whereas the petitioner's plea of joint custody and the defences like natural decay, loss due to improper stocking of the materials are to be examined in the investigation. In such position, any direction to furnish security would be premature.

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 up to 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, the petitioner is directed to appear before the SHO, Kadam Police Station, Nirmal District on or before 25.06.2025, whereupon, the Investigating Officer shall issue notice on the petitioner under Section 35 (3) of BNSS, 2023 in Crime No.75 of 2025 and take up further proceedings as per the guidelines of Arnesh Kumar v. State of Bihar 2. In unison, the petitioner is directed to cooperate with the investigation.

{Sec 35(3) BNSS notice directed to be served for the offence under section 316(5) BNS which is punishable with imprisonment for life or ten years}

https://indiankanoon.org/doc/87508464/**Kare Pradeep Kumar vs The State Of Telangana on 12 June, 2025; CRLA No.182 of 2014;182 of 2014; 212 of 2014; 41 of 2023; and CRLA No.1160 of 2017. (DB)**

mere lapses or irregularities in the investigation, howsoever grave, by themselves do not vitiate the trial, nor do they constitute a ground for acquittal, provided the prosecution has otherwise succeeded in proving the

guilt of the accused beyond reasonable doubt through cogent and reliable evidence.

The Hon'ble Supreme Court of India has consistently held that deficiencies in investigation do not avouch the benefit to the accused unless they cause serious prejudice or result in miscarriage of justice.

In C. Muniappan v. State of Tamil Nadu: (2010) 9 SCC 567 held that, "Where the investigation is defective, the Court has to be circumspect in evaluating the evidence, but it would not be justified in rejecting the prosecution case solely on the ground of defective investigation if the case is otherwise proved by credible evidence." And in, In Karan Singh v. State of M.P. : (2021) 1 SCC 184 observed that, "It is well settled that irregularities or illegalities in the course of investigation would not affect the trial unless such illegalities or irregularities have caused serious prejudice to the accused."

Therefore, the absence of a TIP of the property in the present case cannot be a sole ground for discrediting the substantive evidence on record. Further, the positive evidence of seizure of these items from the accused, coupled with the absence of any explanation from the accused as to how they came into possession of such articles, strengthens the prosecution's case. Notably, the defence has not made any assertion that the seized property belonged to them or that they had any lawful entitlement to it. Accordingly, based on the totality of evidence, it can be safely concluded that Accused Nos. 1, 3, and 4 were found in possession of the ornaments and personal effects belonging to the deceased. The Court is, therefore, justified in placing reliance on the recovered articles by the close relatives of the deceased and drawing appropriate inferences from the same. The possession of such items by the accused provides strong corroborative evidence of their presence at the location at relevant time crime.

https://indiankanoon.org/doc/91576011/; **Viswanathan Krishna Murthy vs The State Of Andhra Pradesh; CRIMINAL PETITION Nos.6783, 7064 AND 6830 OF Dt.16.06.2025**

The argument of the learned counsel for the Petitioner that the Respondent No.2, being a trans woman, cannot be regarded as a 'woman' merely because she is incapable of biological reproduction, is deeply flawed and legally impermissible. Such a narrow view of womanhood with reproduction undermines the very spirit of the Constitution, which upholds dignity, identity, and equality for all individuals, irrespective of gender identity. The Hon"ble Supreme Court in National Legal Services Authority (referred supra) has unequivocally recognized the rights of transgender persons, including their right to self-identify their gender. To deny a trans woman the status of a

'woman' for the purpose of legal protection under Section 498-A IPC solely on the ground of her reproductive capacity is to perpetuate discrimination and to violate Articles 14, 15, and 21 of the Constitution. Such a contention, therefore, deserves to be rejected at the outset.

https://indiankanoon.org/doc/83563036/**;Padi Kaushik Reddy vs The State Of Telangana on 16 June, 2025; CRLP 5756 of 2025**

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 also relevant to note that the Investigating Officer, on consideration of the statements of the witnesses and documents collected during the course of investigation, has power either to delete or add some provisions of law or accused and also file report stating that it is lack of evidence or civil in nature etc. Scuttling investigation at the threshold is impermissible as held by the Apex Court.

https://indiankanoon.org/doc/39956302/**;Chilikuri Mariyadas, Another, vs The State Of Ap Rep By Its Pp Hyd., on 16 June, 2025; CRLRC 44/2011**

There was no visible and conspicuous presence of element of mens rea in the case. The act and words of the petitioners, however, insulting or humiliating the deceased by stating that why should she live, as she was leading an immoral life, will not by itself constitute abetment of suicide. The words of the petitioners spoken to the deceased only once, a single instance i.e., on the preceding night of committing suicide, cannot constitute the petitioners exploiting the vulnerability of the deceased, making her feel worthless or undeserving of life, leading her to commit suicide.

https://indiankanoon.org/doc/168396350/**; Vunnam Babu, Guntur Dt., vs The State Of AP, on 16 June, 2025; CRLRC 2658 of 2017**

non examination of the radiologist and not marking the radiologist report and X- rays are fatal to the case of the prosecution to prove the guilt of the Petitioner for the offence under Section 326 of 'the I.P.C.' However, there are injuries which were caused by the Petitioner by using Material Object No.1. Therefore, the Petitioner is liable for punishment under Section 324 of 'the I.P.C.' Hence, the conviction under Section 326 of 'the I.P.C.,' imposed by the learned Trial Court and confirmed by the learned Appellate Court is

liable to be interfered and set aside. However, the Petitioner is convicted for the offence punishable under Section 324 of 'the I.P.C

https://indiankanoon.org/doc/140729402/**; Sri Bandi Sanjay Kumar vs The State Of Telangana on 17 June, 2025; CRLP 7170/2025**
Thus, they had violated the Model Code of Conduct issued by the Election Commission of India. Thereupon, Police, Penpahad Police Station, registered a case in Crime No.167 of 2021 against the petitioners for the offence punishable under Section 188 read with Section 34 of IPC.
in the present case, the Investigating Officer did not follow the procedure laid down under Section 155 of Cr.P.C., and as such, continuation of the proceedings in the aforesaid C.C. against the petitioners is an abuse of process of law.

(The bar under Section 195(1)(a) CrPC has been ignored by the Hon'ble Court and treated the same as non-cognizable case. The previous precedents like Kottu Satyanarayana vs state of A.P, etc have not been considered in this judgment)

https://indiankanoon.org/doc/35052174/**; Golla Chenchu Krishnaiah, vs Golla Sathyanarayana Sathyam; 17 June, 2025; CRLRC.1294 of 2010**
This Court also, in Crl.R.C.No.1571 of 2008, passed an order dated 21.02.2025 holding that if a Criminal Appeal is filed against the judgment of acquittal in a Sessions Case, and that appeal is either dismissed on merits or dismissed for not condoning the delay, the Criminal Revision Case, filed at the behest of either de-facto complainat or any witnesses, shall not be entertained since the judgment in Criminal Appeal has attained finality.

https://indiankanoon.org/doc/138505565/**; Vuppala Pavan Kumar vs The State Of Telangana on 18 June, 2025; CRLPs_5516,5466&5504_2025**
the applicability of the TSPDFE Act to fraudulent chit fund operations is no longer res integra. This issue has been comprehensively addressed in V. Revathi v. The State of A.P., rep. by Public Prosecutor, High Court of Hyderabad, 2011 SCC OnLine AP 1025. In paragraphs 15 to 18 of that decision, the Court elaborated on the legal compatibility between both enactments and upheld the application of the TSPDFE Act in situations involving deceitful or illegal chit fund schemes
There is no provision in the 1999 Act dealing with repeals and savings. The 1999 Act (TSPDFE Act) was enacted by the State Legislature in addition to and not in derogation of any existing law dealing with the subject. The State Legislature enacted the 1971 Act (THE A.P. CHIT FUNDS Act) for regulation

of chit funds in the state of Andhra Pradesh. The 1971 Act was repealed by Section 90 of the 1982 Act (THE CHIT FUNDS Act) passed by the Parliament. As per Section 1(3) of the 1982 Act, that Act comes into force on such date as the Central Government may by notification in the Official Gazette appoint and different dates may be appointed for different States. Under Section 89 of the 1982 Act, the State Government in consultation with Reserve Bank of India has to make rules by notification in the Official Gazette for giving effect to the provisions of that Act. So far the Government of Andhra Pradesh has not made any rules under Section 89 of the 1982 Act. Therefore, till coming into force of the 1982 Act by notifying rules by the State Government, the 1971 Act is deemed to be in force.

https://indiankanoon.org/doc/28275791/;**Alamanda Jojappa vs State Of A.P., Rep By Spl.Pp., on 18 June, 2025; CRLA.Nos.456 & 459 of 2009**

When a case rests upon the evidence of solitary testimony of a witness, his evidence must be unimpeachable and above board. In the light of the aforesaid infirmities and in the absence of any orders from his superior, there is any amount of ambiguity with regard to his participation in the trap proceedings, especially he Witnessing the incident proper. Therefore, P.W. 1 cannot be termed as a wholly reliable witness, In such a case, his evidence requires corroboration. Except his evidence, there is absolutely no evidence, either direct or circumstantial, to establish the alleged demand and acceptance of bribe amount made by the appellants. There is no substantive evidence of the informant. Further, the evidence of P.W. 1 does not substantiate the earlier demand allegedly made by the appellants. Hence, this Court has no hesitation to hold that an implicit reliance cannot be placed on the solitary testimony of P.W. 1 to base the conviction, and it can be said that the prosecution failed to prove the guilt of the appellants/AOs. 1 and 2 beyond reasonable doubt.

There cannot be any dispute that the prosecution case is one integrated story. In view of lack of substantive evidence with regard to the alleged demand made by the appellants on the earlier occasion, it is difficult to accept a vital part of the story i.e. earlier demand made by the appellants on 18.10.2003, which is the genesis of the case.

With regard to the fact that tainted money was recovered from AO.2 and chemical test conducted on the hands of AO.2 gave positive result, mere recovery of tainted currency, by itself, is not a ground to find a person guilty of the offences alleged. The prosecution failed to establish the earlier demand and the demand on the date of the trap made by the appellants. In

the absence of the same, the appellants cannot be found guilty of the charges levelled against the appellants.

https://indiankanoon.org/doc/185104420/**;M. Satya Sri, vs Ajay P. Mathew, on 19 June, 2025; CRLRC_435_2025**

Section 386 of the Code of Criminal Procedure (CrPC) unequivocally mandates that appellate courts must examine the record of the trial court and adjudicate criminal appeals on their merits, irrespective of the appellant's personal appearance. Moreover, the CrPC does not contain any provision that authorizes the dismissal of a criminal appeal solely on the ground of non-prosecution. Accordingly, a criminal appeal should not be dismissed for default. In cases where the appellant or counsel fails to appear, it is incumbent upon the appellate court to consider and decide the appeal on its merits. If the appellant remains unrepresented, the court may, in the interest of justice, appoint an amicus curiae to assist in the adjudication of the matter.

https://indiankanoon.org/doc/74526354/**; Nenavath Santosh vs The State Of Telangana on 19 June, 2025; CRLRC 422 of 2025**

It was, however, candidly admitted that the original petition did not specify the reasons necessitating the additional cross-examination. Counsel therefore sought liberty to file a fresh application before the trial Court, duly furnishing all requisite particulars to substantiate the necessity for recalling the witnesses.

Upon careful consideration of the submissions and in the interest of justice, this Court is of the opinion that an opportunity may be granted to the revision petitioner to approach the trial Court afresh with a properly substantiated application under Section 311 Cr.P.C., particularly as no irreparable prejudice would be caused to the prosecution at this stage.

https://indiankanoon.org/doc/85038548/**; Sri Rajapuram Jeevan Reddy vs The State Of Telangana on 20 June, 2025; CRLP_10798_2024**

Upon perusal of the petitioner's statement, it emerges that the petitioner and the de facto complainant were acquainted with each other since their college days. In November 2016, the petitioner allegedly proposed marriage to the complainant, assuring her that he would obtain the consent of his parents and other family members. However, citing his parents' disapproval, he later withdrew from the commitment. Subsequently, in the presence of his friends, the petitioner is said to have acknowledged his mistake and reaffirmed his intention to marry her. Despite this, he once again reneged on his promise. Further allegations suggest that the petitioner engaged in coercive conduct

by blackmailing the complainant to meet him, implying emotional manipulation. On these grounds, the de facto complainant alleged that she was deceived and, consequently, filed a police complaint.
Thus, to constitute an offence under Section 420 IPC, it is essential to establish that the accused not only engaged in cheating but also dishonestly induced the victim to deliver property or alter a valuable security. In the context of the present case, even taking the complainant's version at face value, the petitioner merely promised to marry her and later retracted that promise, attributing his change of position to the opinion of his parents and relatives. Importantly, the complaint does not allege any act that evidences a fraudulent or dishonest intention at the inception of the promise, nor is there any indication that the petitioner induced the complainant to deliver property or to act in a manner that she would not have otherwise done but for such deception. As such, the foundational elements of cheating under Section 415 IPC are not met.

https://indiankanoon.org/doc/130751608/**;Mohd. Ferozafroz vs The State Of Telangana on 20.06.2025; Crl.P.Nos.6790; 6791; 7118 & 7125 of 2025**
Insofar as the contention of the learned counsel for the petitioners that accused No.10 was enlarged on bail and the petitioners are also entitled for grant of bail is concerned, accused No.10 is only a juvenile. Taking into consideration the provisions of the Juvenile Justice Act, he was granted bail and therefore, on the said ground, the petitioners are not entitled for grant of bail, especially when the investigation is under progress and the charge sheet has not been filed. for the offences punishable under Sections 64 (m), 49, 351 (3), 127 (2), 115 (2) read with r/w 3(5) of Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS')

https://indiankanoon.org/doc/170446927/**; V V R Krishnam Raju vs The State Of Ap on 23 June, 2025; CRLP.Nos.6199, 6200 and 6202 of 2025**
Accordingly, it is directed that the police shall conduct the investigation in Crime No. 108 of 2025 on the file of Tuiluru Police Station, and the complaints in the subject matter of Crime Nos.301, 70, and 175 of 2025 referred to above, shall be treated as statements under Section 162 Cr.P.C. in the said investigation.

https://indiankanoon.org/doc/150830911/; **B.Basappa vs The State Of A.P on 24 June, 2025; CrlA 713 of 2012**
Giving the aforementioned articles and cash at the time of marriage voluntarily out of love and affection to their daughter is different from the

appellant demanding dowry for the purpose of marriage. The prosecution ought to have clarified whether PW1 and PW2 have given the cash, gold and silver articles of their own volition or was it at the demand of the appellant or his relatives. There is no such evidence on record on behalf of the prosecution. When there was no demand for dowry itself, the question of demand for additional dowry would not have any scope.

https://indiankanoon.org/doc/150602969/**; Padmoanabhuni Rajeswari vs State Of AP; CRIMINAL PETITION No.1895 of 2023; 25.06.2025**

During the pendency of a criminal case after filing of charge sheet the prosecution cannot be permitted to furnish additional material which is not part of record. The investigating officer could have resorted to conducting further investigation if he/she has come across additional evidence which is pertinent to the case with the permission of the Court.

6. In the present case on hand, the alleged video recordings and the whatsapp chat was produced by the PW.1 and they are sought to be brought on record by filing a petition under Section 311 of Cr.P.C., and seeking to take on record additional documents by filing petition under Section 91 Cr.P.C.,

7. Section 91 Cr.P.C., does not permit the prosecution to produce additional documents after the commencement of trial in the Court for the purpose of marking and for the purpose of leading further evidence with regard to the additional documents/material objects.

8. The scope of Section 311 Cr.P.C., cannot be stretched to the extent of bringing in additional documents and material objects which are not part of record of the Court filed by the investigating //4// officer along with a charge sheet. The Criminal Procedure Code is comprehensive and such procedure cannot be permitted.

{The binding precedents of Hon'ble Apex court and Hon'ble High Court like in CBI VS R.A.Pai ; Saroja Vs State of A.P., have not been discussed in the case}

https://indiankanoon.org/doc/165651681/**; Salapu Suresh vs The State Of Andhra Pradesh on 27 June, 2025; CRLA 321/2025**

It is alleged in the complaint that Appellant/Accused No.1 under the false promise of marriage with deceitful words, used to live with Respondent No.2 under one roof for a period of eight years and had sexual intercourse with her and subsequently refused to marry her. It is also alleged that Appellants/Accused Nos.1 and 2 also threatened to kill her. The contention of the Appellants is that the allegations leveled in the complaint pertains to

the year 2017 and subsequent thereto and there was a consensual relation between the Appellant/Accused No.1 and Respondent No.2. The learned trial Judge passed the impugned order dismissing the petition filed by the Appellants herein seeking anticipatory bail, on the ground that thorough investigation has to be conducted to finalize the allegations leveled against the Accused. Though there are allegations against the Appellants, this Court is of the view that they are the factual aspects to be decided during investigation and it is not the stage to decide the culpability of the Appellants by accepting the allegations. In such circumstances, this Court is of the view that the impugned order is liable to be set aside and the Appellants are entitled for grant of anticipatory bail.

{ Anticipatory bail in case registered under SCs & STs (PoA) Act }

https://indiankanoon.org/doc/72388235/; **Killo Subbarao vs The State Of Andhra Pradesh on 23 June, 2025; CRLP 5306/2025**

As rightly put by the learned counsel for the petitioner, the definition of Ganja under NDPS Act takes in its ambit only the flowering or fruiting tops of cannabis plant and excludes the seeds and leaves when not accompanied by the tops. Thus, the definition of 'Ganja' is restricted and it does not include the seeds and leaves of Ganja plant. As can be seen form the record the police while weighing the contraband did not segregate flowering tops from other material.

NOSTALGIA

Disclosure Statements

The evidentiary value of information received through the aid of Section 27 is no longer res integra. This Court in Vinobhai v. State of Kerela; while placing reliance on Manoj Kumar Soni v. State of M.P. 2023 INSC 705; held that in the absence of supporting evidence, a conviction cannot be based solely on such information. It was observed:

The law on the evidentiary value of disclosure statements under Section 27, Evidence Act made by the accused himself seems to be wellestablished. The decision of the Privy Council in Pulukuri Kotayya and others vs. King-Emperor 1946 SCC OnLine PC 47; AIR 1947 PC 67; holds the field even today wherein it was held that the provided information must be directly relevant to the discovered fact, including details about the physical object, its place of origin, and the accused person's awareness of these aspects. The Privy Council observed: The difficulty, however great, of proving that a fact discovered on information supplied by the accused is a relevant fact can afford no justification for reading into s. 27 something

which is not there, and admitting in evidence a confession barred by s. 26, Except in cases in which the possession, or concealment, of an object constitutes the gist of the offence charged, it can seldom happen that information relating to the discovery of a fact forms the foundation of the prosecution case. It is only one link in the chain of proof, and the other links must be forged in manner allowed by law. The law on the evidentiary value of disclosure statements of co- accused too is settled; the courts have hesitated to place reliance solely on disclosure statements of co-accused and used them merely to support the conviction or, as Sir Lawrence Jenkins observed in Emperor vs. Lalit Mohan Chuckerburty (1911) ILR 38 Cal 559, page 588, to "lend assurance to other evidence against a coaccused". In Haricharan Kurmi vs. State of Bihar AIR 1964 SC 1184 , this Court, speaking through the Constitution Bench, elaborated upon the approach to be adopted by courts when dealing with disclosure statements:

> 13. …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.

In yet another case of discrediting a flawed conviction under Section 411, IPC, this Court, in Shiv Kumar vs. State of Madhya Pradesh (2022) 9 SCC 676, overturned the conviction under Section 411, declined to place undue reliance solely on the disclosure statements of the co-accused, and held:

> 24. …, the disclosure statement of one accused cannot be accepted as a proof of the appellant having knowledge of utensils being stolen goods. The prosecution has also failed to establish any basis for the appellant to believe that the utensils seized from him were stolen articles. The factum of selling utensils at a lower price cannot, by itself, lead to the conclusion that the appellant was aware of the theft of those articles. The essential ingredient of mens rea is clearly not established for the charge under Section 411 IPC. The prosecution's evidence on this aspect, as they would speak of the character Gratiano in Merchant of Venice, can be appropriately described as, "you speak an infinite deal of nothing." [William Shakespeare, Merchant of Venice, Act 1 Scene 1.]

we must hold that admissibility and credibility are two distinct aspects and the latter is really a matter of evaluation of other available evidence.
This Court in Sanjeet Kumar Singh vs. State of Chhattisgarh 2022 SCC OnLine SC 1117 held:

> 18. But if the Court has — (i) to completely disregard the lack of corroboration of the testimony of police witnesses by independent witnesses; and (ii) to turn a Nelson's eye to the independent witnesses turning hostile, then the story of the prosecution should be very convincing and the testimony of the official witnesses notably trustworthy. If independent witnesses come up with a story which creates a gaping hole in the prosecution theory, about the very search and seizure, then the case of the prosecution should collapse like a pack of cards. It is no doubt true that corroboration by independent witnesses is not always necessary. But once the prosecution comes up with a story that the search and seizure was conducted in the presence of independent witnesses and they also choose to examine them before Court, then the Court has to see whether the version of the independent witnesses who turned hostile is unbelievable and whether there is a possibility that they have become turncoats.

Bar U/s. 195 CrPC bars other offences committed in course of same transaction
the judgment of the Honourable Supreme Court in State of Karnataka v. Hermareddy AIR 1981 SC 1417, wherein in paragraph No.8, it is held as under:
"8. We agree with the view expressed by the learned Judge and hold that in cases where in the course of the same transaction an offence for which no complaint by a Court is necessary under Section 196 (1)(b) of the Code of Criminal Procedure and an offence for which a complaint of a Court is necessary under that sub-section, are committed, it is not possible to split up and hold that the prosecution of the accused for the offences not mentioned in Section 196 (1)(b) of the Code of Criminal Procedure should be upheld"

Murder or Culpable Homicide
The Hon'ble Supreme Court in case of Pulicherla Nagaraju v. State of Andhra Pradesh, held as under:-
" Therefore, the court should proceed to decide the pivotal question of intention, with care and caution, as that will decide whether the case falls under Section 302 or 304 Part I or 304 Part II. Many petty or insignificant matters plucking of a fruit, straying of a cattle, quarrel of children, utterance of a rude word or even an

objectionable glance, may lead to altercations and group clashes culminating in deaths. Usual motives like revenge, greed, jealousy or suspicion may be totally absent in such cases. There may be no intention. There may be no pre-meditation. In fact, there may not even be criminality. At the other end of the spectrum, there may be cases of murder where the accused attempts to avoid the penalty for murder by attempting to put forth a case that there was no intention to cause death. It is for the courts to ensure that the cases of murder punishable under section 302, are not converted into offences punishable under section 304 Part I/II, or cases of culpable homicide not amounting to murder, are treated as murder punishable under section 302. The intention to cause death can be gathered generally from a combination of a few or several of the following, among other, circumstances :

(i) nature of the weapon used;

(ii) whether the weapon was carried by the accused or was picked up from the spot;

(iii) whether the blow is aimed at a vital part of the body;

(iv) the amount of force employed in causing injury;

(v) whether the act was in the course of sudden quarrel or sudden fight or free for all fight;

(vi) whether the incident occurs by chance or whether there was any pre-meditation;

(vii) whether there was any prior enmity or whether the deceased was a stranger;

(viii) whether there was any grave and sudden provocation, and if so, the cause for such provocation;

(ix) whether it was in the heat of passion;

(x) whether the person inflicting the injury has taken undue advantage or has acted in a cruel and unusual manner;

(xi) whether the accused dealt a single blow or several blows.

The above list of circumstances is, of course, not exhaustive and there may be several other special circumstances with reference to individual cases which may throw light on the question of intention. Be that as it may."

21. The Hon'ble Supreme Court, in case of Mohd Rafiq v. State of Madhya Pradesh, held as under:-

"The question of whether in a given case, a homicide is murder, punishable under Section 302 IPC or culpable homicide of either description, punishable under Section 304 IPC, has engaged the attention of Courts in India for over one-and-half century, since the enactment of the IPC. A welter of case law, on the aforesaid aspect exits , including perhaps several hundred rulings by the Supreme

Court. The use of the term "likely" in several places in respect of culpable homicide, highlights the element of uncertainty that the act of the accused may or may not have killed the person. Section 300 IPC which defines "murder", however reference from the use of the term likely, which reveals absence of ambiguity left on behalf of the accused. The accused is for sure that his act will definitely cause death. It is often difficult to distinguish between culpable homicide and murder as both involve death. Yet, there is a subtle distinction of intention and knowledge involved in both the crimes. Such difference lies in the degree of the act. There is a very wide variance of degree of intention and knowledge among both the crimes".

Multiple FIR's

it is essential to highlight the well-established legal principle that multiple FIRs are permissible when each complaint pertains to distinct transactions or grievances involving different victims. This legal position has been affirmed in several authoritative judgments. In T.T. Antony v. State of Kerala & Others, (2001) 6 SCC 181, the Hon'ble Supreme Court held that a second FIR is impermissible in respect of the same incident or occurrence. Nonetheless, the Court implicitly acknowledged that separate FIRs are maintainable if they arise from independent and unconnected acts, even if involving the same accused. Likewise, in Surender Kaushik & Others v. State of U.P. & Others, (2013) 5 SCC 148, the Supreme Court upheld the maintainability of multiple FIRs filed by different complainants based on distinct causes of action and emphasized that complaints against a common accused do not necessarily constitute a single offence merely because they involve the same individual(s).

Bail in Honour Killing cases

The Hon'ble Apex Court in Virupakshappa Gouda vs Karnataka (2017) 5 SCC 406, while cancelling the bail, which was granted in favour of the prime accused, specifically held that bail granted to a murder accused, who had killed a man on the ground that he performed inter-caste marriage stemmed from a so-called 'honour killing' should not be given the relief of bail, ordered to surrender. Further, the Hon'ble Apex Court in Lata Singh v. State of U.P. (2006) 5 SCC 475 by considering the seriousness of the offence and the nature of the allegations, condemned the social evil of honour killings, which is also relied on by this in Gudur Sandeep Reddy vs Telangana (2021) 1 ALT (Crl) 18.

Hate Speeches -Difference between 153A & 505(2) IPC

the judgment of the Hon'ble Apex Court in Patricia Muhim v. State of Meghalaya {(2021) 15 SCC 35} in Crl.A.No.141 of 2021 (SLP (Crl.) No.103 of 2021 dated 08.03.2021wherein it is mentioned at para No.11 and 12 as under:

> "11... In Bilal Ahmed Kaloo v. State of A.P; Manzar Sayeed Khan v. State of Maharashtra, (2007) 5 SCC 1 ., this Court analyzed the ingredients of Sections 153-A and 505(2) IPC. It was held that Section 153-A covers a case where a person by "words, either spoken or written, or by signs or by visible representations", promotes or attempts to promote feeling of enmity, hatred or ill will. Under Section 505(2) promotion of such feeling should have been done by making a publication or circulating any statement or report containing rumour or alarming news. Mens rea was held to be a necessary ingredient for the offence under Sections 153-A and 505(2).
>
> The common factor of both the sections being promotion of feelings of enmity, hatred or ill will between different religious or racial or linguistics or religious groups or castes or communities, it is necessary that at least two such groups or communities should be involved. It was further held in Bilal Ahmed Kaloo (supra) that merely inciting the feelings of one community or group without any reference to any other community or group cannot attract any of the two sections.
>
> The Court went on to highlight the distinction between the two offences, holding that publication of words or representation is sine qua non under Section 505.It is also relevant to refer to the judgment of this Court in Ramesh v. Union of India {(1988) 1 SCC 668} in which it was held that words used in the alleged criminal speech should be judged from the standards of reasonable, strong-minded, firm and courageous men, and not those of weak and vacillating minds, nor of those who scent danger in every hostile point of view. The standard of an ordinary reasonable man or as they say in English law "the man on the top of a Clapham omnibus" should be applied.
>
> This Court in Pravasi Bhalai Sangathan v. Union of India & Ors {(2014) 11 SCC 477} had referred to the Canadian Supreme Court decision in Saskatchewan (Human Rights Commission) v. Whatcott {(2013) 1 SCR 467} . In that judgment, the Canadian Supreme Court set out what it considered to be a workable approach ininterpreting "hatred" as is used in legislative provisions prohibiting hate speech. The first test was for the Courts to apply the hate speech prohibition objectively and in so doing, ask whether a reasonable person, aware of the context and circumstances, would view the expression

asexposing the protected group to hatred. The second test was to restrict interpretation of the legislative term "hatred" to those extreme manifestations of the emotion described by the words "detestation" and "vilification". This would filter out and protect speech which might be repugnant and offensive, but does not incite the level of abhorrence. delegitimization and rejection that risks causing discrimination or injury. The third test was for Courts to focus their analysis on the effect of the expression at issue. namely, whether it is likely to expose the targeted person or group to hatred by others. Mere repugnancy of the ideas expressed is insufficient to constitute the crime attracting penalty."

Refusing to Marry after all arrangements for marriage are made

This legal position has been examined in M. Giriprasad v. K. Munikrishna Reddy, 2014 (2) ALD (Crl.) 52 (AP), where in paragraphs 4 and 5, the Court observed:

"The complaint does not indicate any inducement by the petitioners to procure gold ornaments. It merely records that both parties had agreed to the marriage of LW-3 Thulasi and A1, and an engagement was held. It is evident that, based on the promise of marriage, the de facto complainant incurred expenses anticipating a matrimonial alliance. Subsequently, A1 declined to proceed with the marriage for undisclosed reasons.

The Court held that a breach of a promise to marry, in itself, does not attract the offence under Section 420 IPC. The mere receipt of gold ornaments in the context of a planned engagement does not constitute criminal breach of trust. Any expenditure incurred on the strength of a matrimonial promise could potentially give rise to a civil claim for damages, but does not amount to a criminal offence. Accordingly, the Court quashed the criminal proceedings."

NEWS

- APHC- District Judiciary - Disposal of cases relating to where Senior Citizens are parties - Revised Circular instructions - Regarding.
- TGHC -TELANGANA :: HYDERABAD :: STATE LEGAL SERVICES AUTHORITY, HYDERABAD - Nomination of District and Sessions Judges who are working/ holding full additional charge of the posts of Special Courts/ Fast Track Special Courts for Trial and Disposal of Protection of Children from Sexual Offences (POCSO) Act Cases, the Senior Civil Judges who are holding full additional charge of the posts of Secretaries of District Legal Services Authority and the Prl. Magistrates of Juvenile Justice Boards, in the State of Telangana to participate in the State Level

Stakeholders Conference on 05.07.2025 and 06.07.2025 at Dr. MCR HRD Institute, Hyderabad - ORDERS – ISSUED.

- Notification of various scientific experts of the Central Forensic Science Laboratories as Government Scientific Experts under Section 329(4)(g) of the Bharatiya Nagarik Suraksha Sanhita, 2023
- AP- AMENDMENT TO THE ANDHRA PRADESH JUDICIAL MINISTERIAL AND SUBORDINATE SERVICE RULES, 2019. [G.O.Ms.No.98, Law (LA & J - Home - Courts.A), 27th June, 2025.]
- AP- AMENDMENT TO THE ANDHRA PRADESH SCHEDULED CASTES (SUBCLASSIFICATION) RULES, 2025. [G.O.Ms.No. 19, Social Welfare (CV), 18th June, 2025.

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

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नाभ्युत्थानक्रिया यत्र नालापो मधुराक्षरम्।
गुण-दोष कथा नैव स स्वर्गोऽपि न गम्यताम् ।।
(नराभरण - ४१)

A place where there is no tradition of standing up and welcoming someone, where people do not speak in sweet words and where there is no discussion about the merits and demerits, even if that place is heaven, one should not go there.

CITATIONS

https://indiankanoon.org/doc/61744744/; **Sri. Y.S. Jagan Mohan Reddy vs The State Of Andhra Pradesh on 1 July, 2025; Crl.P.No.6283 OF 2025, 6409 OF 2025, 6410 OF 2025 & 6411 OF 2025**

During the course of investigation, police secured security staff of the convoy of the former Chief Minister and examined them as L.Ws.2 to 17 and recorded their detailed statements. It is stated by the investigating officer in the Memo dated 25.6.2025 filed before the Magistrate that as per the statement of witnesses and the summing of evidence, it is clear that A.1 to A.6 clearly knew that while taking turn, due to speedy driving, even though it is known that people can die, if they fall under the car, A.2 to A.6 in the car instructed A.1 to drive faster, due to which A.1 drove the car at high speed at the crowded place, while taking turn, the deceased fell under car of A.1 to A.6 as A.2 to A.6 in the car hurrying A.1 to haste, though the public raised screams to stop the car, A.1 drove the car without stopping, and the car dragged the deceased for some distance, as a result of which he sustained severe bleeding injuries and died.

In order to attract an offence of culpable homicide not amounting to murder, death must not have been caused with the specific intention to kill or the knowledge that the act would be likely to cause death in the way that would constitute murder. On a perusal of the complaint and other documents which are integral part of the complaint, taking them on their face value, prima facie,

no offence under Section 105 IPC is made out. Admittedly, the petitioners were only inmates of the car. There is neither intention nor knowledge on their part so as to bring the petitioners within the ambit of Section 105 BNS.

https://indiankanoon.org/doc/6620496/;Jalla Sangeetha vs The State Of Telangana on 1 July, 2025;CRIMINAL PETITION Nos.5777 and 6412 of 2023

https://indiankanoon.org/doc/105163978/;Smt. Kittu , Manti Ida Evangeline vs The State Of Telangana on 2 July, 2025; CRIMINAL PETITION No.8693 of 2022

In numerous cases, the Hon'ble Supreme Court, while dealing with similar cases held that 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 2024 INSC 953 498-A 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 me

mbers before prosecuting the husband and his family members.

a perusal of the record would indicate that no substantial and specific allegations have been made against the petitioners herein, except stating that they have instigated accused No.1 in harassing the de facto complainant. Not even a single instance of harassment or cruelty or demand of dowry had been referred against the petitioners. There are no specific allegations against the petitioners herein as to how they have voluntarily caused hurt; intentionally insulted the de facto complainant with an intent to provoke breach of the peace and in what manner they have threatened the de facto complainant causing criminal intimidation.

Accordingly, these Criminal Petitions are allowed, quashing the proceedings against the petitioners

https://indiankanoon.org/doc/171119992/;Kodi Chaithanya Kumari vs State Of Telangana on 2 July, 2025; CRIMINAL PETITION No.15708 of 2024 Date: 02.07.2025

In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, it is noted that the allegation against the petitioners is that, on the date of the incident, the de facto complainant went to the hospital to visit his relatives, where the petitioners allegedly attacked him and his parents. However, the child birth records filed

by the counsel for the petitioners clearly establish that the de facto complainant is the father of the baby in the said record, and the investigation conducted by the police reveals that a quarrel took place between both parties.

A bare reading of the complaint shows that there are no specific allegations made against each of the petitioners, and the contents of the complaint lack the essential ingredients necessary to constitute the offences punishable under Sections 323, 504, and 506 IPC. Mere vague and omnibus allegations without any supporting medical evidence or clear attribution of individual roles do not warrant continuation of SKS,J criminal proceedings. Therefore, this Court is of the considered view that continuation of the proceedings against the petitioners is nothing but abuse of process of law and the proceedings against them are liable to be quashed.

{ The Assistant to Public Prosecutor of High Court represented that 41A CrPC notice is served for the offence punishable under Sections 323, 504, 506 read with 34 IPC.- ignoring the fact that Sec 41A CrPC notice can be given only in Cognizable Cases}

https://indiankanoon.org/doc/197485261/; Shri Sayyad Ashrafa vs The State Of Telangana on 3 July, 2025; CRLP No.7217 of 2025

In the above said judgment the Hon'ble Apex Court overruled the decision of the High Court on the ground that bail was granted to the respondent therein solely basing upon non compliance with Section 52A of the NDPS Act, which governs the disposal of seized narcotic substances. The Court clarified that such non-compliance does not automatically invalidate a trial or entitle the accused to bail, emphasizing the necessity for the prosecution to establish the integrity of evidence and the chain of custody. The ruling underscored that procedural lapses must be evaluated within the broader context of the case, reinforcing the principle that non-compliance with Section 52A does not, by itself, warrant bail or invalidate the trial.

https://indiankanoon.org/doc/58501628/; Merava Jagadeesh vs The State Of Telangana on 3 July, 2025; CRLP No.6002 of 2023

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. Hence, the petitioners-accused Nos.2 and 3 cannot be dragged into criminal prosecution and the same would be an abuse of process of the law in the absence of specific allegations made against each of them.

https://indiankanoon.org/doc/109137983/;Vikas Sridharam vs The State Of Telangana on 4 July, 2025; CRIMINAL PETITION No.4280 of 2025
FIR was registered against the petitioner/accused No.3 under Section 370(A)(2) of the IPC and Sections 3, 4 and 5 of the Act,
A plain reading of the above would abundantly make it clear that Sections 3 and 5 of the Act does not attract the customers who approaches a brothel house or a woman in prostitution.
this Court is of the considered opinion that continuation of proceedings against the petitioner/accused No.2, under Sections 3 and 5 of the Act, are undesirable and the same are liable to be quashed.
{It appears that the earlier judgment in S.Naveen Kumar Vs State of Telangana, wherein it is directed to charge the customer under Sec 370A IPC, is not brought to the notice of the Hon'ble Court }

https://indiankanoon.org/doc/172695314/; Sahebzada Mir Akber Ali Khan vs The State Of Telangana on 4 July, 2025; CRIMINAL PETITION No.16095 of 2024
this Court observed that a perusal of the record reveals that the second respondent had already filed a civil suit on the same set of facts. The main allegation against the petitioners is that they had obtained a legal heir certificate excluding the second respondent, and this issue is also the subject matter in O.S. No. 4363 of 2021. This Court further held that when the matter is pending before the Civil Court, it is for the second respondent to prove that the said document is a forged one. It was also observed that there is no bar to the filing of a criminal case during the pendency of a civil suit. Therefore, the allegations levelled against the petitioners require a full- fledged trial, and as such, the proceedings could not be quashed.

https://indiankanoon.org/doc/114009555/;Ramavath Dhanjilal, vs The State Of Telangana on 7 July, 2025; CRLP NO.3580 OF 2025
After going through the said contention as the Government is the removal authority of the accused officer, the Principal Secretary is the proper authority for giving sanction and the contention that sanction order was not in accordance with law has to be adjudicated during the course of trial, as in the sanctioned G.O., the accusations were explained in detail. Therefore,

there is no force in the contention of petitioner on this aspect. Viewed from any angle, the contentions raised by the petitioner are not at all tenable and the same has to be adjudicated during the course of trial.

https://indiankanoon.org/doc/161607509/; N Srinivasulu Reddy vs State Of AP on 7 July, 2025; CRLA No. 410 of 2025; 07.07.2025 ;
As seen from the record, it is alleged against the Appellants/Accused Nos.6 to 10 that they had threatened the De facto complainant, and had forcibly performed her marriage with Accused No.1. The learned trial Judge passed the impugned order dismissing the petition filed by the Appellants herein seeking anticipatory bail, on the ground that the investigation is pending for examination of some more witnesses and potency test of the Accused No.1. Though there are allegations against the Appellants, this Court is of the view that they are the factual aspects to be decided during investigation and it is not the stage to decide the culpability of the Appellants by accepting the allegations. In such circumstances, this Court is of the view that the impugned order is liable to be set aside and the Appellants are entitled for grant of anticipatory bail.
{The Hon'ble Court held that the ground that investigation is pending for examination of some more witnesses to know the role of A6 to A10 in commission of the offence, is a factual aspect to be decided during the investigation, cannot be a ground to deny anticipatory bail}

https://indiankanoon.org/doc/115588484/; DR.BHAVANAM RAMANA REDDY Vs State of A.P.; APHCO10301222025; CRLP NO: 6159 OF 2025;
This Court views that not every instance of engaging in sexual relations with a woman under the promise of marriage constitutes rape. It cannot be universally stated that sexual intercourse under such a promise will always amount to rape. Each 'case must be examined individually, considering the specific facts and the surrounding circumstances of the situation.
The petitioner gained intimacy by promising marriage and, on that pretext, engaged in sexual intercourse with her multiple times. Given their educational backgrounds, it can be 'Inferred that both parties had full knowledge and understanding of their actions. The complainant lodged the report on 06.05,2025, indicating' a substantial delay after the relationship began in 2023. Considering the significant delay in filing the complaint and the parties' educational qualifications, it is reasonable to conclude that they were likely aware of the consequences of their actions.

https://indiankanoon.org/doc/133653872/; Dwara Prakash Ctri Panthulu Panthulu, vs The State Of Adhra Pradesh on 9 July, 2025; CRIMINAL PETITION NO: 6292 OF 2025

the first petitioner was arrested on 25.4.2025 and the second petitioner was arrested on 19.3.2025 basing on the confession statement of co-accused. Evidently no contraband has been seized from the possession of the petitioner, this Court found that most of the investigation pertaining to the role played by the petitioners in the commission of the offence **would** be completed. Bail granted.

{The case involved commercial quantity of Ganja, Sec 37 NDPS Act, appears to have not been brought to the notice of the Hon'ble Court. Further, the representation of the prosecutor that there are 10 previous antecedents as against the first petitioner and PD Act was invoked against the first petitioner, has been ignored}

https://indiankanoon.org/doc/153283573/; APHC010591452022; M/S T.M. Food Processing Ltd vs The State Of Andhra Pradesh on 10 July, 2025; CRIMINAL PETITION Nos.8665 of 2022, 842 and 911 of 2023 CRL.RC.Nos.777, 778, 785, 786, 789, 791, 793, 797, and 856 of 2022 Dated 10.07.2025;

The police have filed the charge sheet by concluding that the accused have denied to furnish the share certificates and evidently the police have not made any effort to investigate into the allegation of forgery. The allegedly forged document was not collected by the police during the course of investigation. Adverse inference as drawn against the petitioners by the police in the charge sheet for laying the charge sheet against the accused for the offence under section 468 of IPC cannot sustain without the allegedly forged document sent to the FSL for Expert Opinion. In the absence of such an exercise the police could not have laid a charge sheet against the accused for the offence under Section 468 of IPC.

In criminal jurisprudence adverse inference cannot be drawn against the accused for nonproduction of the alleged forged document. Adverse inference in absence of the allegedly forged document which is not seized as a material object by the police during the course of investigation is unsustainable. In a criminal case when the prosecution alleges forgery and cheating the burden heavily lies on the prosecution to prove the guilt of accused beyond all reasonable doubt. In absence of the prosecution failing //8// to prove the guilt of the accused beyond all reasonable doubt and filing the charge sheet by drawing adverse inference cannot sustain the scrutiny of law and logic.

2025 0 INSC 818; 2025 0 Supreme(SC) 1036; Kathyayini Vs. Sidharth P.S. Reddy and Others; Criminal Appeal No. 2956 of 2025 [Arising Out of SLP (Crl.) No. 1105 of 2024]; Decided On : 14-07-2025

We now come to the issue of bar against prosecution during the pendency of a civil suit. We hereby hold that no such bar exists against prosecution if the offences punishable under criminal law are made out against the parties to the civil suit.

pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons.

2025 0 INSC 819; 2025 0 Supreme(SC) 1037; Madhukar and Others Vs. The State of Maharashtra and Another; Criminal Appeal No. 2957 of 2025 [Arising Out of SLP (Crl.) No. 7212 of 2025] With Prabhakar Vs. The State of Maharashtra and Another; Criminal Appeal No. 2958 of 2025 [Arising Out of SLP (Crl.) No. 7495 of 2025]; Decided On : 14-07-2025

At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

2025 0 INSC 828; 2025 0 Supreme(SC) 1046; Asian Paints Limited Vs. Ram Babu & State Of Rajasthan ; Criminal Appeal No. 2952 of 2025 [@ Special Leave Petition (Criminal) No.9888 of 2024]; Decided on : 14-07-2025

The language employed by the proviso to Section 372 of the CrPC is unambiguous to the effect that ‘the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.’

it is clear that the right to appeal accrues on the ‘victim’ from the instance of a Court acquitting the accused. The proviso to Section 372 of the CrPC is agnostic to the factum of such acquittal being by the Trial Court or the First Appellate Court. We can see the situation through another lens also. In the

facts at hand, acquittal was by the First Appellate Court and not by the Trial Court. Therefore, since, in the present case, for the first time, the acquittal comes in at the stage of the First Appellate Court (being a Sessions Court), in law, the right of appeal by the victim would be to the next higher level in the judicial hierarchy, which would be the High Court. However, for that purpose, the High Court could also have been the First Appellate Court, if the Trial Court, being a Court of Sessions, had acquitted the accused. Thus, the reasoning of the High Court that if the Appellant was allowed to maintain the appeal, it would amount to an appeal as envisaged under Section 378 of the CrPC, is factually and legally erroneous, which proposition we negate.

2025 0 INSC 830; 2025 0 Supreme(SC) 1048; Kum. Shubha @ Shubhashankar Vs State Of Karnataka & Anr.; Criminal Appeal No. 1029 of 2011 with Criminal Appeal No. 1030 of 2011, Criminal Appeal No. 1225 of 2011, Criminal Appeal No. 2943 of 2025; 14-07-2025

It is the duty of the concerned Court to satisfy itself on such compliance, by taking due note of the requisite certificate produced under Section 65-B(4) of the IEA, coupled with the oral evidence adduced by the competent officer on behalf of the TSP. One must understand that in contrast to the other prosecution witnesses, the one who speaks in support of such certificates, has no other interest in the case and therefore, has to be considered as a Court witness, having no axe to grind with anyone. He deposes on behalf of the TSP, concentrating only with respect to the certificate issued. Thus, in the absence of any fundamental flaw in his testimony, with competency to depose on behalf of the TSP, the Court is expected to take due note of it, accordingly.

2025 0 INSC 840; 2025 0 Supreme(SC) 1058; State By Deputy Superintendent Of Police Vs. B.T. Ramesh & Anr.; Civil Appeal Nos. 9463-9465 of 2025 [Arising Out Of SLP (Civil) Nos. 5150-5152 of 2023]; Decided On : 14-07-2025

The acts of commission of offence in the discharge of official duties by a public servant, punishable under the IPC and the PC Act, have obviously to be dealt with firmly. But Section 197, Cr. PC contemplates protection to responsible public servants against institution of possible vexatious criminal proceedings alleged to have been committed by them while acting or purporting to act as public servants. Protection under Section 197, Cr. PC extends both to serving as well as retired public servants. Prior to taking cognisance of offences punishable under the IPC, sanction ought to have

been obtained. No sanction has, admittedly, been obtained and hence we hold that quashing of the proceedings qua IPC offences was just and proper. However, the High Court fell in error in quashing the proceedings qua the offences under the PC Act as it did not appreciate that Section 19 thereof, prior to its amendment with effect from 26th July, 2018, applied only to public servants who were in office at the time of taking of cognisance of offence.

In view of the provisions of Section 531 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Cr. PC stands repealed; yet, pending proceedings are expressly permitted to be continued under the repealed law. We, therefore, observe that Ramesh may be prosecuted for offences punishable under the IPC, if so advised, but only after obtaining sanction therefor according to the repealed law for which liberty is reserved.

2025 0 INSC 845; 2025 0 Supreme(SC) 1063; Kattavellai @ Devakar Vs. State Of Tamilnadu; Criminal Appeal No. 1672 of 2019; Decided on : 15-07-2025 (THREE JUDGE BENCH)

Circumstance Six: Test Identification Parade

38. The investigating authorities conducted a test identification parade - asking PW-5 to identify the Appellant- convict from a long line of habitual offenders. He did so thrice. This has been taken as another circumstance against the convict Appellant. Before proceeding to the merits of this circumstance, let us appreciate the law on this point.

38.1 No provision of law casts an obligation upon the investigating authorities to conduct a test identification parade. If it is conducted, the provision that governs is Section 162, Cr.P.C. [See: Munshi Singh Gautam v. State of M.P., (2005) 9 SCC 631; Malkhansingh v. State of M.P., (2003) 5 SCC 746; Visveswaran v. State, (2003) 6 SCC 73; and Ashok Debbarma v. State of Tripura, (2014) 4 SCC 747]

38.2 The onus to show that the T.I.P. has been conducted in accordance with law lies on the prosecution, and only after this burden stands prima facie discharged, does the question of considering objections in this regard arise. [See: Umesh Chandra v. State of Uttarakhand, (2021) 17 SCC 616]

38.3 It is not a substantive piece of evidence. Its only purpose is for the investigating authorities to analyse the correctness, or lack thereof, of the direction in which they are steering the investigation. [See: Hari Nath v. State of U.P., (1988) 1 SCC 14; and Iqbal v. State of U.P., (2015) 6 SCC 623]

38.4 If the prosecution does not establish, by examination of witnesses to the T.I.P., and the Magistrate entrusted therewith, it cannot be said that it was conducted per law. [See: Umesh Chandra (supra).]

38.5 There is no hard and fast rule about delay in conducting T.I.P. being fatal to the case of the prosecution. In certain cases, relatively small delay has been considered fatal yet in others, a delay of as much as 40 days is not fatal. [See: Raja v. State, (2020) 15 SCC 562.]
38.6 The prosecution must establish that prior to the test identification parade being conducted, the witness had no opportunity to see the accused. In other words, the accused must be kept 'baparda'. [See: Gireesan Nair v. State of Kerala, (2023) 1 SCC 180; and Budhsen v. State of U.P., (1970) 2 SCC 128.]
38.7 If the above has not been ensured, the evidence of the T.I.P. becomes inadmissible. It has also been held that if, prior to the T.I.P. the witness has the opportunity to see even the photograph of the accused person, such process becomes inconsequential. [See: Maya Kaur Baldevsingh Sardar v. State of Maharashtra, (2007) 12 SCC 654; C. Muniappan v. State of T.N., (2010) 9 SCC 567; and Sk. Umar Ahmed Shaikh v. State of Maharashtra, (1998) 5 SCC 103.]
38.8 Dock identification by the informant, even in the absence of T.I.P., can be accepted, but generally, as a matter of prudence, a witness's identification of an accused in Court is sought to be corroborated by the identification by the former of the latter in previously conducted identification proceedings [Rajesh v. State of Haryana, (2021) 1 SCC 118; and Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1.]
38.9 Considering the facts and circumstances of the case at hand, it is open for the Court to draw an adverse inference against the witness, should they put forth a refusal to participate in the identification proceedings. [See: Mohd. Anwar v. State (NCT of Delhi), (2020) 7 SCC 391.]
39. It is plain as day that the above principles were not observed in the present case. We are constrained to record our astonishment as to how the Courts below considered the identification proceedings as a circumstance accruing against the Appellant-convict. It is undoubted that PW-50, in his testimony, gives sufficient detail as to the procedure followed in conducting the T.I.P., and on that count, no assault can be made thereon, however, as the preceding paragraph establishes, there are other equally crucial factors. It is a matter of record that PW-5 (the witness who participated in the T.I.P.), in his testimony, stated that about a week after he gave information to the concerned police about the incident of 14th May, 2011, he saw the Appellant-convict at the said police station.
A common thread that can be seen to be running through the entire process that has culminated by way of this judgment, is that of faulty investigation. Since we have already discussed the evidence on record in detail, we may only point out various instances :

A) The identity of the accused could not be sufficiently protected leading to its disclosure well before the T.I.P. was conducted;

B) Although there is no straight-jacket formula as to when T.I.P. can be/cannot be conducted, the delay in doing so has to be examined in the facts and circumstances of the case. The nine- day delay herein is entirely unexplained;

C) Lack of coordination between investigating agencies. Bhagyalakshmi has not been arrayed as a witness, despite examination by PW-56 who is the person concerned at the CBCID. The other investigating officer did not examine her despite a clear link to the deceased persons and the star witness of the prosecution;

D) Requisite care regarding the sensitive evidence (DNA etc.) was not taken in the slightest. There are large gaps in the chain of custody which are unexplained;

E) Surprisingly and shockingly, we may say that the post- mortem of the deceased persons was conducted at the spot of the crime without due regard to the possibility of contamination, effect of such examination being conducted in the open, etc. None of the Courts below have found this to be objectionable;

F) Possibility of ruling out the involvement of third party in the crime.

A perusal of the various documents released by a number of bodies such as the Standard Operating Procedure for Crime Scene Investigation issued by the Directorate of Forensic Science Service, Ministry of Home Affairs and Government of India [http://164.100.117.138/pdfs/crime%20scene%20 manual%20full_organized.pdf]; Guidelines for collection, storage and transportation of Crime Scene DNA samples issued by the Central Forensic Science Laboratory, Directorate of Forensic Science Service, Ministry of Home Affairs and Government of India https://www.cfslchandigarh.gov.in/ Uploads/Media/Original/20180627121024_IO- SOP%20Final.pdf]; a Forensic Guide for Crime Investigators (Standard Operating Procedures) issued by LNJN National Institute of Criminology and Forensic Science, Ministry of Home Affairs, Government of India https://jhpolice.gov.in/sites/ default/files/documents-reports/jhpolice_ebook_a_forensic_guide_for_ crime_investigators.pdf show that, although, procedures have been suggested, there is no uniformity nor there is a common procedure which is required to be followed by all investigating authorities. This, obviously, has the potential to have an impact on the cases investigated. When it comes to procedure followed by the police generally, differences therein are understandable keeping in view the difference in society, regional complexities as also other factors given the wide length and breadth of the

Country, however, the same yardstick cannot be applied when it comes to sensitive evidence such as DNA for the concerns, causes of its dilution in evidentiary value and requirements for it to be collected and maintained in pristine condition is not subject to the same factors. So, even though 'Police', 'Public Order' are subjects mentioned in List-II of the Seventh Schedule of the Constitution of India that in itself cannot permit differing procedures and sensitivities to such evidence, to rule the roost. The aspects in which we find there to be errors committed regularly are in fact procedural aspects which aid the sanctity of the evidence.

As such, we issue the following directions which shall be followed henceforth, in all cases where DNA Evidence is involved:

1. The collection of DNA samples once made after due care and compliance of all necessary procedure including swift and appropriate packaging including a) FIR number and date; b) Section and the statute involved therein; c) details of I.O., Police station; and d) requisite serial number shall be duly documented. The document recording the collection shall have the signatures and designations of the medical professional present, the investigating officer and independent witnesses. Here only we may clarify that the absence of independent witnesses shall not be taken to be compromising to the collection of such evidence, but the efforts made to join such witnesses and the eventual inability to do so shall be duly put down in record.

2. The Investigating Officer shall be responsible for the transportation of the DNA evidence to the concerned police station or the hospital concerned, as the case may be. He shall also be responsible for ensuring that the samples so taken reach the concerned forensic science laboratory with dispatch and in any case not later than 48- hours from the time of collection. Should any extraneous circumstance present itself and the 48-hours timeline cannot be complied with, the reason for the delay shall be duly recorded in the case diary. Throughout, the requisite efforts be made to preserve the samples as per the requirement corresponding to the nature of the sample taken.

3. In the time that the DNA samples are stored pending trial appeal etc., no package shall be opened, altered or resealed without express authorisation of the Trial Court acting upon a statement of a duly qualified and experienced medical professional to the effect that the same shall not have a negative impact on the sanctity of the evidence and with the Court being assured that such a step is necessary for proper and just outcome of the Investigation/Trial.

4. Right from the point of collection to the logical end, i.e., conviction or acquittal of the accused, a Chain of Custody Register shall be maintained wherein each and every movement of the evidence shall be recorded with counter sign at each end thereof stating also the reason therefor. This Chain of Custody Register shall necessarily be appended as part of the Trial Court record. Failure to maintain the same shall render the I.O. responsible for explaining such lapse.

The Directors General of Police of all the States shall prepare sample forms of the Chain of Custody Register and all other documentation directed above and ensure its dispatch to all districts with necessary instruction as may be required.

{The SOP's mentioned in the judgment are available for download from respective websites and also in our website in G.O's & Circulars Section}

2025 0 INSC 860; 2025 0 Supreme(SC) 1078; Shiv Baran Vs. State Of U.P. & Anr.; Criminal Appeal No. 3008 of 2025 (Arising out of SLP (Crl.) No.3993 of 2025); Decided On : 16-07-2025

It is a settled law that the power under Section 319 CrPC must be exercised sparingly. However, where the evidence reveals the complicity of the prospective accused, it becomes obligatory for the authority to exercise the power provided under the said Section.

The principles that the Trial Court ought to follow while exercising power under this Section are :

(a) This provision is a facet of that area of law which gives protection to victims and society at large, ensuring that the perpetrators of crime should not escape the force of law;

(b) It is the duty cast upon the Court not to let the guilty get away unpunished;

(c) The Trial Court has broad but not unbridled power as this power can be exercised only on the basis of evidence adduced before it and not any other material collected during investigation;

(d) The Trial Court is not powerless to summon a person who is not named in the FIR or Chargesheet; they can be impleaded if the evidence adduced inculpates him;

(e) This power is not to be exercised in a regular or cavalier manner, but only when strong or cogent evidence is available than the mere probability of complicity;

(f) The degree of satisfaction required is much stricter than the prima facie case, which is needed at the time of framing of charge(s);

(g) The Court should not conduct a mini-trial at this stage as the expression used is 'such person could be tried' and not 'should be tried'

2025 0 INSC 863; 2025 0 Supreme(SC) 1081;Birka Shiva Vs The State Of Telangana; CrlA No. 3007 of 2025 (Arising out of SLP(Crl.) No. 1445 of 2025); 16-07-2025

The prosecution has failed to examine the person who had made the entry in the Admission Register to ascertain on what basis such an entry was made. More so, the entry in respect of the date of birth of the victim in the primary school register, i.e., 1st Class to 5th Class, has not been produced and proved before the Courts below to verify the age as per its records. It is also not possible to ascertain from the records as to whether the date of birth was provided by the parents or simply entered at the behest of another party, without verification, at the time of admission to Zilla Parishad High School.

The prosecution has sought conviction of the appellant under Section 376 IPC, asserting that he had committed forcible sexual intercourse with the victim. It is trite law that a conviction for rape can be sustained solely on the testimony of the prosecutrix/victim, provided that her evidence inspires confidence in the mind of the Court and appears to be natural and truthful. However, if the version given by the prosecutrix is inconsistent, unsupported by any medical evidence, or the whole surrounding circumstances are highly improbable and believable in the case set up by the prosecutrix, the Court shall not act on the solitary evidence of the prosecutrix. [See: State of Punjab v.Gurmit Singh, (1996) 2 SCC 384; Vimal Suresh Kamble v. Chaluverapinake Apal S.P., (2003) 3 SCC 175; Sadashiv Ramrao Hadbe v. State of Maharashtra, (2006) 10 SCC 92; Tameezuddin v. State (NCT of Delhi), (2009) 15 SCC 566; Narender Kumar v. State (NCT of Delhi), (2012) 7 SCC 171; and Mukesh v. State (NCT of Delhi), (2017) 6 SCC 1

In the present case, we find that this charge has no legs to stand on, for she only makes a positive statement about the occurrence of sexual intercourse and does not even in the slightest imply the same to be against her will. The absence of consent is the sine qua non to sustain a charge under Section 376. That cannot, in our opinion, be met as per the evidence on record.

The prosecution has relied primarily on Ex.P11, the birth certificate issued by the Zilla Parishad High School, to establish that the victim was below the age of sixteen years on the date of the alleged offence, i.e., 4th August 2012. According to Ex.P11, the victim's date of birth was 3rd November 1996, which, if accepted, would make her approximately 15 years 9 months old at the relevant time.

The evidentiary value of such an entry made in public or official registers may be admissible in evidence under Section 35 of the Indian Evidence Act, 1872[7][Hereinafter referred to as the 'Evidence Act']. However, admissibility is distinct from probative value. While such documents may be admitted into evidence, their evidentiary weight depends on proof of their authenticity and the source of the underlying information. Mere production and marking of a document as exhibited by the Court does not amount to proof of its contents. Its execution has to be proved by leading substantive evidence, that is, by the 'evidence of those persons who can vouchsafe for the truth of the facts in issue'. [See: Narbada Devi Gupta v. Birendra Kumar Jaiswal, (2003) 8 SCC 745]

2025 0 INSC 868; 2025 0 Supreme(SC) 1086; M Sambasiva Rao Vs The State Of Andhra Pradesh; Criminal Appeal No.391 of 2017; 17-07-2025

Having analysed the evidence threadbare and considered the entire evidential gamut, we find that the prosecution has not proved beyond reasonable doubt the demand of and acceptance of the bribe in the trap laid by PW12. This is, to be charitable to the investigative agency, at best a case of a botched-up trap with serious lapses committed by the investigative agency. The role of the SP and PW12 also calls for a detailed look, but in view of the fact that they are not before us, we refrain from further comment. At its worst, this case is an example of fabrication and attempted frame-up. Whatever be the truth of the matter, the fact remains that in either scenario, benefit of doubt has to flow to the appellant. It would be unsafe to uphold the conviction of the appellant in any view of the matter. In view of our foregoing discussion, we set aside the Impugned Judgment and restore the Judgment and Order of the Trial Court.

2025 0 INSC 870; 2025 0 Supreme(SC) 1087; Mala Choudhary & Anr. Vs. State Of Telangana & Anr.; Criminal Appeal No(s). 3052 of 2025 (Arising out of SLP (Crl.) No (s). 10748 of 2023); Decided on : 18-07-2025

Having given our thoughtful consideration to the submissions advanced at bar and after going through the impugned FIR and the pleadings of the suit for specific performance filed by the complainant, we are convinced that this is a classic case of the complainant (respondent No.2), who seems to be wielding some clout in the State of Telangana, misusing the process of police investigation so as to entangle the accused appellants who are residents of New Delhi, in a totally false and frivolous prosecution for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860.

Thus, clearly the complainant has manipulated and distorted the facts and has used its influence for getting the FIR registered against the appellants. On a bare reading of the FIR, it is clear that a plain and simple dispute involving non-execution of a registered sale deed in terms of so-called oral agreement to sell has been given the cloak of a criminal case by misusing the criminal machinery. Not only this, appellant No. 1 being a 70 years' old lady and wife of a retired Army officer was arrested in connection with this false and frivolous FIR and had to remain in the custody for almost eight days.

A cost of Rs. 10,00,000/- (Rupees Ten Lakhs only) is imposed on the complainant i.e., respondent No. 2 for misusing the process of criminal law and entangling the appellants, who are the wife and daughter respectively of a Retd. Army Major General, in a totally false and concocted criminal case.

2025 0 INSC 871; 2025 0 Supreme(SC) 1088; Kaushal Singh Vs. The State of Rajasthan; Criminal Appeal No. 3053 of 2025 [Arising Out of SLP (Crl.) No. 2254 of 2025]; 18-07-2025 (THREE JUDGE BENCH)

Furthermore, in the present case, the fact remains that the strictures and/or the scathing observations were made by the learned Single Judge of the High Court to the detriment of the appellant- Judicial Officer without providing him any opportunity of explanation or showing cause. In addition, thereto, we find that the entire foundation of the High Court's order seems to be based on the judgment in the case of Jugal (supra) which stands reversed by this Court in the case of Ayub Khan vs. State of Rajasthan, 2024 SCC Online SC 3763 vide judgment dated 17th December, 2024.

Suffice it to say that the law is well-settled by a catena of decisions rendered by this Court that High Courts should ordinarily refrain from passing strictures against the judicial officers while deciding matters on the judicial side.

https://indiankanoon.org/doc/126911155/;Metta Vishnu Vardhan Reddy vs State Of Andhra Pradesh on 14 July, 2025; CRLP 6412/2025

In other words, a police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused.

https://indiankanoon.org/doc/16225443/; Konduri Manikanta Pandu vs The State Of Andhra Pradesh; CRLP NO: 4310/2025 Date: 14.07.2025

The panchanama and seizure do not reflect presence of flowering or fruiting tops on the plant.

In the mediators' report, it is stated that upon opening the packets, the Investigating Officer and the mediators observed dry leaves, flowers, seeds, stems, and stalks, collectively weighing approximately 22 kilograms. In light of the observations made in the decision as mentioned above, there arises a doubt as to whether the seized material constitutes a commercial quantity of ganja.

placed reliance on the decision of the High Court of Bombay in Criminal Application (BA) No.602 of 2024, wherein it was observed that:

> 6. Thus the definition of term 'ganja' defines and clarifies that 'ganja' is the flowering or fruiting tops of the cannabis plant excluding the seeds and leaves when not accompanied by the tops. In the case in hand, as seen from the FIR and the investigation papers, the quantity of 50 kg. of ganja was seized from the vehicle.....
>
> 7. ..... on perusal of the material on record shows that what was seized was plant i.e. leaves, seeds, stems and stalks and without separating the same, the ganja was weighed. As the seized material was not weighed and after separating the leaves and the other parts, and moreover, it is not along with the flowering or fruiting tops. Therefore, it is difficult to ascertain whether quantity can be said to be commercial.
>
> 9. It is significant to note that the definition of 'ganja' under NDPS Act takes in its ambit only the flowering or fruiting tops of cannabis plant and excludes the seeds and leaves when not accompanied by the tops. Thus, the definition of 'ganja' is restricted and it does not include the seeds and leaves of ganja plant.

https://indiankanoon.org/doc/73439193/; P V MUDHUN REDDY @ PEDDIREDDI VENKATA MIDHUN REDDY VS State of A.P; CRIMINAL PETITION No.2904 OF 2025 Date: 15.07.2025

It cannot lose sight of serious allegations levelled by the prosecution and the evidence collected during the investigation and produced before this court, which prima facie reveal the petitioner's role in the offence in question. Given these circumstances, custodial interrogation is deemed essential to confront the petitioner with the gathered evidence and to unravel a broader conspiracy implicating the accused in the implementation of the Excise Policy.

Having considered the submissions made on behalf of both sides and after considering the gravity of the offence, circumstances of the case, particularly taking note of the accusation that ₹3,500 crores were said to be collected towards kickbacks for the liquor syndicate and also considering the settled principle of law that power of grant of bail under Section 438 Cr.P.C., is to be sparingly exercised in extraordinary circumstances and thus, no such circumstances being having been made out in this case, this court does not find it a proper case for granting the relief of anticipatory bail to the petitioner.

https://indiankanoon.org/doc/106182598/;Vedagiri Subrahmanyam Naidu vs The State Of Ap.,Acb; Criminal Appeal No.513 of 2014 Date: 15th July 2025

In the absence of any proof of demand of bribe amount and acceptance of the same by the accused officer, there is any amount of ambiguity whether the alleged incident as suggested by the prosecution is said to have taken place or not. Therefore, I am inclined to hold that the learned Special Judge was not correct in holding the demand alleged to be made by the accused officer as proved. Mere possession and recovery of the currency notes from the accused officer without proof of demand will not bring home the offence under Section 7 of the Act.

https://indiankanoon.org/doc/53743469/;Anumula Revanth Reddy vs The State Of Telangana on 17 July, 2025; CRLP 4162/2020

The law with regard to commission of offences under SC/ST (PoA) Act, 1989 stands thus. A dispute with regard to the possession of land is the subject matter of a civil dispute between parties. Any act of dispossession of a person belonging to a Scheduled Caste would per se not amount to an offence under the SC/ST (PoA) Act unless the person/victim is abused, intimidated or harassed solely on the ground that he/she belongs to a Scheduled Case or Scheduled Tribe. An offence under the SC/ST (PoA) Act is not made out merely because the de facto complainant/informant belongs to a Scheduled Caste; there must also be a clear intention to humiliate the de facto complainant for that specific reason: Hitesh Verma Vs. The State of Uttarakhand 1.

https://indiankanoon.org/doc/54476672/;Gampala Manikanta Swamy vs The State Of Andhra Pradesh on 18 July, 2025; CRLP 7516/2025

the petitioner isthe proprietor of M/s. Sri Ramakrishna Jaggery and General Stores, while he was brining black jaggery for the purpose of his business, the same was seized under the cover of mediator's report. He further submits

that even on consideration of the entire averments in the mediators report, which lead to registration of the subject crime, the petitioner only allegedly indulged in transportation of black jaggery. As per G.O.Ms.No.149, Revenue (Excise-II) Department, dated 18.04.2017, black jaggery is an agricultural produce and; therefore, the penal provisions are not attracted to the case on hand. He also has drawn the attention of this Court to the earlier orders of this Court in Crl.P.No.10083 of 2011 dated 02.11.2018, wherein, in the similar circumstances, this Court, quashed the proceedings therein and also the order in Crl.P.No.52 of 2010, dated 30.04.2010, wherein the criminal proceedings against the petitioners were quashed.

Hence, following the said Orders passed by this Court in Criminal Petition No.7742 of 2019, dated 19.02.2020 and Criminal Petition Nos.6911 of 2019, 4826 of 2020 and 7593 of 2021, and taking into consideration of the facts and circumstances of the case, this criminal petition is allowed by quashing the proceedings against the Petitioner/Accused in FIR No.145 of 2025, of Prohibition & Excise Police Station, Pithapuram, Kakinada District, for the offence punishable under Section 7-A r/w 8(A) of A.P.Prohibition Act, 1995, amended as 2020.

Clawrance Fransis. S/o. late Fransis. Vs State of Telangana; I.A. No. 1 of 2025 in CRLA 305 of 2025; 27.06.2025 (DB)

We cannot also discount the extreme risk taken by the petitioner in requesting for a second DNA Test. It would indeed be a suicidal move on the part of the petitioner had the petitioner to subject himself to a second test and have the earlier DNA Report confirmed in the process. No person would take that risk unless he is certain of the outcome of the second test. This fact alone persuades the Court to allow the application.

2025 0 INSC 886; 2025 0 Supreme(SC) 1105; Konde Nageshwar Rao Vs. A. Srirama Chandra Murty & Anr.; Criminal Appeal No. 555 of 2018; Decided On : 23-07-2025

Perusal of the complaint would also indicate that the grievance was not really relatable to the false and malicious involvement in the criminal proceedings against the Appellant and his family members because of them belonging to Scheduled Caste. The very intent being absent, the offences for which the prosecution has been launched are not made out. That apart, merely because a number of cases and various litigations are pending between the Appellant and Respondent No. 2, in itself cannot be a ground for presuming that the prosecution initiated against the appellant was at the behest of and with a false and malicious intent, by now deceased Respondent No. 1. For

attracting the offences, as alleged to have been committed by the private respondents, specific instances and incidents supported by evidence are required to be present, which is missing in this case.

In Masumsha Hasanasha Musalman v. State of Maharashtra,(2000) 3 SCC 557 this Court has emphasized that merely because the complainant belongs to the Scheduled Castes or Scheduled Tribes cannot be the sole ground for prosecution. The offences alleged must have been committed solely on the basis of the victim's caste status. Misuse of the statute to settle personal scores or to harass individuals cannot be permitted if it is apparent. The Court should in such situation be not hesitant to step in and stop the said misuse. Prosecution needs to be quashed at an early stage to prevent undue harassment of the accused where there is clear legal infirmity in the prosecution case, such as the allegations, even if taken at their face value, do not disclose an offence or the entire case is a bad faith exercise weaponized to settle personal scores, rather than seeking justice (Ravinder Singh v. Sukhbir Singh and others, (2013) 9 SCC 245').

This court in Dr. Subhash Kashinath Mahajan v. State of Maharashtra and another, (2018) 6 SCC 454 had also observed that there has been an alarming increase in false complaints under the SC/ST Act, particularly against public servants and judicial officers with an oblique motive to settle personal scores or to harass individuals. Such acts cannot be allowed to be perpetuated and need to be stopped at the very outset so that there is no miscarriage of justice.

2025 0 INSC 887; 2025 0 Supreme(SC) 1106; Sua Vs. The State Of Rajasthan; CRLA No. 2695 of 2025; 23-07-2025

As regards the reliance placed on the sole testimony of the prosecutrix for conviction, it is well settled by this Court in Mohd. Imran Khan v. State Government (NCT of Delhi), (2011) 10 SCC 192 that a conviction can be sustained on the uncorroborated testimony of the prosecutrix if it is found to be credible and trustworthy. This principle was further reiterated in Phool Singh v. State of Madhya Pradesh, (2022) 2 SCC 74 and Ganesan v. State, (2020) 10 SCC 573, where it was held that corroboration is not a sine qua non for conviction in sexual offence cases. Thus, the settled legal position is that the statement of the prosecutrix, if worthy of credence, requires no corroboration and can form the sole basis for conviction.

As regards the opposition by the State with regard to the plea having been taken for the first time before this Court that the Appellant being a juvenile being not permissible, the same needs to be merely mentioned to be rejected in light of the authoritative judgments passed by this Court starting from Hari

Ram v. State of Rajasthan and Another, (2009) 13 SCC 211 followed by Dharambir v. State (NCT of Delhi) and Another (Supra), where it has been categorically held that the plea of juvenility can be raised before any court and has to be recognized at any stage, even after disposal of the case. It has further been held that such a claim is required to be determined in terms of the provisions contained in the 2000 Act and the Rules framed thereunder, i.e., the 2007 Rules, even if the juvenile has ceased to be so on or before the date of commencement of the 2000 Act, as in the present case. The relevant factor, therefore, is that the accused, to be a juvenile, should have not completed 18 years of age on the date of commission of the offense, which entitles him to the benefit of the 2000 Act.

2025 0 INSC 888; 2025 0 Supreme(SC) 1107; M.C. Ravikumar Vs D.S. Velmurugan and Others; Criminal Appeal No. 3122 of 2025 [Arising Out of SLP (Crl.) No. 12715 of 2022]; Decided On : 23-07-2025

This Court in catena of judgments has held that it is not open to an accused person to raise one plea after the other, by repeatedly invoking the inherent jurisdiction of the High Court under Section 482 Cr.P.C. though all such pleas were very much available to him even at the first instance. We may hasten to add that there is no sweeping rule to the effect that a second quashing petition under Section 482 Cr.P.C. is not maintainable and its maintainability will depend on the facts and circumstances of each case. However, the onus to show that there arose a change in circumstances warranting entertainment of a subsequent quashing petition would be on the person filing the said petition. In this regard, we may gainfully refer to the observations made by this Court in the case of Bhisham Lal Verma vs. State of U.P. and Another, 2023 SCC Online SC 1399

2025 0 INSC 876; 2025 0 Supreme(SC) 1095; Khursheed Ahmad Chohan Vs. Union of Territory of Jammu and Kashmir and Others; Criminal Appeal No. 3092-3093 of 2025 [Arising Out of SLP (Criminal) Nos. 13751-13752 of 2023]; Decided On : 21-07-2025

The Constitution Bench in Lalita Kumari (supra) specifically carved out exceptions where a preliminary inquiry may be conducted but categorically excluded cases involving allegations against public servants, discharging their official capacity, particularly in matters involving custodial violence. The Court recognised that allowing a preliminary inquiry in such cases would enable institutional cover-up and defeat the very purpose of criminal law, designed to protect citizens from state excesses.

2025 0 INSC 877; 2025 0 Supreme(SC) 1096; Victim 'X' Vs. State of Bihar and Anr.; Criminal Appeal No(s). 3090 of 2025 (Arising out of SLP (Crl.) No (s). 4335 of 2024); 21-07-2025

Recently, this Court in the case of Shabeen Ahmad v. The State of Uttar Pradesh & Anr., (2025) 4 SCC 172 while placing reliance upon the case of Ajwar v. Waseem, (2024) 10 SCC 768 cancelled the bail granted to the accused in a dowry death case observing as follows:

> "18.... A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. These observations regarding grant of bail in grievous crimes were thoroughly dealt with by this Court in Ajwar v. Waseem in the following paras:
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> "26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [Chaman Lal v. State of U.P., [(2004) 7 SCC 525]; Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528]; Masroor v. State of U.P. [(2009) 14 SCC 286];Prasanta Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496]; Neeru Yadav v. State of U.P. [(2014) 16 SCC 508]; Anil Kumar Yadav v. State (NCT of Delhi) [(2018) 12 SCC 129]; Mahipal v. Rajesh Kumar [(2020) 2 SCC 118].
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> 27. **It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court.** If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P v.

State of M.P. [(2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)

"24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [Dolat Ram v. State of Haryana, (1995) 1 SCC 349]. **To put it differently, in ordinary circumstances, this Court would be loathe to interfere with an order passed by the court below granting bail but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."**

It is trite that bail once granted should not be cancelled ordinarily, but where the facts are so grave that they shake the conscience of the Court; and where the release of the accused on bail would have an adverse impact on the society, the Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice.

2025 0 INSC 878; 2025 0 Supreme(SC) 1097; Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav Vs. The State of Maharashtra and another; Criminal Appeal No(s). 3088 of 2025 (Arising out of SLP (Crl.) No (s). 10251 of 2024) With Criminal Appeal No(s). 3089 of 2025 (Arising out of SLP (Crl.) No (s). 10255 of 2024) Decided On : 21-07-2025

This Court, in numerous judgments, has held that anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. In this regard, we may gainfully refer to Srikant Upadhyay v. State of Bihar, 2024 SCC OnLine SC 282 wherein this Court noted as follows:

"We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. **While called upon to**

exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases…."
(emphasis supplied)

2025 0 INSC 880; 2025 0 Supreme(SC) 1099; Esakkimuthu Vs. State Represented By the Inspector of Police; Criminal Appeal No. 3099 of 2025 (Arising out of SLP (CRL) No. 1693 of 2025) With Pitchu Mani @ Pitchai Mani Vs. State Represented By the Inspector of Police; Criminal Appeal No. 3100 of 2025 (Arising Out of SLP (CRL) No. 3816 of 2025); Decided On : 22-07-2025
It is of first and foremost importance to note that it is a well- settled principle that when the witnesses are related/interested, their testimonies have to be scrutinized with greater care and circumspection.[5][Mohamed Jabbar Ali & Ors. v. State of Assam, Criminal Appeal No. 1105 of 2010] In the case of Gangadhar Behera v. State of Orissa, AIR 2002 SC 3633 this Court held that the testimony of such related witnesses should be analysed with caution for its credibility.

2025 0 INSC 892; 2025 0 Supreme(SC) 1111; Satauram Mandavi Vs. The State of Chhattisgarh & Anr.; Criminal Appeal No. 3179 of 2025 (Arising Out of SLP (Crl) No. 13834 of 2024); Decided On : 25-07-2025
The Constitutional bar against retrospective imposition of a harsher penalty under Article 20(1) is clear and absolute. The Trial Court, in applying the enhanced sentence introduced by the 2019 Amendment to Section 6 of the POCSO Act, has effectively subjected the appellant to a punishment greater than that which was permissible under the law in force at the time of commission of the offence which is clearly violative of the bar contained in Article 20(1) of the Constitution of India.
The sentence of "imprisonment for life, meaning remainder of natural life," as per the amended provision, did not exist in the statutory framework on 20.05.2019, the date of the incident. Under the unamended Section 6, the

maximum punishment permissible was imprisonment for life in its conventional sense and not imprisonment till the remainder of natural life.

2025 0 INSC 893; 2025 0 Supreme(SC) 1112; Sukdeb Saha Vs. The State of Andhra Pradesh and Others; Criminal Appeal No. 3177 of 2025 [Arising Out of SLP (Crl.) No. 6378 of 2024]; Decided On : 25-07-2025

Keeping in view of the above, and in exercise of the powers conferred upon this Court under Article 32 of the Constitution of India for the enforcement of fundamental rights, and treating this pronouncement as law declared by this Court under Article 141, we hereby issue the following guidelines, which shall remain in force and be binding until such time as appropriate legislation or regulatory frameworks are enacted by the competent authority. The Guidelines are prescribed as under:

(I) All educational institutions shall adopt and implement a uniform mental health policy, drawing cues from the UMMEED Draft Guidelines, the MANODARPAN initiative, and the National Suicide Prevention Strategy. This policy shall be reviewed and updated annually and made publicly accessible on institutional websites and notice boards of the institutes.

(II) All educational institutions with 100 or more enrolled students shall appoint/engage at least one qualified counsellor, psychologist, or social worker with demonstrable training in child and adolescent mental health. Institutions with fewer students shall establish formal referral linkages with external mental health professionals.

(III) All educational institutions shall ensure optimal student-to-counsellor ratios. Dedicated mentors or counsellors shall be assigned to smaller batches of students, especially during examination periods and academic transitions, to provide consistent, informal, and confidential support.

(IV) All educational institutions, more particularly the coaching institutes/centres, shall, as far as possible, refrain from engaging in batch segregation based on academic performance, public shaming, or assignment of academic targets disproportionate to students' capacities.

(V) All educational institutions shall establish written protocols for immediate referral to mental health services, local hospitals, and suicide prevention helplines. Suicide helpline numbers, including Tele-MANAS and other national services, shall be prominently displayed in hostels, classrooms, common areas, and on websites in large and legible print.

(VI) All teaching and non-teaching staff shall undergo mandatory training at least twice a year, conducted by certified mental health professionals, on psychological first-aid, identification of warning signs, response to self-harm, and referral mechanisms.

(VII) All educational institutions shall ensure that all teaching, non-teaching, and administrative staff are adequately trained to engage with students from vulnerable and marginalised backgrounds in a sensitive, inclusive, and non-discriminatory manner. This shall include, but not be limited to, students belonging to Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Economically Weaker Sections (EWS), LGBTQ+communities, students with disabilities, those in out-of-home care, and students affected by bereavement, trauma, or prior suicide attempts, or intersecting form of marginalisation.

(VIII) All educational institutions shall establish robust, confidential, and accessible mechanisms for the reporting, redressal and prevention of incidents involving sexual assault, harassment, ragging, and bullying on the basis of caste, class, gender, sexual orientation, disability, religion, or ethnicity. Every such institution shall constitute an internal committee or designated authority empowered to take immediate action on complaints and provide psycho-social support to victims. Institutions shall also maintain zero tolerance for retaliatory actions against complainants or whistle-blowers. In all such cases, immediate referral to trained mental health professionals must be ensured, and the student's safety, physical and psychological, shall be prioritised. Failure to take timely or adequate action in such cases, especially where such neglect contributes to a student’s self-harm or suicide, shall be treated as institutional culpability, making the administration liable to regulatory and legal consequences.

(IX) All educational Institutions shall regularly organise sensitisation programmes (physical and/or online) for parents and guardians on student mental health. It shall be the duty of the institution to sensitise the parents and guardians to avoid placing undue academic pressure, to recognise signs of psychological distress, and to respond empathetically and supportively. Further, mental health literacy, emotional regulation, life skills education, and awareness of institutional support services shall be integrated into student orientation programmes and co-curricular activities.

(X) All educational institutions shall maintain anonymised records and prepare an annual report indicating the number of wellness interventions, student referrals, training sessions, and mental health-related activities. This report shall be submitted to the relevant regulatory authority, which may be the State Education Department, University Grants Commission (UGC), All India Council for Technical Education (AICTE), Central Board of Secondary Education (CBSE), or as otherwise indicated.

(XI) All educational institutions shall prioritise extracurricular activities, including sports, arts, and personality development initiatives. Examination patterns shall be periodically reviewed to reduce academic burden and to cultivate a broader sense of identity among students beyond test scores and ranks.

(XII) All educational institutions, including coaching centres and training institutes, shall provide regular, structured career counselling services for students and their parents or guardians. These sessions shall be conducted by qualified counsellors and shall aim to reduce unrealistic academic pressure, promote awareness of diverse academic and professional pathways, and assist students in making informed and interest-based career decisions. Institutions shall ensure that such counselling is inclusive, sensitive to socio-economic and psychological contexts, and does not reinforce narrow definitions of merit or success.

(XIII) All residential-based educational institutions, including hostel owners, wardens and caretakers, shall take proactive steps to ensure that campuses remain free from harassment, bullying, drugs, and other harmful substances, thereby ensuring a safe and healthy living and learning environment for all students.

(XIV) All residential-based institutions shall install tamper-proof ceiling fans or equivalent safety devices, and shall restrict access to rooftops, balconies, and other high-risk areas, in order to deter impulsive acts of self-harm.

(XV) All coaching hubs, including but not limited to Jaipur, Kota, Sikar, Chennai, Hyderabad, Delhi, Mumbai, and other cities where students migrate in large numbers for competitive examination preparation, shall implement heightened mental health protections and preventive measures. These regions, having witnessed disproportionately high incidents of student suicides, require special attention. The concerned authorities, namely, the Department of Education, District Administration, and management of educational institutions, shall ensure the provision of regular career counselling for students and parents, regulation of academic pressure through structured academic planning, availability of continuous psychological support, and the establishment of institutional mechanisms for monitoring and accountability to safeguard student mental well-being.

The above guidelines shall apply to all educational institutions across India, including public and private schools, colleges, universities, training centres, coaching institutes, residential academies, and hostels, irrespective of their affiliation. We may clarify that these guidelines are not in supersession but

in parallel to the ongoing work of the National Task Force on Mental Health Concerns of Students and are being issued to provide an interim protective architecture in the interregnum. We believe that these guidelines shall be read as complementary to the ongoing work of the National Task Force and would inform and assist the National Task Force in the development of a more comprehensive and inclusive framework.

2025 0 INSC 895; 2025 0 Supreme(SC) 1114; Anurag Bhatnagar & Anr. Vs. State (NCT of Delhi) & Anr.; Special Leave Petition (Criminal) No. 18084 of 2024 with Special Leave Petition (Crl.) No.18087 of 2024, Special Leave Petition (Crl.) No.18094 of 2024, Special Leave Petition (Crl.) No.18091 of 2024, Special Leave Petition (Crl.) No.18095 of 2024; Decided On : 25-07-2025

To sum up, the Magistrate ought not to ordinarily entertain an application under Section 156(3) CrPC directly unless the informant has availed and exhausted his remedies provided under Section 154(3) CrPC, but as the Magistrate is otherwise competent under Section 156(3) CrPC to direct the registration of an FIR if the allegations in the application/complaint discloses the commission of a cognizable offence, we are of the opinion that the order so passed by the Magistrate would not be without jurisdiction and would not stand vitiated on this count.

The Magistrate by the order dated 01.07.2005 has simply directed for the registration of the FIR so as to set the criminal law in motion but has not exercised his power under Section 190 of the CrPC of taking cognizance thereof. In such a situation, the order so passed by the Magistrate, though irregular, is of no prejudice to any party, much less to the VLS. Therefore, it is not appropriate for this court to interfere in the matter or with the order of the Magistrate dated 01.07.2005 or with the order impugned passed by the High Court.

Moreover, when information disclosing commission of cognizable offence is conveyed to the police station, the officer-in-charge of the police station cannot refuse to register the FIR. Therefore, if an FIR has not been registered for any reason at the police station and the Magistrate is satisfied that the information discloses a cognizable offence, he can certainly direct for its registration obviously on compliance of the provisions of Section 154(3) of the CrPC. This is exactly what has been done by the Magistrate by way of his order dated 01.07.2005 though ignoring the remedy under Section 154(3) of the CrPC which, as said earlier, amounts to mere procedural irregularity.

In the present case with which we are dealing, we have already opined earlier that there is no legal flaw in the order passed by the Magistrate dated 01.07.2005 directing for the registration of the FIR. The order clearly states that the Magistrate is satisfied that the allegations indeed make out a cognizable offence for the purposes of investigation. The said satisfaction recorded by the Magistrate cannot be disturbed in exercise of inherent powers. Therefore, if in pursuance of the said order, the FIR has been registered which discloses a cognizable offence, the same cannot be struck down at this stage. The powers conferred upon the court under Section 482 CrPC or Article 226/227 of the Constitution of India are discretionary in nature and it is not obligatory upon the court to exercise the said inherent power in each and every case, even if the order impugned suffers from minor procedural irregularity, provided there is no miscarriage of justice. Thus, in a case where pursuant to the order of the Magistrate, which is not illegal or without jurisdiction, an FIR has been registered which discloses a cognizable offence and, thereafter, upon investigation, chargesheets have been submitted, there is apparently no justification for the court to exercise discretionary jurisdiction so as to quash the FIR or the order of the Magistrate.

It has been well settled that successive FIRs in respect of a same cognizable offence are not maintainable provided that on the basis of the earlier FIR, investigations have been completed and the trial had either resulted in conviction or acquittal of the accused.

2025 0 INSC 899; 2025 0 Supreme(SC) 1118; Bansal Milk Chilling Centre Vs. Rana Milk Food Private Ltd. & Anr.; Criminal Appeal No. 3178 of 2025(@ Special Leave Petition (CRL.) No.15699 of 2024); 25-07-2025

It will be appropriate to observe that amendments/alterations are not alien to the Code of Criminal Procedure. Section 216 of the Cr.P.C. deals with the power of Court to alter any charge and the concept of prejudice to the accused. No doubt when a charge is altered, what is altered is the legal provision and its application to a certain set of facts. The facts per se may not be altered.

t will be noticed that when a charge is altered, if there is no prejudice to the accused, the trial can be proceeded with. Further, if it is likely to prejudice, the Court may either direct a new trial or adjourn the trial to such period. Section 217 of the Cr.P.C. grants liberty to the prosecutor and the accused to recall witnesses when charges are altered under the conditions prescribed therein. The test of ‘prejudice to the accused’ is the cardinal factor that needs to be borne in mind.

2025 0 INSC 903; 2025 0 Supreme(SC) 1122; Chirag Sen and another Vs. State of Karnataka and another; Criminal Appeal No. 3213-3215 of 2025 Special Leave Petition (CRL.) No. of 2025 (@ Special Leave Petition (Crl.) Diary No. 9824 of 2025); Decided On : 28-07-2025

Insofar as the applicability of Sections 420, 468, and 471 IPC is concerned, the complaint does not disclose the basic elements required to attract these offences. There is no allegation that any of the appellants forged or fabricated a document, or that they knowingly used a forged document as genuine. Equally, there is no averment that any person or authority was dishonestly induced to part with property or confer a benefit as a result of any such act. The complaint proceeds on the assumption that an entry in a GPF nomination form, allegedly filled up by the father (Appellant No.5) of the players in 1996, casts doubt on the subsequently issued birth records of the players. Even taking the said form at face value, it is neither demonstrated how the players—who were minors at the time—or their coach had any role in its preparation, nor shown that the document was ever used to obtain a benefit under false pretence. During the course of hearing, when the Court specifically posed a question to counsel for Respondent No. 2 to clarify the nature of involvement of the players, their parent, or the coach in any act amounting to forgery or cheating, no satisfactory explanation was offered. The absence of any direct or indirect material linking the appellants to a culpable act or intention reinforces the conclusion that the allegations, even if taken at their highest, do not meet the threshold necessary to justify a criminal prosecution under the aforesaid provisions. This Court has repeatedly cautioned against permitting the criminal law to be used as a weapon of harassment. In Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749, it was held that summoning an accused in a criminal proceeding is a serious matter and should not be undertaken lightly. The present case is illustrative of how criminal process may be misused to achieve a collateral objective under the guise of legality.

https://indiankanoon.org/doc/29785495/; Mrs. Dr. G. Sai Snigdha Bashitha vs The State Of Telangana; 28.07.2025; WP No. 28282 of 2024

In the light of the law as enunciated by the Apex Court, the contention of the petitioner that the petitioner being victim/defacto-complainant does not have any remedy being aggrieved by the manner of investigation by the 3rd respondent into Crime No.259/2024 and can seek redressal of her grievance only by filing the present Writ Petition, as noted hereinabove, cannot be accepted as the petitioner ought to have availed the remedy provided

under Section 173(8) of Cr.P.C., by approaching the jurisdictional Magistrate by pointing out the defects/deficiencies in the investigation conducted by the 3rd respondent, which may result in the accused getting acquittal in the aforesaid crime, for the Magistrate to take note of the same and if satisfied can order further investigation.

https://indiankanoon.org/doc/116254813/; Koppuravuri Pavan Kumar vs The State Of Andhra Pradesh on 28 July, 2025; CRLP 7677/2025

It is hoped that copies of the orders passed by the learned single Judge in Crl.P.No.3731 of 2018 and batch and this order are widely circulated by the Director General of Police and the Chief Secretary of the State of Andhra Pradesh throughout the state of Andhra Pradesh so that the time and effort of the police are devoted to more serious crimes. Whatever be the impact of tobacco products on the health of an individual or the nation; till the law is amended/modified it has to be followed. As held by many Courts earlier; it may be hard, but it is the law.

https://indiankanoon.org/doc/180646127/; Mr. Mahendra Vardhan Asokan vs The State Of Telangana on 28 July, 2025; CRLP 8605/2025

In Prajwal Revanna supra, the High Court of Karnataka cited the judgment of the Hon'ble Apex Court in Prashanta Kumar Sarkar v. Ashish Chatterjee 3, which laid (201) 8 SCC 714 (2010) 14 SCC 496 down the criteria and parameters for considering bail applications, which can be culled out as follows:

"It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."

https://indiankanoon.org/doc/129133282/;Tadivalasa Koteswara Rao, vs The State Of A.P; CRLRC NO: 527of 2010 Date: 29.07.2025

A rash act is an overhasty act done without due deliberation and caution. In rashness, the criminality lies in running the risk of doing an act with

recklessness or indifference to consequences. Negligence means breach of duty caused by omission to do something which a reasonable man guided by those considerations which ordinarily regulate conduct of human affairs would do, or doing something which a prudent or reasonable man would not do. Culpable negligence is acting without consciousness that illegal or mischievous effects will follow, but in circumstances which show that the actor has not exercised the caution incumbent on him, and that if he had, he would have had the consciousness. The imputability arises from the neglect of the civil duty of circumspection.

Importantly, no material has been brought on record to suggest that the PWs.1 to 3 bore any animosity toward the accused or had any vested interest in falsely implicating him. There are no allegations of enmity, bias, or undue influence which could taint their credibility or render their testimonies unreliable. The naturalness of their testimonies, coupled with the absence of contradiction or exaggeration, reinforces the view that their statements are genuine and voluntary. The consistency and coherence evident across the testimonies of the PWs.1 to 3 further enhance their probative value. Their version is in substantial harmony with that of other documentary evidence, and collectively form a cogent and credible chain of evidence pointing to the accused's involvement in the offence. This court is of the considered view that the testimonies are both truthful and trustworthy.

2025 INSC 916; CRIMINAL APPEAL NO. 3298 OF 2025 (Arising out of Special Leave Petition (Crl.) No.5247 of 2025) MANCHU MOHAN BABU Vs STATE OF ANDHRA PRADESH & ANOTHER; WITH CRIMINAL APPEAL NO. 3299 OF 2025 (Arising out of Special Leave Petition (Crl.) No.8623 of 2025) MANCHU VISHNU VARDHAN BABU Vs STATE OF ANDHRA PRADESH & ANOTHER; 31.07.2025

On a combined reading of the FIR and the charge-sheet, we fail to understand as to how the allegations against the appellants herein could be brought within the scope and ambit of the aforesaid provisions. Taking the allegations in the FIR and the charge-sheet as they stand, the crucial ingredients of the offences under Sections 290, 341, 171F read with 34 IPC and Section 34 of the Police Act, 1861 are entirely absent. A reading of the FIR and the charge-sheet neither discloses any act committed or illegal commission that caused common injury, danger, annoyance to the public or any section of the public or interference with their public rights, nor do they disclose any voluntary obstruction to a person that prevents them from proceeding in any direction that they have a right to proceed in. Further they do not disclose any material to suggest that there was any undue influence

at elections, impersonation at elections or any act committed with the intention to interfere with the free exercise of electoral rights. Further they do not suggest that any act was committed on a road or in an open place within the limits of a town that caused inconvenience annoyance or posed a risk of danger or inquiry or damage to the public, and do not disclose any of the eight specified actions under Section 34 of the Police Act, 1861. Therefore, even if the case of the respondent-State is accepted at its face value, it cannot be concluded that the appellants, while conducting the rally and dharna, engaged in any form of obstruction of the road in a manner that led to the offences alleged. The appellants were exercising their right to freedom of speech and expression and to assemble peacefully. Therefore, no purpose will be served by continuing the prosecution.

NOSTALGIA

Power of Appellate Court

In Mrinal Das Vs. State of Tripura 1 the Apex Court held as under:

"It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order, interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, being the final court of fact, is fully competent to re- appreciate, reconsider and review the evidence and take its own decision. In other words, law does not prescribe any limitation, restriction or condition on exercise of such power and the appellate court is free to arrive at its own conclusion keeping in mind that acquittal provides for presumption in favour of the accused. The presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent unless he is proved guilty by the competent court. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the findings of acquittal. There is no limitation on the part of the appellate court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate court can also review the conclusion arrived at by the trial Court with respect to both facts and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate court to marshal the entire evidence on record and only by giving cogent and adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference. When the trial Court has ignored the evidence or misread the material evidence or has ignored material documents like dying declaration/report of ballistic experts etc., the appellate court is competent to reverse the decision of the trial Court depending on the materials placed."

Section 6(2)(f) of the Passports Act, 1967

A Division Bench of Hon'ble High Court for A.P, in the order dated 29.10.2024 in W.A.No.383 of 2024, considered Section 6(2)(f) of the Act, the judicial proceedings pending against an individual, and taking cognizance by the Magistrate observed as under:

> "16. Considering the facts of the present case on the touchstone of the principles laid down in the aforementioned judgments, it is clear that the Court of Special Mobile Judicial First Class Magistrate, Kakinada, having not taken judicial notice of the charge sheet filed before it, cannot be said to have taken cognizance much less can the Court be said to have initiated proceedings in terms of Chapter XVI of the Code of Criminal Procedure.
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> 17. Therefore, we would have no hesitation in holding that proceedings would be said to have been pending only if cognizance had been taken by the Court and steps had been taken by the Court under Chapter XVI of the Code of Criminal Procedure. Since, there was no cognizance taken, there would be no question of „proceedings pending before a criminal Court", which would attract the provisions of Section 6(2)(f) of the Passports Act, 1967."

Some more on Promise to Marry

ln **Mahesh Damu. Khare V. The State of Maharashtra and Ors. MANU/SC/1252/2024**, the Hon'ble Supreme Court, held that:

> 31.. In our view if criminality is to be attached -to such prolonged physical relationship at a very belated stage, it can lead to serious consequences. It will open the scope for imputing criminality to such long term relationships after turning sour, as such an allegation can be made even at a belated stage to drag a person in the juggernaut of stringent criminal process. There is always a danger of attributing criminal intent to an otherwise disturbed civil relationship of which the Court must also be mindful. 32. It is evident from the large number of cases decided by this Court dealing with similar matters as discussed above that there is a worrying trend that consensual relationships going on for prolonged period, upon turning sour, have been sought to be criminalised by invoking criminal jurisprudence.

ln **Maheshwar Tigga V. The State of Jharkhand MANU/SC/O725/2020**, the Hon'ble Supreme Court held that:

> 20. We have no hesitation in concluding that the consent of the prosecutrix was but a conscious and deliberated choice, as distinct from an involuntary action or denial and which opportunity was available to her, because of her deep-seated love for the Appellant leading her to willingly permit him liberties

with her body, which according to normal human behaviour are permitted only to a person with whom one is deeply in love

ln **Dhruvaram Murlidhar Sonar vs. The State of Maharashtra and ors. MANU/SC/1518/2018,** the Hon'ble Supreme Court held that:

20. Thus, there is a clear distinction between rape and consensual sex. The court, in such cases, must very carefully examine whether the complainant had actually wanted to marry the victim or had mala tide motives and had made a false promise to this effect only to satisfy his lust, as the later falls within the ambit of cheating or deception. There is also a distinction between mere breach of a promise and not fulfilling a false promise. If the Accused has not made the promise with the sole intention to seduce the prosecutrix to indulge in sexual acts, such an act would not amount to rape. There may be a case where the prosecutrix agrees to have sexual intercourse on account of her love and passion for the Accused and not solely on account of the misconception created by Accused, or where an Accused, on account of circumstances which he could not have foreseen or which were beyond his control, was unable to marry her despite having every intention to do. Such cases must be treated differently. lf the complainant had any mala tide intention and if he had clandestine motives, it is a clear case of rape. The acknowledged consensual physical relationship between the parties would not constitute an offence under Section 376 of the Indian Penal Code.

ln **Pratap Singh V. State of HimachaI Pradesh MANU/HP/0646/2016,** the High Court of HimachaI Pradesh held that:

6. Apart from that, did the petitioner ever promise to marry the - prosecutrix at the first place is also a question that can only be determined during the course of trial, but these are not circumstances which can be said to be sufficient enough to curtail the liberty of the petitioner. Bail is the rule and jail the exception. 10. What would emerge from the conspectus of the aforesaid case law is that at the pro-conviction stage, there is a presumption of innocence. The object of keeping a person in custody is to ensure his availability to face the trial and to receive the sentence that may be passed. The detention is not supposed to be punitive or preventive. Seriousness of allegation or availability of material in support thereof are not the only considerations for declining bail. Another factor which has to be borne in mind -IS the delay in commencement and conclusion of trial, after all the accused cannot be kept in custody for indefinite period, that too at the preconviction stage, if the trial is not likely to be concluded within a reasonable time.

Sec 106 IEA- Burden of Proof

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In Ranjit Kumar Haldar Vs. State of Sikkim 5, the Hon'ble Supreme Court held at paras 13 and 14 is as follows ;

> 13. The general rule is that the burden of proof is on the prosecution. Section 106 of the Act was introduced not to relieve the prosecution of their duty but it is designed to meet the situation in which it would be impossible or difficult for the prosecution to establish facts which are especially within the knowledge of the accused.
>
> 14. In Shambu Nath Mehra v. State of Ajmer [Shambu Nath Mehra v. State of Ajmer, AIR 1956 SC 404 : 1956 Cri LJ 794] , the Court held as under : (AIR p. 406, paras 10-11 & 13) (2013) 9 SCC 753 (2019) 7 SCC 684 //9// "10. Section 106 is an exception to Section 101. Section 101 lays down the general rule about the burden of proof.
>
> '101. Burden of proof.--Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.' Illustration (a) says--
>
> 'A desires a court to give judgment that B shall be punished for a crime which A says B has committed.
>
> A must prove that B has committed the crime.'
>
> 11. This lays down the general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are "especially" within the knowledge of the accused and which he could prove without difficulty or inconvenience. The word "especially" stresses that. It means facts that are pre- eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not. It is evident that that cannot be the intention and the Privy Council has twice refused to construe this section, as reproduced in certain other Acts outside India, to mean that the burden lies on an accused person to show that he did not commit the crime for which he is tried. These cases are Attygalle v. R. [Attygalle v. R., 1936 SCC OnLine PC 20 : AIR 1936 PC 169] and Stephen Seneviratne v. R. [Stephen Seneviratne v. R., 1936 SCC OnLine PC 57 : (1936) 3 All ER 36, 49] //10//
>
> 13. We recognise that an illustration does not exhaust the full content of the section which it illustrates but equally it can neither curtail nor expand its ambit; and if knowledge of certain facts is as much available to the prosecution, should it choose to exercise due diligence, as to the accused, the

facts cannot be said to be "especially" within the knowledge of the accused. This is a section which must be considered in a commonsense way; and the balance of convenience and the disproportion of the labour that would be involved in finding out and proving certain facts balanced against the triviality of the issue at stake and the ease with which the accused could prove them, are all matters that must be taken into consideration. The section cannot be used to undermine the well-established rule of law that, save in a very exceptional class of case, the burden is on the prosecution and never shifts."

In Maya Gopinathan Vs. Anoop S.B.and Another 6, the Hon'ble Supreme Court held at para 20 is as follows ;

20. Law is well-settled that inference from the evidence and circumstances must be carefully distinguished from conjectures or speculation. Since the mind is prone to take pleasure to adapt circumstances to one another and even in straining them a little to force them to form parts of one connected whole, there must be evidence - direct or circumstantial - to deduce necessary inferences in proof of the facts in issue. There can be no inferences unless there are objective facts, direct or circumstantial, from which to infer the other fact which it is sought to establish. In some cases, the other facts can be inferred, as much as is practical, as if they had been actually observed. In other cases, the inferences do not go beyond reasonable probability. If there are no positive proved facts - oral, documentary, or circumstantial - from which the inferences can be drawn, the method of inference would fail and what would remain is mere speculation or conjecture. Therefore, when drawing an inference of proof that a fact in dispute is held to be established, there must be some material facts or circumstances on record from which such an inference could be drawn. In civil cases including matrimonial 2024 SCC OnLine SC 609 //11// disputes of a civil nature, the standard of proof is not proof beyond reasonable doubt 'but' the preponderance of probabilities tending to draw an inference that the fact must be more probable.

In Chunni Bai Vs. State of Chhattisgarh 7, the Hon'ble Supreme Court held at para 25 is as follows ;

25. It is well settled that in any criminal case, the burden of proof is on the prosecution to prove the case beyond reasonable doubt in order to secure conviction of the accused, that is to say that no reasonable doubt can be said to have arisen in the judicial mind of the court after appreciating the evidence presented, and the outcome reached by the prosecution is the only possible outcome in the given facts and circumstances of the case.

This legal position is necessary for both the ingredients of "actus reus" and "mens rea", though "mens rea" can sometimes be inferred from the nature of

"actus reus", and as far as "mens rea" is concerned, intention or guilty knowledge is certainly the most important facet.

Adverse inference for non-examination of a witness by prosecution

In Takhaji Hiraji v. Thakore Kubersing Chamansing, (2001) 6 SCC 145, which are extracted as follows :

"19… It is true that if a material witness, who would unfold the genesis of the incident or an essential part of the prosecution case, not convincingly brought to fore otherwise, or where there is a gap or infirmity in the prosecution case which could have been supplied or made good by examining a witness who though available is not examined, the prosecution case can be termed as suffering from a deficiency and withholding of such a material witness would oblige the court to draw an adverse inference against the prosecution by holding that if the witness would have been examined it would not have supported the prosecution case. On the other hand if already overwhelming evidence is available and examination of other witnesses would only be a repetition or duplication of the evidence already adduced, non-examination of such other witnesses may not be material. In such a case the court ought to scrutinise the worth of the evidence adduced. The court of facts must ask itself — whether in the facts and circumstances of the case, it was necessary to examine such other witness, and if so, whether such witness was available to be examined and yet was being withheld from the court. If the answer be positive then only a question of drawing an adverse inference may arise. If the witnesses already examined are reliable and the testimony coming from their mouth is unimpeachable the court can safely act upon it, uninfluenced by the factum of non-examination of other witnesses."

Proof of Age:

8.1. This Court, in Birad Mal Singhvi v. Anand Purohit, 1988 Supp SCC 604, held that the entries contained in the school register are relevant and admissible but have no probative value unless the person who made the entry or provided the date of birth is examined. It was observed:

"14. … If entry regarding date of birth in the scholar's register is made on the information given by parents or someone having special knowledge of the fact, the same would have probative value. … The date of birth mentioned in the scholars' register has no evidentiary value unless the person who made the entry or who gave the date of birth is examined. The entry contained in the admission form or the scholar's register must be shown to be made on the basis of information given by the parents or a person having special knowledge about the date of birth of the person concerned. If the entry in the scholar's register regarding date of birth is made on the basis of information given by parents, the

entry would have evidentiary value, but if it is given by a stranger or by someone else who had no special means of knowledge of the date of birth, such an entry will have no evidentiary value. …

15. Section 35 of the Indian Evidence Act lays down that entry in any public, official book, register, record stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty specially enjoined by the law of the country is itself the relevant fact. To render a document admissible under Section 35, three conditions must be satisfied, firstly, entry that is relied on must be one in a public or other official book, register or record; secondly, it must be an entry stating a fact in issue or relevant fact; and thirdly, it must be made by a public servant in discharge of his official duty, or any other person in performance of a duty specially enjoined by law. An entry relating to the date of birth made in the school register is relevant and admissible under Section 35 of the Act, but the entry regarding the age of a person in a school register is of not much evidentiary value to prove the age of the person in the absence of the material on which the age was recorded. … The courts have consistently held that the date of birth mentioned in the scholar's register or secondary school certificate has no probative value unless either the parents are examined or the person on whose information the entry may have been made is examined…"
(Emphasis Supplied)

This decision has been consistently followed by this Court in Pratap Singh v. State of Jharkhand, (2005) 3 SCC 551; Babloo Pasi v. State of Jharkhand, (2008) 13 SCC 133; Murugan v. State of T.N., (2011) 6 SCC 111; State of M.P. v. Munna, (2016) 1 SCC 696; C. Doddanarayana Reddy v. C. Jayarama Reddy, (2020) 4 SCC 659; and Manak Chand v. State of Haryana, 2023 SCC OnLine SC 1397.

8.2. A coordinate Bench of this Court in State of Chhattisgarh v. Lekhram, (2006) 5 SCC 736, through S.B. Sinha, J., clarified that though entries in school registers are admissible under Section 35 of the Evidence Act, their evidentiary value improves only when corroborated by oral testimony of persons who are aware of its content, such as parents or the person who made the entry at the time of admission. It held as under:

"12. A register maintained in a school is admissible in evidence to prove date of birth of the person concerned in terms of Section 35 of the Evidence Act. Such dates of births are recorded in the school register by the authorities in discharge of their public duty. PW 5, who was an Assistant Teacher in the said school in the year 1977, categorically stated that the mother of the prosecutrix disclosed her date of birth. The father of the prosecutrix also deposed to the said effect.

13. …The materials on record as regards the age of the prosecutrix were, therefore, required to be considered in the aforementioned backdrop. It may be true that an entry in the school register is not conclusive, but it has evidentiary

value. Such evidentiary value of a school register is corroborated by oral evidence as the same was recorded on the basis of the statement of the mother of the prosecutrix."

8.3. Similarly, this Court in Satpal Singh v. State of Haryana, (2010) 8 SCC 714, stated that though a document may be admissible, but to determine whether the entry contained therein has any probative value, may still be required to be examined in the facts and circumstances of a particular case. It held as follows:

"26. In Vishnu v. State of Maharashtra [(2006) 1 SCC 283 : (2006) 1 SCC (Cri) 217] while dealing with a similar issue, this Court observed that very often parents furnish incorrect date of birth to the school authorities to make up the age in order to secure admission for their children. For determining the age of the child, the best evidence is of his/her parents, if it is supported by unimpeccable documents. In case the date of birth depicted in the school register/certificate stands belied by the unimpeccable evidence of reliable persons and contemporaneous documents like the date of birth register of the municipal corporation, government hospital/nursing home, etc., the entry in the school register is to be discarded.

x x x

28. Thus, the law on the issue can be summarised that the entry made in the official record by an official or person authorised in performance of an official duty is admissible under Section 35 of the Evidence Act but the party may still ask the court/authority to examine its probative value. The authenticity of the entry would depend as to on whose instruction/information such entry stood recorded and what was his source of information. Thus, entry in school register/certificate requires to be proved in accordance with law. Standard of proof for the same remains as in any other civil and criminal case."

8.4. In Madan Mohan Singh v. Rajni Kant, (2010) 9 SCC 209, this Court held that the entries made in the official record may be admissible under Section 35 of the Evidence Act, but the Court has a right to examine their probative value. The authenticity of the entries would depend on whose information such entries stood recorded. It was held as follows :

"20. So far as the entries made in the official record by an official or person authorised in performance of official duties are concerned, they may be admissible under Section 35 of the Evidence Act but the Court has a right to examine their probative value. The authenticity of the entries would depend on whose information such entries stood recorded and what was his source of information. The entries in school register/school leaving certificate require to be proved in accordance with law and the standard of proof required in such cases remained the same as in any other civil or criminal cases.

> 21. … For determining the age of a person, the best evidence is of his/her parents, if it is supported by unimpeachable documents. In case the date of birth depicted in the school register/certificate stands belied by the unimpeachable evidence of reliable persons and contemporaneous documents like the date of birth register of the Municipal Corporation, government hospital/nursing home, etc., the entry in the school register is to be discarded. …"

8.5. This Court, in Alamelu v. State, (2011) 2 SCC 385, while dealing with a similar factual matrix, held that the prosecution had failed to prove that the girl was a minor at the relevant date since the transfer certificate of a Government School showing age was not duly proved by witnesses. It observed as under:

> "40. Undoubtedly, the transfer certificate, Ext. P-16 indicates that the girl's date of birth was 15-6-1977. Therefore, even according to the aforesaid certificate, she would be above 16 years of age (16 years 1 month and 16 days) on the date of the alleged incident i.e. 31- 7-1993. The transfer certificate has been issued by a government school and has been duly signed by the Headmaster. Therefore, it would be admissible in evidence under Section 35 of the Evidence Act, 1872. However, the admissibility of such a document would be of not much evidentiary value to prove the age of the girl in the absence of the material on the basis of which the age was recorded. The date of birth mentioned in the transfer certificate would have no evidentiary value unless the person who made the entry or who gave the date of birth is examined.

Bail & 161 CrPC Statements

In the judgment of the Hon'ble Apex Court in P. Krishna Mohan Reddy v. State of Andhra Pradesh1, at Para Nos.27, 45, 46, 47, 50, 53 (iv) it is held as under:

"27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of

considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.

45. However, the aforesaid observations cannot be singled out and construed devoid of its context. While it is permissible for the courts to examine the statements recorded under Section 161 of the Cr.P.C. for the purpose of ascertaining whether a prima-facie case has been made out 2025 SCC Online SC 1157 against the accused and the nature or gravity of the allegations, the same applies only insofar as such police statements are of witnesses and not accused persons.

46. Both Indresh Kumar (supra) and Salim Khan (supra) have held that in deciding the question of grant of bail, it is the statements of witness under Section 161 of the Cr.P.C. that has to be looked into. Nowhere has this Court held that even the police statements of the accused person under Section 161 of the Cr.P.C. must also be looked into at the stage of grant of anticipatory or regular bail.

47. This is because a statement of an accused under Section 161 of the Cr.P.C stands on a different footing from a police statement of any ordinary witness. Statements of an accused person under Section 161 of the Cr.P.C. by virtue of ordinarily being in the form of either an admission or a confession cannot be looked into qua another co-accused, as to say otherwise would be to ignore the substantive provisions of Section(s) 17, 21, 25 and 26 of the Evidence Act and the well settled cannons of law of evidence. However, the aforesaid does not apply, where the statement of an accused under Section 161 of the Cr.P.C is exculpatory in nature, which we shall discuss later.

50. Even where the police statement of an accused person under Section 161 of the Cr.P.C is neither an admission nor a confession, i.e., it is exculpatory in nature and not inculpatory, such statements can be looked into by the courts only for the limited purpose of culling out the stance of the accused person qua the allegations. An exculpatory police statement of an accused person under Section 161 of the Cr.P.C which at the same time implicates another co- accused, cannot be relied upon, merely because such statement is not hit by the safeguards and rigours that apply in respect of inculpatory statements in the form of an admissions or confessions under the Evidence Act. The fundamental cannon of criminal jurisprudence is that a statement of one accused person cannot be used against another co-accused person. The limited exception to this aforesaid general principle is inculpatory confessions, where the accused person in his confessional statement not only admits his own guilt but also implicates another co-accused. The rationale behind this limited exception as explained in Bhuboni Sahu (supra), is that an admission by an accused person of his own guilt affords some sort of credibility or sanction in support of the truth of his confession against others as-well as himself. An exculpatory statement is an affront to the aforesaid principle. Thus, an exculpatory statement of an accused person under Section 161 of the Cr.P.C. can only be looked into for the limited

purpose of either culling out the stance of the accused person qua the allegations or for contradicting the accused, if the accused chooses to be examined as a witness in terms of Section 315 of the Cr.P.C. However, such exculpatory statement insofar as it implicates another co-accused person can in no manner be relied upon by the courts as against such co-accused as such statements by their nature cannot be tested by cross-examination if such accused person declines to be a witness in the trial in terms of Section 315 of the Cr.P.C., and because such exculpatory statement has no credibility.

53. From the above exposition of law, the following emerges:

(iv) Where such police statement of an accused is confessional statement, the rigour of Section(s) 25 and 26 respectively will apply with all its vigour. A confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively.

Hearsay

In Kalyan Kumar Gogoi V. Ashutosh Agnihotri and another (2011) 2 SCC 532, wherein the Hon'ble Apex Court held that:

35. The term "hearsay" is used concerning what is done or written as well as to what is spoken and in its legal sense, it denotes that kind of evidence which does not derive its value solely from the credit given to the witness himself, but which rests also, in part, on the veracity and competence of some other person. The word "hearsay" is used in various senses.

Sometimes it means whatever a person is heard to say. Sometimes it means whatever a person declares on information given by someone else, and sometimes it is treated as nearly synonymous with irrelevant. The sayings and doings of the third person are, as a rule, irrelevant, so that no proof of them can be admitted. Every act done or spoken which is relevant on any ground must be proved by someone who saw it with his own eyes and heard it with his own ears".

Grant of Police Custody

The Hon'ble Apex Court in a decision reported in P. Chidambaram V. Directorate of Enforcement (2019) 9 see 24, wherein it is held that:

"83. Grant of anticipatory bail at the stage of investigation may frustrate the investigating agency in interrogating the accused and in collecting the useful information and also the materials which might have been concealed. Success in such interrogation would elude if the accused knows that he is protected by the Order of the Court. Grant of anticipatory bail, particularly in economic offences would definitely hamper the effective investigation. Having regard to the materials said to have been collected by the respondent Enforcement Directorate and considering the

stage of the (2019) 9 SCC 24 TMR, J investigation, we are of the view that it is not a fit case to grant anticipatory bail."

39. The Hon'ble Apex Court in a decision reported in State Rep. by the CBI V. Anil Sharma (1997) 7 see 187. Wherein it is observed that:

"6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

In Ashok Kumar V. State of Union Territory Chandigarh 2024 see Online Se 274 , the Hon'ble Apex Court held that:

12. There is no gainsaying that custodial interrogation is one of the effective modes of investigating the alleged crime. It is equally valid that just because custodial interrogation is not required, that by itself may also not be a ground to release an accused on anticipatory bail if the offences are severe. However, a mere assertion on the part of the State while opposing the plea for anticipatory bail that custodial interrogation is required would not be sufficient. The State would have to show or indicate more than prima facie why the custodial interrogation of the accused is required for investigation.

313 CrPC

Premchand vs The State Of Maharashtra on 3 March, 2023; Premchand vs The State Of Maharashtra; daily order in CRLA 211/2023

Once a written statement is filed by the accused under sub- section (5) of section 313, Cr. P.C. and the court marks it as an exhibit, such statement must be treated as part of the accused's statement under sub-section (1) read with sub-section (4) thereof. In view of the latter sub-section, the written statement has to be considered in the light of the evidence led by the prosecution to appreciate the truthfulness or otherwise of such case and the contents of such statement weighed with the probabilities of the case either in favour of the accused or against him.

What follows from these authorities may briefly be summarized thus:

a. section 313, Cr. P.C. [clause (b) of sub-section 1] is a valuable safeguard in the trial process for the accused to establish his innocence;
b. section 313, which is intended to ensure a direct dialogue between the court and the accused, casts a mandatory duty on the court to question the accused generally on the case for the purpose of enabling him to personally explain any circumstances appearing in the evidence against him;
c. when questioned, the accused may not admit his involvement at all and choose to flatly deny or outrightly repudiate whatever is put to him by the court;
d. the accused may even admit or own incriminating circumstances adduced against him to adopt legally recognized defences;
e. an accused can make a statement without fear of being cross-examined by the prosecution or the latter having any right to cross-examine him;
f. the explanations that an accused may furnish cannot be considered in isolation but has to be considered in conjunction with the evidence adduced by the prosecution and, therefore, no conviction can be premised solely on the basis of the section 313 statement(s);
g. statements of the accused in course of examination under section 313, since not on oath, do not constitute evidence under section 3 of the Evidence Act, yet, the answers given are relevant for finding the truth and examining the veracity of the prosecution case;
h. statement(s) of the accused cannot be dissected to rely on the inculpatory part and ignore the exculpatory part and has/have to be read in the whole, inter alia, to test the authenticity of the exculpatory nature of admission; and
i. if the accused takes a defence and proffers any alternate version of events or interpretation, the court has to carefully analyze and consider his statements;
j. any failure to consider the accused's explanation of incriminating circumstances, in a given case, may vitiate the trial and/or endanger the conviction.

Cheating

In this regard, our attention was drawn to paras 42-44 and 46 of Inder Mohan Goswami vs. State of Uttaranchal, (2007) 12 SCC 1, dealing with Sections 420 and 467 IPC, which are extracted hereunder: "42. On a reading of the aforesaid section, it is manifest that in the definition there are two separate classes of acts which the person deceived may be induced to do. In the first class of acts he may be induced fraudulently or dishonestly to deliver property to any person. The second class of acts is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, the inducing must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but need not be fraudulent or dishonest. Therefore, it is the intention

which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had a fraudulent or dishonest intention at the time of making the promise. From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning. 43. We shall now deal with the ingredients of Section 467 IPC. … 44. The following ingredients are essential for commission of the offence under Section 467 IPC: 1. the document in question so forged; 2. the accused who forged it; 3. the document is one of the kinds enumerated in the aforementioned section. x x x 46. The court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts under Section 482 CrPC though wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the statute itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained."

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- APHC- AMENDMENT TO RULES ON APPELLATE SIDE - INSERTION OF RULE 70 (1 -A) (i), (ii) AND (iii)) AFTER RULE 70 (1) OF APPELLATE SIDE RULES - NOTIFIED.
- APHC- High Court of Andhra Pradesh - Fostering an economical self-sustaining Judicial System - To minimize various expenditures in the District Courts, Tribunals and other establishments in the Judiciary - Certain instructions – Issued

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ON A LIGHTER VEIN

A Physician, an Engineer, and a Lawyer were discussing their professions. They were trying to determine which profession had been around the longest.

The Doctor said "Doctors were first. In the good book, it states that Eve was created from one of Adam's ribs . . . That required the first surgery. So, Doctors were here first."

The Engineer said, "NOPE, it also said, before Adam and Eve, that God created the heavens and the earth. That required a lot of plans and engineering work, so Engineers were here first."

The Lawyer said, "SORRY GUYS, lawyers were here before all that. If you read a little closer, it says that in the beginning there was chaos, and who do you think created chaos."

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

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CITATIONS

2025 0 INSC 918; 2025 0 Supreme(SC) 1138; Suresh Vs State of Uttar Pradesh & Anr.; R1: State Of Uttar Pradesh; R2: Devi Singh; Criminal Appeal No. 347 of 2018; 01-08-2025

There is no dispute on the factum that Kaushik Modern Public School, Khurgaon – the first attended school – is not a Government School and thus, the records maintained by the said School would not be 'public documents'. Moreover, the Headmaster/Principal of such School cannot be said to be a 'public servant' for the purposes of the Evidence Act. The Headmaster when examined has himself taken the stand that Kaushik Modern Public School, Khurgaon was only a State Government-recognized school.

the deposition of the School's Headmaster, especially to the effect that the birth-date was noted as per an oral representation by Respondent No.2's father, makes the said certificate unreliable.

2025 0 INSC 935; 2025 0 Supreme(SC) 1150; Jamnalal Vs. State of Rajasthan And Another; Criminal Appeal No. 3396 of 2025 (@ Special Leave Petition (Crl.) No. 69 of 2025); Decided On : 06-08-2025

While cancellation of bail is due to some supervening circumstances like breach of bail condition, setting aside of the bail is concerned not with the breach of condition but with the justifiability and soundness of the order granting bail (See Neeru Yadav v. State of Uttar Pradesh and Another, (2014) 16 SCC 508).

It has been further contended that there was lack of corroborative medical and forensic evidence. The State, in its counter affidavit, averred that the FSL/DNA report could not be presented by the prosecution before the conclusion of trial and that the FSL report which has since been received does mention the presence of male DNA/semen of the accused on the private part and underwear of the victim. We are not inclined to comment one way or the other on the merits of the FSL report and we leave it to the prosecution if it so desires to resort to such legally permissible procedure as is available in law to bring the same on record.

Independent of the FSL and DNA report and considering the nature of the case and the antecedents of Respondent No.2 and after carefully examining the judgment of conviction, we feel that the High Court was not justified in suspending the sentence.

The reasoning of the High Court, set out above, falls far short of the parameters required under Section 389 of Cr.P.C. for enlargement of a convict, punished for heinous offence, on bail after suspending the sentence. The finding that no sexual assault was found, without considering the overall nature of the evidence of the case, is completely untenable. According to the evidence of the prosecutrix, Respondent No.2, at gunpoint, closed her mouth and forcibly took her to the house of Amro and committed rape on her. All that the medical evidence said was that no conclusive opinion about the crime could be given since FSL Report was awaited. That does not mean that the ocular evidence could be ignored. As far as non-availability of FSL Report is concerned, the prosecution has explained the situation and the Trial Court has also found that the non-availability of the DNA Report did not adversely affect the case of the prosecution. The reasoning that despite the availability of washrooms in the house it was difficult to believe that the prosecutrix could go out for the toilet, is conjectural in nature.

2025 0 INSC 927; 2025 0 Supreme(SC) 1151; Narayan Yadav Vs. State of Chhattisgarh; Criminal Appeal No. 3343 of 2025 (Arising out SLP (Crl.) No. 10595 of 2025); Decided on : 05-08-2025

The legal position, therefore, is this – a statement contained in the FIR furnished by one of the accused in the case cannot, in any manner, be used against another accused. Even as against the accused who made it, the statement cannot be used if it is inculpatory in nature nor can it be used for the purpose of corroboration or contradiction unless its maker offers himself as a witness in the trial. The very limited use of it is, as an admission under Section 21 of the Act of 1872, against its maker alone, and only if the admission does not amount to a confession.

the first error that the High Court committed was to read the contents of the FIR lodged by the appellant into evidence. As observed earlier, the FIR lodged by the appellant amounts to a confession, and any confession made by an accused before the police is hit by Section 25 of the Act of 1872. There was no question at all for the High Court to seek corroboration of the medical evidence on record with the confessional part of the FIR lodged by the appellant.

The High Court should have been mindful of the fact that a doctor is not a witness of fact. A doctor is examined by the prosecution as a medical expert for the purpose of proving the contents of the post-mortem report and the medical certificates on record, if any. An expert witness is examined by the prosecution because of his specialized knowledge on certain subjects, which the judge may not be fully equipped to assess. The evidence of such an expert is of an advisory character. The credibility of the expert witness depends on the reasons provided in support of his conclusions, as well as the data and material forming the basis of those conclusions. An accused cannot be held guilty of the offence of murder solely on the basis of medical evidence on record. So far as the panch witnesses are concerned their depositions do not inspire any confidence.

Most of the panch witnesses turned hostile. If at all, the public prosecutor wanted to prove the contents of the panchnamas after the panch witnesses turned hostile, he could have done so through the evidence of the investigating officer. However, the investigating officer also failed to prove the contents of the panchnamas in accordance with law. Thus, there is nothing on record by way of evidence relating to any discovery of fact is concerned. In other words, no discovery of fact at the instance of the appellant, relevant and admissible under Section 27 of the Act of 1872, has been established.

The first and most fundamental flaw in the testimony of all the aforementioned prosecution witnesses is that none of them have specifically deposed to the exact statement allegedly made by the appellant, which purportedly led to the discovery of a fact relevant under Section 27 of the Act of 1872.

The conditions necessary for the applicability of Section 27 of the Act of 1872 are:

i. That consequent to the information given by the accused, it led to the discovery of some fact;

ii. The fact discovered must be one which was not within the knowledge of the police and the knowledge of the fact for the first time was derived from the information given by the accused;

iii. The discovery of a fact which is the direct outcome of such information;

iv. Only such portion of the information as connected with the said discovery is admissible;

v. The discovery of the fact must relate to the commission of some offence.

In this context, we deem it necessary to sound a note of caution. While the conduct of an accused may be a relevant fact under Section 8 of the Act of 1872, it cannot, by itself, serve as the sole basis for conviction, especially in a grave charge such as murder. Like any other piece of evidence, the conduct of the accused is merely one of the circumstances the court may consider, in conjunction with other direct or circumstantial evidence on record. To put it succinctly, although relevant, the accused's conduct alone cannot justify a conviction in the absence of cogent and credible supporting evidence.

A "sudden fight" implies mutual provocation and the exchange of blows on both sides. In such cases, the homicide committed is clearly not attributable to unilateral provocation, nor can the entire blame be placed on one side. If it were, Exception 1 would be the more appropriate provision.

The High Court considered only the first part of Exception 4 to Section 300 of the IPC. This part refers to the absence of premeditation in a sudden fight arising from a sudden quarrel in a heat of passion. However, it does not end there. The exception further requires that the offender must not have taken undue advantage or acted in a cruel or unusual manner. Having regard to the manner in which the assault was carried out, could it not be said that the offender i.e., the appellant-herein took undue advantage and also could be said to have acted in a cruel or unusual manner. The deceased was unarmed, it was not mutual fight between two individuals that would bring the case within the ambit of Exception 4. The deceased was absolutely

harmless when the appellant inflicted injuries all over his body indiscriminately.

2025 0 INSC 929; 2025 0 Supreme(SC) 1153; Deepak Kumar Sahu Vs. State of Chhattisgarh; Criminal Appeal No. ……. of 2025, Special Leave Petition (Crl.) No. ……. of 2025, (Arising out of SLP (Crl.) (D) No.(s) 26453 of 2025; Decided On : 05-08-2025

The credible and reliable evidence of prosecutrix could not be jettisoned for want of corroboration including the corroboration by medical report or evidence. The Court observed in Manga Singh (supra) that "in absence of injury on the private part of the prosecutrix, it cannot be concluded that the incident had not taken place or the sexual intercourse was committed with the consent of the prosecutrix". It was stated that it is well settled that in the cases of rape it is not always necessary that external injury is to be found on the body of the victim.

In Wahid Khan vs. State of Madhya Pradesh, [(2010) 2 SCC 9], this Court repelled the contention of the appellant that since the hymen of the prosecutrix was found to be intact, it cannot be said that an offence of rape has been committed. The Court refuse to accept such contention in light of the definition of offence of rape in Section 375 of the Indian Penal Code. It was further observed that it is the consistent view of this Court that even the slightest penetration is sufficient to make out an offence of rape.

There is no gainsaying that the Court should remain sensitive while dealing with the charges of sexual assault on the helpless woman. In State of Rajasthan vs. N.K. The Accused, [(2000) 5 SCC 30], this Court observed that "an unmerited acquittal encourages wolves in the society being on the prowl for easy prey, more so when the victim of crime are helpless females." Similar was expressed in Gurmit Singh (supra) that the rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. It was stated that the rape is not merely a physical assault and subsequently destructs the whole personality of the victim.

Evaluating the total evidence in light of the principles of law, evidentiary appreciation and application, with the evidence of the victim at the forefront, it has to be stated that victim's evidence was entirely probable, natural and trustworthy who with lucidity narrated the whole incident about commission of offence against her by the accused. There exists no reason, much less compelling reasons, to disbelieve and discard her testimony. Her brother Mayank's testimony as a child witness was rationally and logically supportive of what the prosecutrix narrated. The factum that the cot was in the porch

and the victim was forced to lay there by the accused could also be called out from the evidence.

2025 0 INSC 930; 2025 0 Supreme(SC) 1154; Kallu Nat Alias Mayank Kumar Nagar Vs. State of U.P. and Anr.; Special Leave Petition (Criminal) No. 10010 of 2025; Decided On : 05-08-2025

We summarize our final conclusion as under: -

(i) Both under Sections 209 and 193 respectively of the Code 1973 commitment is of, the “case” and not of the “accused” as distinguished from Section193(3) and Section 207A respectively of the old Code where commitment was of the “accused” and not the “case”. For committing a case there must be an offence and involvement of a person who committed the same. Even though the case is committed yet cognizance taken is of the offence and not the offender. Once the case in respect of the offence qua the accused, who are before the Court, is committed and cognizance is taken, the embargo under Section 193 regarding taking cognizance only by committal goes. Summoning additional persons will then be regarded as incidental to the cognizance already taken on committal and as, a part, of, the normal process that follows. A fresh committal of such person is not necessary.

(ii) Section 319(4)(b) enacts a deeming provision in that behalf dispensing with the formal committal order by providing that the person added will be deemed to have been an accused even when cognizance was taken first. Cognizance is of the offence and not the offender and it is the duty of the court to find out who the offenders are. Proceedings could be instituted and cognizance taken also against persons not known at that time. This is clear if the provisions of Section 190 of the Code are read along with the definition of complaint in Section 2(d) which include allegations against unknown person also. Making the unknown persons known is therefore within the powers of the court. When such persons become known by the evidence during inquiry or trial it is not only the right but also the duty of court to bring them on record and proceed against them in an attempt to bring them to justice. There cannot, therefore, be any dispute regarding the powers of court to bring the person under Section 319(1).

(iii) Once the Court takes cognizance of the offence (not of the offender), it becomes the Court's duty to find out the real offenders and if it comes to the conclusion that besides the persons put up for trial by the police some others are also involved in the commission of the crime, it is the Court's duty to summon them to stand trial along with those already

named, since summoning them would only be part of the process of taking cognizance.

https://indiankanoon.org/doc/132958774/; A. Revanth Reddy, vs The State Of Telangana, on 1 August, 2025; CRLP No. 5823 of 2025

Thus, the position of law is that, a company itself or an association itself can be a 'person aggrieved' and can maintain a complaint alleging criminal defamation. However, such a company or an association shall be a determinable/identifiable group. Further, such identifiable company or association shall duly authorise a person to represent it before the Court.

Therefore, a political party can be an 'aggrieved person' under Section199 of the CrPC and can maintain a complaint against criminal defamation. This Court rejects the contention of the Petitioner that, political parties do not enjoy reputation and cannot maintain a complaint for criminal defamation.

Even if this Court were to accept that the Complainant is a part of the national unit of the Bharatiya Janata Party and may be treated as a member of the Bharatiya Janata Party, the complaint is not maintainable for the lack of authorisation.

This Court refrains to discuss the contents of the alleged speech and the issue of its defamatory nature. However, this Court agrees with the Petitioner's submissions that, where political speeches are involved, the threshold to allege defamation and maintain a complaint under Section 199 of the CrPC shall be much higher. Political speeches are often exaggerated. To allege that such speeches are defamatory is another exaggeration.

https://indiankanoon.org/doc/55670730/: G.M. Venkata Narayana vs The Joint Director; CRIMINAL PETITION Nos.3955, 197, 433, 1376, 2211, 2253, 2451, 3808, 4308 and 4831 of 2021, 4469, 5844, 5958, 5985 of 2020 and 2066 of 2023 Dated 01.08.2025

The cases on hand are distinct from zero FIRs. The FIRs were registered in a place/office which was not declared generally or specially by the State Government to be a police station. As such, the office where the crimes were registered against the petitioners cannot be considered as a police station defined under Section 2(s) of the Cr.P.C.,

The notification issued by the State on 14.09.2022 duly notifying Central Investigation Unit Anti Corruption Bureau Andhra Pradesh, Vijayawada as a police station with jurisdiction over entire state of Andhra Pradesh and issuance of GOMs.No.137, HOME (SERVICES-III) DEPARTMENT, dated

14.09.2022 cannot come to the rescue of the state in maintaining the complaints registered against the petitioners much prior to 14.09.2022.
The clarification issued by the state in GOMs.No.137, dated 14.09.2022 that the office of Joint Director, CIU, ACB, AP, Vijayawada, shall be construed as a police station with jurisdiction extending to the entire state of Andhra Pradesh, corresponding to the office of Joint Director, Central Investigation Unit, Anti Corruption Bureau, Hyderabad in relation to State of Telangana also cannot come to the rescue of the state. Section 102 of the Andhra Pradesh Reorganization Act, 2014
All the crimes were registered by Inspector of Police, CIU, ACB, AP, Vijayawada prior to 14.09.2022, the date of notification of CIU, ACB, AP, Vijayawada as a designated police station having jurisdiction over the entire state of Andhra Pradesh. As such, all the crimes registered prior to notifying CIU, ACB, AP, Vijayawada as a police station deserve to be quashed.

https://indiankanoon.org/doc/20776710/;Kalvakuntla Taraka Rama Rao vs The State Of Telangana, on 1 August, 2025; CRLP 2732 of 2025
A conjoint reading of the above sections would mean that the police does not have jurisdiction to entertain a complaint for the offence of Defamation, as defined under section 499 of the IPC, which is within the exclusive domain of the Magistrate.
The complaint per se does not disclose any particulars which would satisfy the requirements/ingredients of section 505(2) of the IPC, if the above ingredients of section 505(2) the IPC are juxtaposed to the complaint. The only statement made in the complaint is that the petitioners and Mr.Ramesh Babu are 'indulging in vicious, scandalous and malicious campaign' against the de facto complainant by circulating fake videos on social media platforms "with a sole intention to damage my reputation and to sway electoral outcome of the ensuing MLC elections...".

https://indiankanoon.org/doc/144265485/; D. Shekar Rao vs The State Of Telangana on 1 August, 2025;CRLP No. 4682/2022
Having regard to the facts and circumstances of the case and upon considering the submissions advanced by both sides, it is evident on the face of the record that during the pendency of the civil proceedings between the parties, wherein an interim status-quo order was subsisting, the unofficial respondents had executed certain documents behind the petitioner. It is alleged by the petitioner that the said acts of the unofficial respondents amounts to violation of the court orders and caused him much hardship and inconvenience. In such scenario, the petitioner ought to have availed the

remedy under Order XXXIX Rule 2(A) of the Civil Procedure Code (for short 'CPC') for necessary action against the unofficial respondents for violation of the interim orders passed by a Civil Court. But the petitioner tried to invoke criminal jurisdiction for violation of a civil court order.

In the above authority, it is made clear that when a revision is barred under Section 397(3) of Cr.P.C. an accused or complainant cannot invoke the revisional jurisdiction of the High Court under Section 397(1) of Cr.P.C. or resort to its inherent powers under Section 482 of Cr.P.C. as doing so would amount to circumventing the statutory bar. However, the High Court possesses suo motu powers under Section 401 of Cr.P.C. and supervisory jurisdiction under Section 483 of Cr.P.C. Thus, where the High Court, upon examining the record, finds a grave miscarriage of justice, abuse of process, non-compliance with statutory procedure, or any failure of justice, it is not only empowered but duty- bound to intervene. In such exceptional circumstances, to secure the ends of justice or prevent abuse of process, the High Court may justifiably exercise its inherent powers under Section 482 of Cr.P.C and, where warranted, its revisional powers under Sections 397(1) & 401 of Cr.P.C. Nonetheless, such powers must be exercised sparingly to avoid procedural multiplicity, undue delay, or protraction of trial proceedings.

In Rajan Kumar Machananda's case 1990SUPP(1)SCC132, the Hon'ble Supreme Court held that the party cannot invoke the inherent jurisdiction of the High Court under Section 482 of Cr.P.C. to circumvent the statutory bar and merely labeling a second revision as an application under Section 482 of Cr.P.C does not confer jurisdiction and ruled that the High Court had no authority to entertain such a petition and restored the order of the Magistrate as affirmed by the Sessions Court.

Having regard to the settled principle of law laid down by the Hon'ble Supreme Court, and upon a careful consideration of the facts and circumstances of the present case, this Court is of the considered opinion that the petitioner, instead of initiating contempt proceedings for the alleged violation of the court's interim orders, has sought to invoke the criminal jurisdiction of this Court, notwithstanding the fact that he has already exhausted his remedy of revision before the learned Sessions Judge. In light of the legal principle that the inherent powers of the High Court under Section 482 of Cr.P.C. are to be exercised sparingly and only in exceptional circumstances, the petitioner was required to approach this Court strictly within the confines of such limited jurisdiction, but, in the present case, there are no such exceptional circumstances shown by the petitioner. In that view

of the matter, this Criminal Petition is not maintainable and is liable to be dismissed.

https://indiankanoon.org/doc/122585675/;Pulipati Prasad vs The State Of Telangana on 1 August, 2025;CRLP No.11908 of 2023

In view of the foregoing discussion, this Court is of the considered opinion that the learned Magistrate has failed to discharge the judicial obligation of assessing whether the allegations made in the complaint, on a prima facie evaluation, constitute the commission of the offences alleged. It further appears that the present criminal proceedings are manifestly attended with mala fides and have been maliciously instituted with an ulterior motive to harass the accused persons, including the present petitioners, and to wreak vengeance owing to private and personal animosity. This Court cannot ignore the growing trend of converting purely civil disputes into criminal proceedings, particularly in business and family disputes. Such misuse of the criminal justice system appears to stem from the perception that civil remedies are time-consuming and insufficiently effective, thereby prompting parties to invoke criminal law as a means of exerting pressure to secure private settlements. This practice undermines the sanctity of criminal law. The invocation of criminal prosecution as a tool for coercive recovery or for settling personal scores in matters devoid of any criminality is wholly impermissible and must be strongly deprecated and discouraged. As such, the present case squarely falls within the parameters of Point No.7 of the guidelines enunciated by the Hon'ble Supreme Court in Bhajan Lal's decision cited supra.

https://indiankanoon.org/doc/77664653/;Manikala Annavaram vs The State Of Andhra Pradesh; CRLP No.7729 of 2025 :01.08.2025

In the result, the Criminal Petition is disposed of directing the Investigating Officer to comply with Section 35(3) of 'the BNS'/41-A of 'the Cr.P.C.,' and to strictly follow the directions issued in the cases of Arnesh Kumar and MD. Asfak Alam.

{case registered for the alleged offences punishable under Section 303 (2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS').

Case registered against unknown offenders. Accused 5 & 6 approached for pre-arrest bail.

It appears that the case of Saukin vs State and Prem Chand Kolli Vs State was not brought to the notice of the Hon’ble Court}

https://indiankanoon.org/doc/178093667/;Pinnamaneni Basava Kumar vs The State Of Andhra Pradesh; CRIMINAL PETITION No.3637 of 2025 Dated 01.08.2025;

The principle laid down by the Hon'ble Supreme Court that when a civil Court is ceased of the question relating to the validity of a document, it would not be appropriate to permit criminal investigation with regard to the validity of the said document is to be kept in mind.

https://indiankanoon.org/doc/188108489/;Jameel Unissa vs M.V.V. Prasad Rao on 1 August, 2025; CRLP No.12289 of 2023

Apart from that, if there is any dispute with regard to the subject land whether it is a Government land or of the petitioner and if the petitioner is considered as encroacher, it is for the Government to issue notice to the petitioner and initiate Revenue proceedings against her to evict her as per law. Though the Land Grabbing Cases were filed against the similarly situated persons, the same were dismissed. Therefore, registering the cases against the petitioner contending that she has encroached upon the subject land would not be termed as an offence until and unless, the Government proves that it is the owner of the subject land. In the instant case, no evidence is produced by the prosecution to prove that the subject land is a Government land, as such, the question of petitioner trespassing into the Government land and raising unauthorized constructions, as alleged by the de facto complainant does not arise. The dispute involved in the present case is purely civil in nature. However, instead of pursuing civil remedies, the de facto complainant has lodged the present complaint against the petitioner herein, colouring a civil dispute into criminal offence, which does not meet the strict standard of proof required to sustain a criminal accusation.

https://indiankanoon.org/doc/135442617/;Syed Dastagir vs The State Of Telangana on 5 August, 2025; CRLRC_515_2025

In the instant case, the remand case diary clearly states that the petitioner was apprehended at 10:15 P.M. on 07.07.2025, and the remand order refers to production before the Magistrate at 11:35 P.M. on 08.07.2025, a delay of more than 24 hours. A Division Bench of this Court, in T. Ramadevi v. State of Telangana & Others, W.P. No. 21912 of 2024, held that the period of apprehension must be considered in calculating the 24- hour timeline under Section 57 of CrPC, not merely the time recorded in the arrest memo and production beyond 24 hours from initial apprehension violated the statutory mandate and rendered the detention illegal. The learned Additional Public Prosecutor fairly admitted that the petitioner was produced beyond 24

hours from the time of apprehension, with a delay of one hour and twenty minutes.

Additionally, the impugned remand order merely notes the fact of production, engagement of counsel, alleged physical abuse, medical assistance, and compliance with Sections 47, 48, 53, and 58 CrPC. It cursorily observes that a prima facie case exists against the petitioner, without addressing the legality of the arrest, the delay in production, or the statutory mandate under BNSS and Article 21 of the Constitution of India. This omission indicates that the Magistrate failed to apply judicial mind to the essential requirements before authorizing judicial custody, thereby vitiating the remand order. Consequently, the continuation of custody and the judicial remand under the impugned order are vitiated for non-compliance with Section 57 and 167 CrPC.

In the present case, the grounds for arrest as cited include:

(a) the likelihood of the accused resuming illegal activities if released;
(b) apprehension that evidence may be tampered with;
(c) possibility of threats, inducements, or coercion of witnesses;
(d) ensuring the presence of the accused during trial; and
(e) the fact that Accused Nos. 1 to 5 are absconding.

While these grounds may provide a basis for arrest in theory, they must be assessed in light of the procedural safeguards mandated by law and judicial precedent. The record fails to show that the Magistrate made such an assessment.

For all the aforementioned reasons, it is evident that the investigating agency failed to adhere to the procedural safeguards laid down in Arnesh Kumar (supra) and the learned Magistrate authorized judicial remand without applying judicial mind to the delay in production or the statutory prerequisites. In consequence, the impugned **remand order** dated 08.07.2025 passed by the learned VII Additional Chief Judicial Magistrate, Hyderabad, in FIR No. 252 of 2025 registered at Malakpet Police Station, Hyderabad, is hereby set aside and quashed.

https://indiankanoon.org/doc/95988286/;Shaik Riyaz vs The State Of Andhra Pradesh ; CRIMINAL PETITION No.7589 of 2025; 05.08.2025

As seen from the record, the Petitioners/Accused Nos.1 to 3 were indulged in transportation and possession of 3,000 ml of Liquid Cannabis (Hashish). Although it is commercial quantity, the petitioners have been languishing in the jail since 05.02.2025 onwards. Nearly for the past 180 days they have been in the judicial custody. The investigating officer has not filed charge sheet in this case. Material portion of investigation is completed. All the

witnesses of the prosecution are official witnesses. Hence, the question of petitioners influencing or threatening the witnesses or hampering the investigation may not arise.
no report was filed before the learned Court below by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioners upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.
this Court is inclined to enlarge the petitioners on bail with the following stringent conditions

https://indiankanoon.org/doc/103205164/;Allangi Chandra Sekhar Chandra, vs State Of AP; CRLP No.3878 of 2025: 05.08.2025
As seen from the record, the petitioner/Accused No.2 was indulged in transportation and possession of 3 kgs of ganja. Although it is commercial quantity, the petitioner has been languishing in the jail since 28.01.2024 onwards. Nearly for the past 281 days he has been in the judicial custody. The investigating officer has not filed charge sheet in this case. Material portion of investigation is completed. All the witnesses of the prosecution are official witnesses. Hence, the question of petitioner influencing or threatening the witnesses or hampering the investigation may not arise.
no report was filed before the learned Court below by the learned Public Prosecutor concerned seeking for extension period of judicial custody of the petitioners upto one year by indicating the progress of investigation and the specific reasons for the detention of the accused beyond the initial period.
this Court is inclined to enlarge the petitioners on bail with the following stringent conditions

https://indiankanoon.org/doc/22533080/;Kuberudu Lagisetty vs The Union Of India on 5 August, 2025; WRIT PETITION No.22878 of 2025
The case of the petitioner is that he is holding passport vide No.B8800641 dated 28.12.2023 which was expired on 27.12.2024. Thereafter, petitioner has applied for renewal of passport before respondent authorities vide File No.HY1075345380325 dated 16.07.2025 seeking for renewal of his passport. After police verification, it is stated that petitioner is involved in criminal case in C.C.No.372/2021 pending on the file of Judicial Magistrate of First Class, Jadcherla. Thereafter, respondent No.2 authorities have called for explanation regarding suppression of pending criminal case, to that effect, petitioner has submitted explanation on 18.06.2025. However, the same has not been considered and respondent authorities rejected the renewal application of the petitioner on the ground of pending criminal case

in C.C.No.372/2021 on the file of Judicial Magistrate of First Class, Jadcherla. Aggrieved by the same, the present writ petition is filed.
Accordingly, this writ petition is disposed of with a direction to respondent authorities to consider the case of the petitioner and take steps for release of the passport in due compliance of the findings of the Hon'ble Supreme Court in the case of Vangala Kasturi Rangacharyulu v. Central Bureau of Investigation 2020 Crl.L.J. (SC) 572
1. The directions are as follows:
(i) The petitioner shall submit an undertaking along with an affidavit in C.C.No.372/2021 on the file of Judicial Magistrate of First Class, Jadcherla, stating that the petitioner will not leave India during pendency of the said C.C. without permission of the Court and the petitioner will cooperate with the Trial Court in concluding the criminal proceedings.
(ii) The Trial Court shall issue a certified copy of the undertaking along with an affidavit within Two (2) weeks from the date of filing of the undertaking.
(iii) The petitioner shall submit the certified copy of the aforesaid undertaking along with the reply/explanation before the concerned Passport Officer for consideration of his application for renewal of passport.
(iv) The Passport Authority shall consider the documents in the light of the observations made by the Court as well as the undertaking and other documents filed by the petitioner. The petitioner shall also be at liberty to rely on the decisions in this regard.
(v) The Passport authority is directed to renew the passport of the petitioner without raising the objection relating to the pendency of the criminal proceedings before the Trial Court.
(vi) The petitioner shall deposit the original passport before Judicial Magistrate of First Class, Jadcherla, after renewal of the passport.
(vii) The petitioner shall be at liberty to file an application before the Judicial Magistrate of First Class, Jadcherla, seeking permission to travel outside India. The Judicial Magistrate of First Class, Jadcherla, shall consider the same in accordance with law.

https://indiankanoon.org/doc/142577914/;Chava Venugopal vs The State Of Andhra Pradesh; CRLP No.1600 OF 2024; 06.08.2025
Thus, an individual who has perpetrated the commission of an offence on behalf of a company can be made accused, along with the company, if there is sufficient evidence of his active role coupled with criminal intent. Second situation in which he can be implicated is in those cases where the statutory regime itself attracts the doctrine of vicarious liability, by specifically incorporating such a provision. When the company is the offender, vicarious

liability of the Directors cannot be imputed automatically, in the absence of any statutory provision to this effect.

The distinction between mere breach of contract and the offence of criminal breach of trust and cheating is a fine one. In case of cheating, the intention of the accused at the time of inducement should be looked into which may be judged by a subsequent conduct, but for this, the subsequent conduct is not the sole test. Mere breach of contract cannot give rise to a criminal prosecution for cheating unless fraudulent or dishonest intention is shown right from the beginning of the transaction i.e. the time when the offence is said to have been committed. Therefore, it is this intention, which is the gist of the offence. Whereas, for the criminal breach of trust, the property must have been entrusted to the accused or he must have dominion over it. The property in respect of which the offence of breach of trust has been committed must be either the property of some person other than the accused or the beneficial interest in or ownership' of it must be of some other person. The accused must hold that property on trust of such other person. Although the offence, i.e. the offence of breach of trust and cheating involve dishonest intention, yet they are mutually exclusive and different in basic concept. There is a distinction between criminal breach of trust and cheating. For cheating, criminal intention is necessary at the time of making a false or misleading representation i.e., since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriated the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver any property. In such a situation, both the offences cannot co-exist simultaneously.

https://indiankanoon.org/doc/199359488/;Laxman N Bandari vs The State Of Andhra Pradesh; CRLP NO: 7008/2025 Date: 06.08.2025

although the quantity of ganja originally recovered from the petitioner Nos.1 and 2 was below the commercial quantity, the mediators' report reveals an element of conspiracy involving in transportation of the contraband from an unknown individual to a specified destination. As per the mediators' report dated 16.05.2025, the petitioners agreed to transport approximately 32.5 Kgs of ganja from Visakhapatnam to Mumbai for unlawful consideration of Rs. 4,000/- per trip.

As per the averments of the mediators' report, the petitioners, being husband and wife, shared a guilty intention with an unknown person to transport a commercial quantity of ganja from Visakhapatnam to Mumbai.

https://indiankanoon.org/doc/75496873/;Pooja Mishal vs The State Of Andhra Pradesh, CRLP No.7930 of 2025 Date: 06.08.2025

As seen from the record, the allegation against the petitioner/Accused No.2, who is the wife of Accused No.1, who was transporting 48.00 KGs of Ganja in his car, is that the petitioner was present in the car. Except the presence of the petitioner in the car, nothing was attributed to the petitioner in the mediator's report. The contraband was found in the dicky of the car, not either in front or last seat of the car. The petitioner was arrested on 05.06.2025. Ever since, she has been in judicial custody for the past 60 days. The learned Assistant Public Prosecutor fairly conceded that there are no adverse antecedents against the petitioner. This Court is satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the offence with which she was alleged and that she would not likely commit any offence while she is on bail, inasmuch as there are no adverse antecedents against the petitioner. BAIL Granted.

https://indiankanoon.org/doc/30374927/;Saithana Veera Siva Sankararao vs State Of A P; 06.08.2025; CRLP No.1901/2021

As can be seen from the record, the alleged incident occurred at the time of counting the ballot papers i.e., after completion of the election. As such, as rightly put by the learned counsel for the Petitioners, the offence under Section 171-C read with 171-F IPC does not attract against the Petitioners.

https://indiankanoon.org/doc/129728320/;Agali Narasappagari Chiranjeevi vs State Of A.P. CRLRC NO: 319 of 2010: 07.08.2025;

The record establishes that the defence has not disputed the death of the deceased, Darshini, resulting from injuries sustained in the accident. It is also undisputed that PW.5 suffered fracture injuries in the same incident. The involvement of the offending vehicle is conclusively proven. PW.1, an eyewitness, lodged the report marked as Ex.P.1, explicitly stating that the rash and negligent driving of the accused caused the accident. The evidence on record indicates that the accused failed to take reasonable precautions while operating the vehicle.

In matters of this nature, particularly involving road traffic accidents, the revision petitioner/accused, being a direct participant in the incident, is expected to provide his version of events, either orally or in writing, at least during the recording of his statement under Section 313 Cr.P.C. The purpose of recording the accused's statement in such cases is not a mere

procedural formality, but serves a dual purpose: it offers the accused an opportunity to explain incriminating circumstances and assists the Court in evaluating the defence, if any.
It is evident from the record that during the examination under Section 313 of the Cr.P.C., the revision petitioner/accused failed to provide any explanation. The testimony of the eyewitnesses consistently confirms that the accused was driving the offending vehicle at high speed.
Learned counsel for the accused contends that merely driving the vehicle at high speed does not, by itself, constitute rash and negligent driving.
Although the witnesses did not explicitly state that the accused drove the vehicle rashly and negligently, they clearly described the manner in which the accident occurred. The testimony of PW.4 indicates that upon noticing the offending vehicle approaching at high speed, he stopped his bullock cart. Despite this, the accused, who was driving the offending vehicle carrying 25 passengers, including school children, was unable to maintain control, resulting in the vehicle overturning.
It is not the case of either the prosecution or the defence that the jeep collided with the bullock-cart and overturned as a direct result of the impact. The accused was driving the offending vehicle (jeep) while carrying passengers, including school-going children. In such a situation, it was incumbent upon the accused to drive the vehicle at a speed that would allow him to maintain control under any unforeseen circumstances. He was also expected to anticipate the possibility of vehicles or obstacles appearing from the opposite direction. Furthermore, it is not the case of the defence that the bullock-cart was in motion at the time of the incident. Even assuming that the bullock-cart was not stationary, the fact remains that the accused failed to control the vehicle. This failure reflects negligence on the part of the accused, who did not exercise the degree of caution expected of a driver, particularly when responsible for the safety of children being travelled in the vehicle.

https://indiankanoon.org/doc/173249516/; Buthotti Polaiah vs State Of A P; CRLP No.7261 of 2025: 07.08.2025; APHC010347382025
The respondent No.2 states that she got acquaintance with the petitioner in the month of August-2022. Whereas record revels that the petitioner is brother-in-law of the respondent No.2. FIR further revels that there was consensual sexual intercourse in between the petitioner and the respondent No.2 for several times. Later the respondent No.2 conceived and now she is carrying eighth month pregnancy. It is further alleged in the FIR that the petitioner would not marry the respondent No.2 unless she gets aborted. In the FIR, she further states that the petitioner got acquaintance with her in the

month of August-2022, whereas in her statement recorded under Section 164 of the Cr.P.C.,' she reveals that the petitioner is her brother-in- law.
the petitioner/Accused herein for the offences punishable under Sections 376 (1) of the Indian Penal Code 1860 (for brevity 'the IPC'), 69, 351 (2) of the Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS'), Section 6 read with 5 (l)(n) of the Protection of Children from Sexual Offences Act, 2012 (for brevity 'the POCSO Act').

2025 0 INSC 957; 2025 0 Supreme(SC) 1176; Gurdeep Singh Vs. The State of Punjab; Criminal Appeal No. 705 of 2024; 11-08-2025
even a person not named in the FIR or chargesheet can be summoned to face trial if evidence recorded during the course of trial indicates his involvement in the offence. The Court emphasized that the opinion of the investigating agency is merely tentative and cannot override the Court's independent judicial assessment based on trial evidence.
it is well established that the offence of criminal conspiracy under section 120B IPC, by its very nature, is seldom capable of being proved by direct evidence. Being a clandestine agreement between two or more persons to commit an unlawful act, or a lawful act by unlawful means, conspiracy is typically established through circumstantial evidence, patterns of conduct, and the cumulative interferences drawn from the interactions of the accused persons.

2025 0 INSC 962; 2025 0 Supreme(SC) 1185; Mange Ram Vs. State Of Madhya Pradesh & Another; Criminal Appeal No. 3470 of 2025 (Arising out of Special Leave Petition (Criminal) No. 10817 of 2024); 12-08-2025
2025 0 INSC 963; 2025 0 Supreme(SC) 1186; Navneesh Aggarwal & Others Vs. State of Haryana & Another; Criminal Appeal No. 3472 of 2025 (Arising out of Special Leave Petition (Criminal) No. 16217 of 2024); 12-08-2025
In the considered opinion of this Court, the power under Article 142 must be invoked to advance the cause of complete justice in matters of this nature. Once the marital relationship has ended in divorce and the parties have moved on with their lives, the continuation of criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer live. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to

uphold fairness and bring about a quietus to personal disputes that have run their course. In this regard, we follow the abovesaid dicta.

2025 0 INSC 974; 2025 0 Supreme(SC) 1196; Ashok Dhankad Vs. State of NCT of Delhi And Anr.; Criminal Appeal No. 3495 of 2025 (@ Special Leave Petition (Crl.) No. 5370 of 2025); 13-08-2025

At the outset, we must clarify that setting aside an order granting bail and cancellation of bail are two distinct concepts. While the former contemplates the correctness of the order itself, the latter pertains to the conduct of the Accused subsequent to the order granting bail. Judicial pronouncements of this Court have time and again reiterated this position.

https://indiankanoon.org/doc/197077101/;Pinnika Madhusudhana Rao vs The State Of Andhra Pradesh on 11 August, 2025; CRLRC 846/2025

Merely because the Petitioner on earlier occasion had invoked the revisional jurisdiction of this Court challenging the order of cognizance taken by the learned Magistrate under Section 190 of 'the Cr.P.C.,' and the Criminal Revision Case was dismissed, the said order of dismissal of earlier revision case would not preclude the Petitioner from filing a petition seeking discharge under Section 227 of 'the Cr.P.C.,' since the two provisions namely Section 190 and 227 of 'the Cr.P.C.,' are founded on distant legal parameters. The scope under Section 190 of 'the Cr.P.C.,' is based upon the police report filed under Section 173 of 'the Cr.P.C.,' or other material produced by the complainant. Whereas the judicial scrutiny required under Section 227 of 'the Cr.P.C.,' by the learned Additional Sessions Judge is altogether different.

It is well settled that while exercising jurisdiction under Section 227 of 'the Cr.P.C.,' the learned Trial Court is required to consider whether the material on record, if unrebutted, would reasonably lead to a conviction. Though a detailed evaluation of evidence is not warranted at this stage, the learned Court must nonetheless indicate the basis for its satisfaction that a prima facie case exists. In the present case, the absence of such reasoning renders the impugned order vulnerable to judicial scrutiny. The principles of natural justice and fair trial demand that the accused be informed of the grounds on which the learned Court proceeds to frame charges, especially when a discharge is sought.

https://indiankanoon.org/doc/156973718/; S Charanjith Singh vs The State Of Andhra Pradesh; Crl.P.No.7414_2025 Dt.11.08.2025

On perusal of the record, the allegation leveled against the petitioner/Accused No.5 is that the main accused has purchased bottles and labels used for 180 ml PET bottles of liquior. Even though, the learned Assistant Public Prosecutor submits that there is one antecedent against the petitioner in Crime No.12 of 2022 on the similar allegations, considering the nature and gravity of the allegations leveled against the petitioner and his role played in this case, this Court deems it fit to grant pre-arrest bail to the petitioner/Accused No.5.

APHCO10283152025, https://indiankanoon.org/doc/127049549/; Korada Balaji Krishna vs The State Of Andhra Pradesh; CRLP No. 5895 of 2025 dt. 11.08.2025

As seen from the record, the petitioner/Accused No.3 was indulged in possession of 184.00 kgs of ganja. Although it is commercial quantity, the petitioner has been languishing in the jail since ll.02.2025 onwards. Nearly for the past 180 days he has been in the judicial Custody. The investigating Dr. YLR, J_ Dated ll.08.2025 officer has not filed charge sheet in this case. Material portion of investigation is completed. All the witnesses of the prosecution are official witnesses. Hence, the question of petitioner influencing or threatening the Witnesses Or hampering the investigation may not arise.

Section 36A(4) of {the NDPS Act' states that if the investigation is not completed within 180 days, the petitioner/accused No.3 has an indefeasible right to bail, unless the Special Court extends the period up to one year on the report of the Public Prosecutor, indicating the progress of the investigation and specific reasons for the detention of the accused beyond the initial period.

Considering the per'lod of detention undergone by the petitioner/Accused No.3 in judicial custody for the past 180 days, the nature and gravity of allegation levelled against the_ petitioner, and his alleged role played in the case, this Court is inclined to enlarge the petitioner on bail.

https://indiankanoon.org/doc/151010364/;Ramesh Nath vs The State Of Andhra Pradesh; CRIMINAL PETITION No.3878 of 2025: 05.08.2025

On search of the car, they found 99 bags containing ganja totaling 203.306 kgs. On enquiry, A1 and A2 submitted that they purchased the same at Jaggampeta by Raju Ram Chowdary @ Raju Bhai, who escorted them on a motorcycle and directed them to head towards Hyderabad and by the time,

the petitioners reached to Gannavaram, the Customs officials took them into their custody. After observing all legal formalities, they were remanded to judicial custody.

In Narcotics Control Bureau v. Mohit Aggarwal11, the Hon'ble Apex Court held that the length of the period of judicial custody and the fact that the charge sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of 'the NDPS Act.

In the instance case, as observed supra the petitioners have been undergoing detention for 641 days only. At this point of time the petitioners are not entitled for grant of bail. There are no merits in the petition at present. Hence, this Criminal Petition is liable to be dismissed.

https://indiankanoon.org/doc/134295677/;Mohammed Azhar Khan vs The State Of Telangana on 12 August, 2025; CRLP 4027 of 2025

In light of the submissions made by both the learned counsel and upon a perusal of the material available on record, it is noted that the allegations against the petitioners are for offences under Sections 447, 427, and 506 read with Section 34 of the IPC. The record reveals that civil suits have SKS,J been filed by both parties. The suit filed by the de facto complainant was dismissed as withdrawn, whereas the present petitioners filed I.A.No.344 of 2023 in O.S.No.07 of 2023, in which the trial Court, on 08.06.2023, granted an injunction order in favour of the petitioners. The alleged incident occurred subsequently, on 03.10.2023.

Whether or not the de facto complainant was a party to the said civil suit, the trial Court recorded the possession of the petitioners and granted an injunction order in their favour. Further, even according to the de facto complainant, the petitioners purchased the property from one Gireddy Shivareddy. The allegation that such execution was fraudulent is not an issue for determination in the present proceedings, and, as on date, the title document stands in favour of the petitioners.

In these circumstances, it cannot be said that the petitioners trespassed into the land of the de facto complainant, particularly in view of the subsisting injunction order in their favour and the fact that there are pending civil disputes between the parties, in which the civil Court will decide the issue of ownership. The continuation of the criminal proceedings, therefore, amounts to an abuse of the process of law and is liable to be quashed.

https://indiankanoon.org/doc/131658259/;Allaboina Damodar vs The State Of Telangana on 13 August, 2025; CRLP_10022_2024

In the instant case, though the petitioners are named, the allegations are largely general in nature, without specific instances attributing individual overt acts to them, except broad references to harassment 'since the second day of marriage' and during a prolonged period thereafter. The law laid down in Kahkashan Kausar ((2022) 6 SCC 599) and Dara Lakshmi Narayana (2024 SCC OnLine SC 3682) cautions against allowing prosecutions to proceed on the basis of omnibus allegations against all family members without concrete particulars. In Achin Gupta ((2025) 3 SCC 756), the Supreme Court observed that not every matrimonial discord constitutes "cruelty," and that courts must consider the background, physical and mental condition, and social status of the parties, avoiding an unduly hypersensitive approach. Similarly, in Geddam Jhansi (2025 SCC OnLine SC 26), the Court underscored that allegations must disclose ingredients of the offence in clear terms before subjecting the accused to criminal trial.

https://indiankanoon.org/doc/12503349/;D Ravi vs The State Of Andhra Pradesh on 14 August, 2025; CRIMINAL APPEAL No:536 of 2025

It is also an admitted fact that the learned Sessions Judge at the time of issuing Non-Bailable Warrants on 19.06.2025, did not forfeit the bail bond of the accused A1 and A2 for breach of the bail conditions. The learned Sessions Judge also did not issue any notice to the sureties forfeiting their bonds as per the procedure contemplated under Section 446 Cr.P.C. corresponding to 491 B.N.S.S. The learned Sessions Judge also did not take any steps for cancellation of the earlier bail order referred above. Therefore, in the light of the above facts and circumstances, it is clear that the earlier bail granted by the learned Special Court is in force.

In the light of foregoing circumstances, the order of learned trial Court is not sustainable either on facts or in law. Therefore, it is liable to be set aside. The appellants/A1 and A2 shall be enlarged on bail, on executing fresh personal bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties for a like sum each to the satisfaction of the learned trial Court. However, the learned trial Court is at liberty to take necessary steps under Section 446 Cr.P.C. with regard to forfeiting of the bond executed by the accused No.1 and 2 and sureties as per the earlier bail order, if the accused committed breach of the bail bond, by not attending the Court on 19.06.2025, and impose penalty in accordance with law U/s.446 Cr.P.C. corresponding to Section 491 B.N.S.S., 2023.

2025 0 INSC 999; 2025 0 Supreme(SC) 1221; SD. Shabuddin Vs. The State of Telangana; Criminal Appeal No 3605 of 2025; (Arising out of SLP (Crl) No. 16117 of 2024); 19-08-2025

In our view, to base a conviction under Section 411 IPC solely on the ground that both the accused were unable to account for being in possession of such huge amount of cash is both incorrect and untenable. Therefore, the approach adopted by the High Court in upholding the order of conviction of Trial Court for inability of the accused to account for the cash so recovered from their possession is alien to the criminal jurisprudence of our legal system.

2025 0 INSC 990; 2025 0 Supreme(SC) 1212; Abhinav Mohan Delkar Vs. The State of Maharashtra & Ors.; Criminal Appeal Nos. 2177-2185 of 2024; 18-08-2025

What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

Disputes in marital spaces are not uncommon. Tragically dowry demands, despite punitive legislation, is the major cause for domestic violence, unnatural death and suicide within marital spaces. Hence, a presumption was drawn on the dowry death of a woman, within 7 years of marriage, by the legislature, carefully incorporating the requirement of a proximate trigger. It cannot be said that the said requirement is absent in bringing home a conviction for abetment to suicide. If it is so held, then it would follow that when a poor woman commits suicide within 7 years of her marriage, pursuant to a "soon before" incident, it would be a dowry death. But if the death occurs after 7 years, then there will be no reason to look for a

proximate trigger. The necessity to find a trigger, proximate to the suicide cannot at all be wished away.

True, a person unable to bear the pressure or withstand a humiliation or unable to oppose, may succumb to the extreme act of ending his own life, in desperation; but that would not necessarily mean that the alleged perpetrator had an intention to lead the victim to eventual death by his own or her own hands. We find no such instigation on the part of the accused in this case, or a definitive abetment to suicide, as alleged in the FIR. There arises a cloud on the suicide note, when looking at the admitted statements recorded in the proceedings of the Committee of Privileges and also the manner in which the note was introduced in the case. Before the Committee of Privileges, no reference was made to the various allegations in the suicide note, against the named officers. We have found the suicide note to be suspect and we are not convinced that there is any modicum of material in the case to find abetment of suicide. The High Court was not in error, when it quashed the FIR, when no case is made out from the FIS.

2025 0 INSC 1009; 2025 0 Supreme(SC) 1230; Devendra Kumar Vs. The State (NCT of Delhi) and Another; Special Leave Petition (Criminal) No. 12373 of 2025; 20-08-2025

Therefore, we hold that the expression ‘obstruction’ used in Section 186 of the I.P.C. is not confined to physical obstruction. It need not necessarily be an act of use of criminal force. The act need not be a violent one. It is enough if the act complained of results in preventing a public servant in discharge of his lawful duties. Any act of causing impediment by unlawfully preventing public servant in discharge of his functions would be enough to attract Section 186 of the I.P.C. Any other interpretation would be to encourage people to take the law into their hands, frustrate the investigation of the crimes and thwart public justice. Such an interpretation cannot be commended by the Courts.

As a general rule, any person, having knowledge of commission of an offence may set the law in motion by a complaint, even though he is not personally interested or affected by the offence. There are exceptions to this general rule, as evident from Sections 195 and 196 respectively of the Cr.P.C. Section 195 is one of those sections, which prohibits a court from taking cognizance of certain offences unless and until a complaint has been made by some particular authority or person. The other sections, with similar prescriptions, are sections 196 to 199 of the Cr.P.C. respectively. Section 195 of the Cr.P.C. has been enacted as a safeguard against the irresponsible and reckless prosecutions by the private individuals in respect of the

offences, which relate to the administration of justice and contempt of lawful authority

It is true that Section 195 of the Cr.P.C. does not bar the trial of an accused for a distinct offence disclosed by the same set of facts and is not so stated therein. Section 195 also does not provide further that if in the course of the commission of that offence, other distinct offences are committed, the court concerned is debarred from taking cognizance in respect of those offences as well. However, having said so, if the perusal of the first information report makes it clear that the offence under Section 186 of the I.P.C. is closely interconnected with another distinct offences, which in this case is Section 341 of the I.P.C. and it cannot be split up, then in such circumstances, the bar of Section 195 of the Cr.P.C. will apply to such other distinct offence also. While deciding whether the distinct offences can be split up, courts must remain circumspect. It is agreed that, the law is not that once the facts of a given case disclose an offence falling within the scope of Section 195 Cr.P.C. and also other offences, prosecution can be launched regarding the latter only upon the complaint of the court or the lawfully authority concerned. To hold otherwise would be to extend the scope of Section 195 Cr.P.C. to regions and horizons not contemplated by the legislature. The facts in a case may give rise to distinct offences including offences against the authority of public servants or against public justice, as also offences against private individuals; the bar under Section 195 of the Cr.P.C. cannot, in such circumstances, affect the offences other than those against public authority or public justice. Prosecution for such other offences does not require the instrumentality of the public authority or court. However, the position may be different when during the course of the same transaction offences falling within the two categories are committed. In such cases, it may not be possible to split up the transaction, and to hold that there can be valid prosecution for offences not mentioned in Section 195 of the Cr.P.C. without the written complaint of the public authority or the court, as the case may be. Courts must be able to see through any attempt to render Section 195 of the Cr.P.C. nugatory by hiding the real nature of the transaction by verbal jugglery. If in principle and substance the offence alleged falls within the categories mentioned in Section 195, the operation of the bar cannot be avoided; if in essence the alleged offence falls outside the categories, the bar would not operate. At the same time, if the facts give rise to distinct offences, some attracting the operation of Section 195 and others not so, the bar can operate only regarding the former and not regarding the latter.

Therefore, the courts must ascertain whether during the course of a single transaction, the offences falling within both the categories are committed, in

which case it would be difficult to split up the offences or, whether there are two different transactions which occur successively, nevertheless separately and distinctively, in which case the offences may be split up. One another aspect that may be looked into is whether, apart from the offences committed in contempt of lawful authority of public servants, or against public justice or, relating to documents given in evidence which fall under the scope of Section 195 Cr.P.C. the other distinct offences are of such a nature that private individuals are aggrieved. In such a scenario, it would not be reasonable to bar a private prosecution by the aggrieved individual for the reason that the public official or the court concerned has also not instituted a complaint.

Section 195(1)(a)(i) of the Cr.P.C. bars the court from taking cognizance of the offence punishable under Section 186 I.P.C. unless there is a written complaint by the public servant for voluntarily obstructing him from discharge of his public functions. The object of this provision is to provide for a particular procedure in a case of voluntarily obstructing a public servant from discharging his public functions. The court lacks competence to automatically take cognizance in certain types of offences enumerated therein. The legislative intent behind such a provision has been that an individual should not face criminal prosecution instituted upon insufficient grounds by persons actuated by malice, ill-will or frivolity of disposition and also to save the time of the criminal courts being wasted by endless prosecutions. This provision has been carved out as an exception to the general rule contained under Section 190 Cr.P.C. that any person can set the law in motion by making a complaint, as it prohibits the court from taking cognizance of certain offences until and unless a complaint has been made by some particular authority or person. Other provisions in the Cr.P.C. like sections 196 and 198 respectively do not lay down any rule of procedure, rather, they only create a bar that unless some requirements are complied with, the court shall not take cognizance of an offence described in those Sections.

2025 0 INSC 1012; 2025 0 Supreme(SC) 1235; Irfan Vs. State Of Uttar Pradesh & Anr.; Criminal Appeal No(s). 3579 of 2025 (Arising Out of SLP(Crl.) No. 8984 of 2025); 18-08-2025

“This Court in Prabhat Gangwar vs. State of U. P. (Criminal Misc. Bail Application No. 2586 of 2023) while considering the grant of enlarging an accused on bail for preparing his defence and gathering evidence to tender the same before the learned trial court for establishing his innocence held:

> "Nature and gravity of the offence is certainly liable to be considered by the court while considering grant of bail. The Court has also to factor the

likelihood of whether the accused committed the offence while deciding a bail application. **The court also has to determine in the facts of the case whether the accused needs to be set at liberty to frame his defence and gather evidence to refute the prosecution case and establish his innocence.** The bail court has to examine whether continued incarceration would disable the accused from tendering an effective defence of his case. This is a demand of processual fairness in criminal jurisprudence.

Setting an accused at liberty at large on this ground cannot be applied mechanically in all cases. The issue has to be considered in the facts and circumstances of each case while doing so. All relevant facts including the evidences in the record, the conduct of the accused during the investigation as well as trial have to be adverted to before a decision is made in this regard." (emphasis supplied)

4. In the case of Prabhat Gangwar (supra) the Coordinate Bench of the High Court clearly stated that in an application for grant of bail, the Court is competent to set an accused on liberty in order to afford him an opportunity to frame his defence and gather evidence, to enable him to refute the prosecution case and establish his innocence. However, the Court cautioned that such liberty on the said ground cannot be applied mechanically and would require to be considered in the facts and circumstances of each case. All relevant facts including the evidence on record, conduct of the accused during the investigation as well as the trial have to be adverted to before a decision is made in this regard for enlarging the accused on bail.

5. The view expressed in Prabhat Gangwar (supra) may be applied in rare cases but that too would have to be considered in the light of the observations made therein. However, from the impugned order, we find that the High Court failed to evaluate the facts and circumstances of the present case especially the conduct of the accused, and in a blanket manner proceeded to grant bail solely on the ground that further incarceration will deprive the accused from an effective defence strategy. Apparently, no such basis has been set out by Respondent No.2 for seeking bail as to what kind of defence strategy and the evidence that was required to be collected or what were the special facts and circumstances of the case which required this kind of indulgence. We are, therefore, not satisfied with the impugned order and are accordingly inclined to set it aside.

2025 0 INSC 1020; 2025 0 Supreme(SC) 1244; Vikram Bakshi and Others Vs. R.P. Khosla and Another; Criminal Appeal No. 3646 of 2025 [SLP (Criminal) No. 3425 of 2022] 20-08-2025

If the nature of proceeding is such, the outcome of which, may result in a trial before a criminal court and, upon conviction, entail punishment for an offence under the penal law, then such a proceeding must, in substance, be treated as criminal in nature. Section 4(1) of the Code mandates that all offences under the Indian Penal Code. must be investigated, inquired into, tried, and otherwise dealt with in accordance with the procedure prescribed by the Cr.P.C. The nature of the proceeding is determined by its substance and consequences it may result into. Thus, a proceeding initiated under section 340 of Cr.P.C. is in the nature of criminal proceeding and governed by the provisions of the Cr.P.C. as a consequence, thereof, all the procedural safeguards, consequences, and effects thereto associated with a criminal proceeding under Cr.P.C. are also attracted to it.

https://indiankanoon.org/doc/71565329/;Kakani Govardhan Reddy vs The State Of Andhra Pradesh on 18 August, 2025; CRLA 399/2025

The allegations made against the appellant are bald to attract the provisions of 'the SC & ST Atrocities (PoA) Act'. Indeed, to attract the provisions of 'the SCs & STs Atrocities (PoA) Act' scheduled offence ought to have been committed against SC/ST person with the knowledge of the victim's caste. Its applicability requires proof of caste-based intent, not just the act itself.

Mere pendency of one or more cases against the Appellant/accused (1977) 4 SCC 308 Dr.YLR,J 18.08.2025 itself cannot be treated as a criminal antecedent so as to deny bail to the petitioner while exercising the special power conferred on this Court by Section 439 of 'the Cr.P.C.,' as laid down by the Hon'ble Apex Court in Prabhakar Tiwari v. State of UP., 6, Arabul Islam v. State of W.B., 7 and Neeru Yadav v. State of U.P., 8

Further, more importantly, it is made clear that the findings, if any, of this Court in this judgment be construed as expression of opinion only for the purpose of considering either grant or refusal to grant bail and the same shall not in any way influence the trial or other proceedings.

https://indiankanoon.org/doc/189377546/:N. Uttam Kumar Reddy vs The State Of Telangana on 18 August, 2025; CRLP 5133 of 2025

To attract offence under Section - 146 of IPC, there should be force or violation is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly. In the present case, none of the witnesses stated about the common object and force or violation

by the petitioners herein and other Members. The allegations levelled against the petitioners herein and other accused are that they have protested against three Farm Laws and hike in prices of Petrol and Diesel. Therefore, the proceedings in the aforesaid C.C. against the petitioners herein for the offence under Section - 147 of IPC cannot go on as the contents of the complaint dated 19.01.2021 and the statements of LWs.1 to 4 lack the ingredients of the said offence.

https://indiankanoon.org/doc/110511172/; Sri Ranjith Reddy vs The State Of Telangana on 18 August, 2025; Crl.P. No.152 & 5696 of 2025

further held that the proceedings shall not be continued due to technical defect of obtaining prior permission under Section - 155 (2) of Cr.P.C. and taking cognizance on the complaint filed by V.R.O. and it is against the purport of Section - 195 (1) (a) of Cr.P.C.

To attract an offence under Section - 171B of IPC, the requirement is that he should be a person, who give or at least offers to give any gratification as a reward for exercising the electoral right or for having exercised such a right, by another person. There is no mention in the complaint dated 11.05.2024 of respondent No.2 and in his statement recorded under Section - 161 of Cr.P.C. and also the statements of LWs.2and 3 that the petitioners offered the said amount as gratification to any voter with an object to induce him to exercise his franchise in favour of accused No.4.

The Investigating Officer did not examine any voter or any independent witness to prove that the petitioners offered gratification to him with an object of inducing to exercise his electoral right in favour of accused No.4 by taking gratification/reward. In the absence of the same, prosecuting the petitioners for the offence under Section - 171B of IPC is impermissible.

https://indiankanoon.org/doc/33216181/; Adari Kanaka Vara Vijaya Lakshmi vs The State Of Andhra Pradesh; CRIMINAL PETITION No. 8343 OF 2025 Date: 18.08.2025

In the result, the Criminal Petition is disposed of directing the Investigating Officer to comply with Section 35 (3) of 'the BNSS'/41-A of 'the Cr.P.C.,' and to strictly follow the directions issued in the cases of Arnesh Kumar and MD.Asfak Alam.

2025 0 INSC 1041; 2025 0 Supreme(SC) 1265; Santosh Sahadev Khajnekar Vs. The State of Goa; Criminal Appeal No(s). 1991 of 2023; Decided On : 26-08-2025

On a bare perusal of the above provisions, it is evident that the offence of "child abuse" as provided under section 8 cannot be attracted to every trivial or isolated incident involving a child, but must necessarily co-relate with acts involving cruelty, exploitation, deliberate ill-treatment, or conduct intended to cause harm. The legislative intent is to protect children against serious forms of abuse and not to criminalise minor, incidental acts emanating during the course of simple quarrels.

The offence of child abuse necessarily presupposes an intention to cause harm, cruelty, exploitation, or ill-treatment directed towards a child in a manner that exceeds a mere incidental or momentary act during a quarrel. A simple blow with a school bag, without any evidence of deliberate or sustained maltreatment, does not satisfy the essential ingredients of child abuse. To invoke the penal consequences of such a serious offence in the absence of clear intention or conduct indicative of abuse would amount to an unwarranted expansion of the provision.

2025 0 INSC 1042; 2025 0 Supreme(SC) 1266; Putai Vs. State of Uttar Pradesh; Criminal Appeal No(s). 36-37 of 2019 With Criminal Appeal No(s). 154 of 2025; 26-08-2025 (THREE JUDGE BENCH)

We find the following crucial flaws in the prosecution case which make the DNA reports totally inadmissible in evidence: -

(i) The prosecution failed to lead any evidence whatsoever so as to prove the procedure, date or time of drawing the blood samples of the accused-appellants for the purpose of conducting the DNA comparison. Neither any oral evidence was led to prove this procedure, nor did the prosecution exhibit any document to fortify the same. There is a total lack of evidence regarding the chain of custody of these blood samples.

(ii) As discussed above, there is a grave discrepancy in the evidence of the two medical jurists, i.e., Dr. Geeta Chaudhary (PW-7) and Dr. Akhilesh Chandra (PW-8) regarding the number of slides prepared for DNA examination, when the postmortem examination was conducted. On the one hand, Dr. Geeta Chaudhary (PW-7) stated that she took two vaginal swabs and two vaginal smear slides, whereas, on the other hand, Dr. Akhilesh Chandra (PW-8) stated that he took eight slides of smear and swabs.

(iii) No witness was examined by the prosecution to establish the complete unbroken chain of safe custody of the samples which were

purportedly seized/drawn, preserved and then forwarded to scientific experts for DNA comparison.

(iv) Neither the malkhana In-charge of the Police Station Mohanlalganj was examined in evidence nor did the prosecution care to examine the official/s who carried the samples to the FSL.

(v) Not a single document pertaining to the transmission of the samples to the FSL was exhibited by the prosecution in its evidence and hence, the DNA report (Exhibit K-14) which is otherwise also inconclusive, cannot be read in evidence.

At the cost of repetition, it may be mentioned that no document pertaining to collection of the blood samples from the accused-appellants was produced and exhibited in evidence, thereby, rendering the DNA reports to be a piece of trash paper. The prosecution failed to lead any credible evidence for proving the chain of custody of the forensic samples allegedly collected during investigation and hence on this ground alone, the DNA reports pale into insignificance. The first DNA report was inconclusive, and supplementary DNA report dated 2nd December, 2014 was tendered in evidence by the prosecution during the pendency of appeals before the High Court along with an affidavit dated 12th April, 2017 of one Rajiv Paliwal, then Deputy Director, FSL, Lucknow. We may note that Rajiv Paliwal was not connected with the issuance of the DNA report in any manner and hence, he could not have been the relevant witness to prove the same. That apart, the DNA report could not have been proved through an affidavit. Section 293 of CrPC (Section 329 of BNSS, 2023 [The Bharatiya Nagarik Suraksha Sanhita 2023]) makes it amply clear that only evidence of formal nature can be given on affidavits. The DNA report is substantive piece of evidence and hence, the same could not have been tendered in evidence through an affidavit and that too of an officer who was not connected with the procedure in any manner.

https://indiankanoon.org/doc/152099245/; M. Lakshminarayana Reddy vs The State Of Andhra Pradesh; CRIMINAL PETITION No.5242 OF 2023 Dated 20.08.2025

It is not in dispute that the petitioners are employed in the police department and are state government employees. The allegations against the petitioners, alleging custodial torture and other excesses, which are allegedly committed by them while investigating a crime against the 2nd respondent. It is a statutory duty that the petitioners were discharging in investigating a crime. It is not the case of the 2nd respondent that the 2nd respondent was picked up without there being any crime registered against the 2nd

respondent and subjected to custodial torture or abuses while in police custody.

The allegations about custodial torture, illegal confinement, etc., would have to be raised before an appropriate forum for effective resolution of the grievance. That apart, Rule 7 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Rules 1995, mandates the police officer not below the rank of DSP to conduct investigation and the investigating officer after completion of investigation would have to submit the report to the Superintendent of Police who in turn must forward the report to DGP or Commissioner of Police and the Station House Officer of the concerned police station shall have to file the charge sheet in the Special Court within 60 days.

When the procedure for investigating offences under the SC & ST (POA) Act mandates investigation by a police officer, the learned Magistrate could not have assumed the role of an investigating officer to take cognizance of the offence and issue a summons to the accused.

The learned Magistrate has overlooked seven provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and erred in assuming the role of a Deputy Superintendent of Police and taking cognizance of the case. That apart police station cannot be considered a place with public view, as entry and exit are restricted for the general public, except for those approaching the Station House Officer to lodge complaints or for any other enquiry regarding an investigation.

https://indiankanoon.org/doc/183356712/; The State Of A.P., vs Andi Velu; CRIMINAL APPEAL NO: 1420 of 2009; Date:20.08.2025

In Shashidhar Purandhar Hegde V. State of Karnataka AIR 2004 SUPREME COURT 5075, the Hon'ble Supreme Court held that:

12. The word "contradiction" is of a wide connotation which takes within its ambit all material omissions, and under the circumstances of a case, a court can decide whether there is one such omission as to amount to contradiction.

19. It is a well-settled legal proposition that, when evaluating the evidence, the Court must consider whether the contradictions/omissions were of such magnitude as to materially affect the trial. In S. Govidaraju vs. State of Karnataka AIR 2013 SC (CRIMINAL) 2112, the Hon'ble Supreme Court held that where the omission(s) amount to a contradiction, creating a serious doubt regarding the truthfulness of a witness, and the other witnesses also make material improvements before the Court in order to make the evidence acceptable, it would not be safe to rely upon such evidence.

https://indiankanoon.org/doc/15659287/;Dr. Kona Shravanthi, vs The Union Of India on 20 August, 2025; WRIT PETITION No.21662 OF 2025

By virtue of opening the LOC, the personal liberty of the person is curtailed. The LOCs are only the circular instructions that have been issued by the respondent/police only with a view to detain a person or to see that he will cooperate with the trial. Of late, in each and every case that has been registered under Section 498-A IPC, it has become common that the respondent/police, without looking into the aspects whether the petitioner is cooperating with the trial or he is evading arrest, in mechanical manner, are opening the LOCs. It is essential that the police have to open LOCs against the persons who are the accused for grave offences or the persons who are involved in financial irregularities, or JS,J the offences which are against the Society. In such cases, the respondent/police can resort in opening the LOCs against the accused in not permitting them to leave the country. If the accusation against the accused persons is such that it is detrimental to the Nation, then LOC can be issued."

https://indiankanoon.org/doc/81212355/; Pamidimukkala Sambasiva Rao, Repalle, ... vs The State, Rep. By P.P., Hyderabad; Criminal Revision Case No.1843 OF 2009 DATE: 21.08.2025

A rash act is primarily an overhasty act. It is opposed to a deliberate act. Still, a rash act can be an intentional act in the sense that it was done without due care and caution. Culpable rashness lies in running the risk of doing an act with recklessness and with indifference as to the consequences. Criminal negligence is the failure to exercise due care and take proper precautions to guard against injury to the public generally or to any individual in particular. It is the imperative duty of the driver of a vehicle to adopt such reasonable and proper care and precaution.

https://indiankanoon.org/doc/167887093/; V D MOORTHY vs State of A.P; WRIT PETITION No. 22577/2025, dt: 22.08.2025

The difference between Section 160 Cr.P.C and Section 179 BNSS would be on couple of points.

Firstly, under the first proviso to Section 160(1) Cr.P.C, a male person, who is aged above 65 years, does not require to attend before the Investigating Agency, which is situated other than the place in which such person resides, and the same is reduced under the first proviso to Section 179(1) to above 60 years.

Secondly, the second proviso is introduced in Section 179(1) of BNSS, which was not there in Section 160(1) Cr.P.C.

To sum up:
(1) Power of the Police Officer making an investigation to have the presence of "any person" before him by issuing a notice under Section 179 of BNSS is not untrammelled.
(2) The said power is restricted to "any person" residing in the limits of his own Police Station or adjoining station.
(3) Despite the said person residing in the limits of his Police Station or any other adjoining station, in case of male below 15 and above 60 years, or woman, mentally or physically disabled or a person with acute illness irrespective of their age, shall be examined at the place of their residence under the first proviso to Section 179(1) of BNSS. But the Police Officer can issue notice to such person under Section 179(1) of BNSS.
(4) The above persons may be permitted to be examined at the Police Station subject to their willingness, by the aid of second proviso to Section 179(1) of BNSS.
(5) Police Officer making an investigation has no power to issue notice under Section 179(1) of BNSS to any person who is not residing within the limits of his own station or any adjoining station.
(6) It does not preclude the Police Officer making an investigation to examine such person by approaching him at his place.

2025 0 INSC 1041; 2025 0 Supreme(SC) 1265; Santosh Sahadev Khajnekar Vs. The State of Goa; Criminal Appeal No(s). 1991 of 2023; Decided On : 26-08-2025
The offence of child abuse necessarily presupposes an intention to cause harm, cruelty, exploitation, or ill-treatment directed towards a child in a manner that exceeds a mere incidental or momentary act during a quarrel. A simple blow with a school bag, without any evidence of deliberate or sustained maltreatment, does not satisfy the essential ingredients of child abuse. To invoke the penal consequences of such a serious offence in the absence of clear intention or conduct indicative of abuse would amount to an unwarranted expansion of the provision.

2025 0 INSC 1042; 2025 0 Supreme(SC) 1266; Putai Vs State of Uttar Pradesh; Criminal Appeal No(s). 36-37 of 2019 With Criminal Appeal No(s). 154 of 2025; Decided On : 26-08-2025 (THREE JUDGE BENCH)
At the cost of repetition, it may be mentioned that no document pertaining to collection of the blood samples from the accused-appellants was produced and exhibited in evidence, thereby, rendering the DNA reports to be a piece of trash paper. The prosecution failed to lead any credible evidence for

proving the chain of custody of the forensic samples allegedly collected during investigation and hence on this ground alone, the DNA reports pale into insignificance. The first DNA report was inconclusive, and supplementary DNA report dated 2nd December, 2014 was tendered in evidence by the prosecution during the pendency of appeals before the High Court along with an affidavit dated 12th April, 2017 of one Rajiv Paliwal, then Deputy Director, FSL, Lucknow. We may note that Rajiv Paliwal was not connected with the issuance of the DNA report in any manner and hence, he could not have been the relevant witness to prove the same. That apart, the DNA report could not have been proved through an affidavit. Section 293 of CrPC (Section 329 of BNSS, 2023 [The Bharatiya Nagarik Suraksha Sanhita 2023]) makes it amply clear that only evidence of formal nature can be given on affidavits. The DNA report is substantive piece of evidence and hence, the same could not have been tendered in evidence through an affidavit and that too of an officer who was not connected with the procedure in any manner.

2025 0 INSC 1051; 2025 0 Supreme(SC) 1277; Smt. Bhagwati Devi Vs. State of Uttarakhand; Criminal Appeal No. 2616 of 2014; 29-08-2025

A perusal of Section 498-A would clearly indicate that whoever, being the husband or the relative of the husband of a woman, subjects her to cruelty would be liable to be punished with imprisonment for a term which may extend to three years and also liable to fine. Under the caption of explanation “Cruelty” has been defined to mean and include any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health whether mental or physical of the said woman or harassment of the woman or where the harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. Demand for dowry in any form is itself sufficient for Section 498-A of IPC being attracted. Demand made in any form either by the husband or by the relative of the husband would also attract Section 498-A of IPC. Even if the demand exhibits the conduct that would likely to drive the said woman being unable to bear such conduct would attract Explanation (a). Likewise, harassing of a married woman with a view to coercing her or her relative to meet any unlawful demand would also fall within the mischief of the expression ‘cruelty’. This court in the case of Manju Ram Kalita vs. State of Assam, (2009) 13 SCC 330 has held cruelty for purpose of Section 498-A of IPC is to be established in that context as it may be different from other statutory provisions. In other

words, it has been held that it has to be established that the woman had been subjected to cruelty continuously/ persistently or atleast in close proximity of time of lodging of complaint.

https://indiankanoon.org/doc/132953903/;Sridhar Babu Kadiyala vs The State Of Telangana on 25 August, 2025; CRLP No. 8393 of 2024

Making vague and generalized allegations in the context of matrimonial disputes, if not carefully scrutinized, may result in the misuse of the legal process and may encourage coercive tactics by the wife and/or her family members. Therefore, it is incumbent upon the Courts to examine whether a prima facie case exists against the husband and his family members before subjecting them to criminal prosecution under the offence under Section 498-A of the IPC. In the absence of clear and specific allegations, implicating the petitioner- accused No.3 in criminal proceedings would amount to a sheer abuse of the process of law.

https://indiankanoon.org/doc/147463735/; Pinnelli Rama Krishna Reddy vs The State Of Andhra Pradesh on 29 August, 2025; CRLP NO. 5774 OF 2025

Considering all the facts and circumstances of the case as well as the gravity of the offences, this Court views that granting of anticipatory bail to the petitioners could hinder the on-going investigation. The necessity of interrogation of the petitioners is paramount in this case to facilitate a thorough investigation on the accusations, that too the investigation in this case is incomplete and accused 6 to 8 are not yet arrested. Anticipatory bail can be
granted in exceptional circumstances where the Court is of prima facie view that applicant has falsely been implicated in the crime and would not misuse his liberty. It is well settled that anticipatory bail in a murder case cannot be granted when the investigation is in a crucial stage and incomplete. The status of accused person is immaterial, as all are equal before law.

https://indiankanoon.org/doc/1436961/; Sarasamma Alias Potu Saraswathi vs State Of Andhra Pradesh on 29.08.2025; CRLP 8505/2025

The factum of release of Accused No.6 on regular bail is not a ground to grant pre-arrest bail to the Petitioners.

https://indiankanoon.org/doc/83217891/; Manappuram General Finance And Leasing ... vs The State Of Ap; WRIT PETITION Nos.25540, 26267, 3584, 13928, 13944, 16467, 23417, 28721, 28888 of 2023, 8621,

9480, 9648, 10424, 14279, 17065, 23656, 23757, 24620, 25826, 26080 of 2024 Dated 30.08.2025

The police have registered complaints, and after apprehending the accused, the investigating officers are informed about the mortgage of the gold ornaments with the petitioner company (companies) by the accused. In furtherance of the investigation, the investigating officer has rightly issued notices under Section 91 and 102 of the Cr.P.C. to the petitioners to produce the gold ornaments, as they are crime property. The investigating officer would have to complete investigation and also deposit the crime property before the competent Magistrate Court.

21. The petitioners would enter into loan agreements with their customers while depositing the gold ornaments. This Court requested the learned counsel appearing for the petitioners to submit one set of the standard documentation for obtaining a gold loan and the operating guidelines for extending the loans. The relevant documentation is submitted.

22. As seen from the said documents, an undertaking to the effect that the Pawnor is the absolute owner and possessor of the gold ornaments which are mortgaged. It is also stated in the undertaking by the Pawnors that they would take on the entire liability and would be liable to repay the total outstanding amount, together with interest and applicable charges, in the event it comes to the knowledge of the Finance Company that the Pawnor does not have legal title to the gold ornaments. The loan policy also mandates the petitioner to conduct proper due diligence on their customers and ensure ownership of the gold in line with relevant regulatory norms. The loan policy of the petitioner company also suggested that the Branch Head/Manager ensure proper verification and collect additional confirmation regarding ownership and possession of gold ornaments. Documents such as proof of inheritance and proof of purchase would have to be verified. Additionally, the Branch Head/Branch Manager would have to issue a certificate confirming that proper due diligence was conducted to establish ownership, as part of the customer due diligence process, which would also have to be preserved along with the loan application form.

23. The persons who are accused of committing theft have devised a new method of liquidating the stolen property. The accused, by layering the gold ornaments as a mortgage property, are liquidating the crime proceeds. The manner in which the proceeds of crime are dealt with by the accused, who executes loan agreements and creates a contractual obligation between a Pawnee and a Pawnor, cannot come to the rescue of the petitioners. The petitioners, as companies, are authorised to extend gold loans and would

have to devise their own methods of safeguards to mitigate the legal consequences of pledging stolen property.

24. The petitioners would have to invoke the appropriate clause of the agreement for dispute resolution and recover the outstanding dues from the Pawnor. The Pawnor would have no legal right to create a lien on the stolen property, and the Pawnee cannot also endorse stamping of validity by pledging the stolen property. These issues would be considered by the trial Court deciding the cases on the merits. Insofar as the challenge before this Court to the impugned notices issued by the investigating officers is concerned, this Court cannot interfere in the process of investigation. The investigating officers would have to be given a free hand in completing the investigation.

25. The plight of the victims who lost their gold should be kept in mind by the Courts. The victims have complained of theft/robbery from their homes. The personal jewellery of the victims was stolen by the accused. During the course of the investigation, the investigating officer has gathered evidence regarding the pledging of crime property by the petitioners. To complete the investigation, the investigating officers exercised their powers under Section 91 and 102 Cr.P.C. and called upon the petitioners to produce the gold ornaments. The said notices ought not to be interfered with.

26. The petitioners have a remedy of recovery from the customers who executed the loan agreements. Whereas, the victims whose property was the subject of theft would be left remediless if this Court interferes with the investigation and interdicts the notices issued by the investigating officers.

27. The observations of the Hon'ble Supreme Court in SLP (CRL.) 4351 of 2022 permitting the appellants to make an application under Sections 451 and 457 of Cr.P.C., before the learned Magistrate and the learned Magistrate was further directed to entertain the application and pass necessary orders. The further directions of Hon'ble Supreme Court in SLP (CRL) 9539 of 2023, whereby the additional affidavit filed by the appellants undertaking to produce the pledged ornaments as and when called by the investigating officer and also produce them before the trial Court as and when directed by the learned Magistrate and the other undertaking of the appellant was taken on record. These orders would not come to the aid of the petitioners, as in those cases, the investigating officer already deposited the property before the Magistrate Court, and the facts of those cases are entirely different and distinct from the facts on hand in the batch of above writ petitions.

28. The petitioners are registered, authorized and regulated by the Reserve Bank of India for conducting their business as non-banking financial

institutions. This would not entitle the petitioners to mortgage a theft property or a crime property and claim protection under Sections 173 and 178-A of the Indian Contract Act. The petitioners can invoke those provisions of law against their customers in the event of any dispute between them. In cases where the petitioners are informed that a crime property is subject to a mortgage, the petitioners would not be entitled to ratify the theft or crime by executing an agreement with the accused.

29. The petitioners ought to have ample safeguards in place while extending gold loans. In the above batch of cases, the petitioners cannot challenge the issuance of notices under Section 91 and 102 Cr.P.C., as they have no vested legal right to obstruct the investigation by claiming protection under Section 173 and 178-A of the Indian Contract Act. The petitioners also cannot claim to be victims, as they have an effective and alternative remedy of initiating appropriate proceedings for the recovery of the entire loan amount, together with all other applicable interest and charges.

30. That apart, the objection raised by the learned senior counsel that the impugned notices are bereft of any details is concerned, the relevant details relating to the loan agreement and other details relating to the ornaments pledged are already mentioned in the notices. The petitioners can correlate the ornaments pledged with the Customer ID and the agreement number.

31. The consequences of this Court setting aside the notices under Sections 91 and 102 of Cr.P.C. would give the petitioners a free run to sell off the gold ornaments and appropriate the proceeds towards their outstanding loan account. In such a scenario, the victims would lose their gold and be at the receiving end, with no respite or remedy.

32. That being said, it is the statutory duty of the police to complete the investigation by recovering the stolen property to the extent possible and depositing it before the concerned jurisdictional Magistrate for safe custody. It would be open for the claimants to claim the gold ornaments for interim custody by filing the appropriate petitions under Sections 451 and 457 of the Cr.P.C. before the jurisdictional Magistrate. Upon receipt of such petitions, the learned Magistrate would have to deal with them in accordance with the law. It is left open for the investigating officers to take the necessary steps to secure the crime property at the earliest to complete the investigation. Several crimes were reported about 2-3 years ago, and the victims were left in a lurch, denied access to their gold ornaments. In any household, the woman would have emotional bonding with their jewellery and at times the jewellery is passed on from generation to generation.

33. The family gold ornaments carry sentimental value, cultural significance and are symbols of emotional inheritance. The property belonging to the

complainants is now in the custody of the petitioners. The said custody is due to the accused pledging gold ornaments. Thus, the complainants would have the primary right and interest to claim interim custody over the same. At the same time, the petitioners can invoke the dispute resolution clause of the loan agreements and initiate recovery proceedings against the customers who have defaulted. Granting any order in favour of the petitioners by interdicting the impugned notices would be counterproductive for the actual victims and their claim over the gold ornaments.

34. As such, this Court is of the considered view that the writ petitions filed challenging the impugned notices issued under Sections 91 and 102 CrPC. deserve to be dismissed.

NOSTALGIA

Considerations for bail

In Vijay Kumar v. Narendra and Others, (2002) 9 SCC 364 this Court observed as follows:

> "10. On perusal of the record and on consideration of the submissions made by the learned counsel appearing for the parties, we are of the view that in the context of the facts and circumstances of the case the High Court was in error in passing the order releasing the respondents on bail. The High Court has neither given any reason nor has indicated any exceptional circumstance for granting bail to the respondents. In the above circumstances, it is difficult for us to even surmise the circumstance which prompted the learned Single Judge to consider the accused persons to be entitled to the discretionary relief of bail pending the appeal. The principle is well settled that in considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302 IPC, the court should consider the relevant factors like the nature of the accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail after they have been convicted for committing the serious offence of murder. Our attention has not been drawn to any material which would show that the learned Single Judge took into consideration the relevant factors while passing the bail order. We refrain ourselves from making any observation touching on merits of the case lest it may prejudice any of the parties. Suffice it to state that we do not consider this a fit case for grant of bail to the respondents during pendency of the appeal filed by them."

Contradictions

The sensitive approach and greater inclination to rely on the creditworthy evidence of the victim is guided by the aspect as observed in Bharwada Bhoginbhai Hirjibhai vs. State of Gujarat, [(1983) 3 SCC 217] it was observed thus:

> In the Indian setting, refusal to act on the testimony of a victim of sexual assault in the absence of corroboration as a rule, is adding insult to injury. Why should the evidence of the girl or the woman who complains of rape or sexual molestation be viewed with the aid of spectacles fitted with lenses tinged with doubt, disbelief or suspicion?"
> (Para 9)

Insignificance of minor discrepancies was pointed out by this Court in State of Himachal Pradesh vs. Lekh Raj, [(2001) 1 SCC 247]. By referring to earlier judgment in Ousu Varghese vs. State of Kerala, [(1974) 3 SCC 767], it was observed that minor variation in the accounts of the witnesses are often the hallmark of the truth of their testimony and the discrepancies are found to be of minor character not going to the root of the prosecution story, they need not be given undue importance.

It was observed in Jagdish vs. State of Madhya Pradesh, [(1981) SCC (Crl.) 676], that mere congruity or consistency is not the sole test of truth of depositions. The discrepancies have to be such which could be characterized as material, which are not normal and of the nature not expected from the normal person.

Victim of Sexual offence- deposition

It is an opt-reiterated dictum of law that in cases of rape, the testimony of the prosecutrix alone may be sufficient and sole evidence of the victim, when cogent and consistent, could be properly used to arrive at a finding of the guilt. In the State of Himachal Pradesh vs. Manga Singh, (2019) 16 SCC 759, this Court in terms stated that conviction can be rested on the testimony of the prosecutrix alone.

> The conviction can be sustained on the sole testimony of the prosecutrix, if it inspires confidence. The conviction can be based solely on the solitary evidence of the prosecutrix and no corroboration be required unless there are compelling reasons which necessitate the courts to insist for corroboration of her statement. Corroboration of the testimony of the prosecutrix is not a requirement of law, but a guidance of prudence under the given facts and circumstances. Minor contractions or small discrepancies should not be a ground for throwing the evidence of the prosecutrix."

(Para 10)

5.6.1 It was further asserted that corroboration is not an essential requirement for conviction in the cases of rape.

> It is well settled by a catena of decisions of the Supreme Court that corroboration is not a sine qua non for conviction in a rape case. If the evidence of the victim does not suffer from any basic infirmity and the "probabilities factor" does not render it unworthy of credence. As a general rule, there is no reason to insist on corroboration except from medical evidence. However, having regard to the circumstances of the case, medical evidence may not be available. In such cases, solitary testimony of the prosecutrix would be sufficient to base the conviction, if it inspires the confidence of the court.
>
> (Para 11)

5.6.2 In Gurmit Singh (supra) it was observed to reiterate that in all cases, the corroboration to the statements made by the victim in her evidence could not be insisted upon as a rule of thumb:

> In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. The inherent bashfulness of the females and the tendency to conceal outrage of sexual aggression are factors which the courts should not overlook.
>
> (Para 8)

5.6.3 It was asserted that only compelling reasons would justify rejection of testimony of a rape victim, and not otherwise:

> "….the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury….."
>
> (Para 8)

5.6.4 From a recent decision in Raju alias Umakant vs. State of Madhya Pradesh, (2025 SCC OnLine SC 997), following observations could be noticed:

> "…….a woman or a girl subjected to sexual assault is not an accomplice but a victim of another person's lust and it will be improper and undesirable to test her evidence with suspicion. All that the law mandates is that the Court should be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of charge levelled by

her and if after keeping that aspect in mind if the Court is thereafter satisfied that the evidence is trustworthy, there is nothing that can stop the Court from acting on the sole testimony of the prosecutrix. [See State of Rajasthan v. N.K. the Accused, (2000) 5 SCC 30, Rameshwar v. State of Rajasthan, 1951 SCC 1213, State of Maharashtra v. Chandraprakash Kewal Chand Jain, (1990) 1 SCC 550, State of Punjab v. Gurmit Singh, (1996) 2 SCC 384]" (Para 18)

5.6.5 As early as in State of Maharashtra vs. Chandraprakash Kewalchand Jain, [(1990) 1 SCC 550], this court observed that the prosecutrix of a sex offence cannot be put on a par with the accomplice, it was further observed that she is a victim of crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. It was further observed that evidence of a rape victim must receive the same weight as is attached to an injured in cases of physical violence. It was stated that there is no rule of law or practice incorporated in the Evidence Act similar to illustration (b) to Section 114 of the Evidence Act which may require it to look for corroboration.

Contraband recovered from several accused- no apportionment to determine the quantity

A learned Single Judge of this Court in Shafik Khan's case (supra) observed that each accused therein, in order to have unlawful enrichment, individually purchased 4 Kgs of ganja for selling at higher price and hence apportionment of ganja was considered by not invoking Section 29 of 'the NDPS Act'.

In Crl.P.No.6809 of 2024, dated 22.10.2024 in between Setty Vinaya Kumar & Others v. State of Andhra Pradesh, another learned Single Judge of this Court at Para No.4, apportioned the contraband and enlarged the Dated 06.08.2025 petitioners on bail as the apportioned contraband was not above the commercial quantity.

Another learned Single Judge of this Court in Kanneboina Ramesh and another v. State of Andhra Pradesh1, at Para No.29, observed that the accused therein were in possession of 15 KGs of ganja after apportionment and enlarged them on bail saying that Section 37 of 'the NDPS Act.,' was not applicable in the light of the facts and circumstances of that case.

Another learned Single Judge of this Court in Bablu v. State of Andhra Pradesh in Crl.P.No.4406 of 2023 dated 11.07.2023 at Para No.6, observed that the apportionment of 112 KGs of ganja was not possible at the juncture of considering the bail application, among five accused therein, and dismissed the bail application.

A learned Single Judge of High Court of Delhi in Vishwajeet Singh vs. State (NCT Of Delhi)2 at Para No.28 to 31 held as under:

"28. It is the case of the prosecution that the two accused persons were found travelling together and were apprehended together on 02.12.2020. They were carrying bags from which 12 kg of Ganja each was recovered. Though individually the quantity recovered would be intermediate, the prosecution by analyzing the CDR details of the accused persons, alleges that as they were acting in conspiracy with each other, the quantity recovered from both of them have to be clubbed together making it a commercial quantity.

29. In Amarsingh Ramjibhai Barot (Supra), the Supreme Court held that merely because the accused persons were found together but were individually carrying the recovered substance, in the absence of any other evidence to suggest that there was any abetment and/or criminal conspiracy within the meaning of Section 29 of the NDPS Act, said provision cannot be invoked. The said case was, however, considering the order of conviction passed by the High Court.

30. In Nirmala (Supra) and Sagar Nana Borkar (Supra), unlike the present case, the prosecution had not alleged any other 2007 (2) ALD (Crl.) 233 (AP) 2024 SCC Online Delhi 1284 Dated 06.08.2025 material/evidence against the accused but for them being travelling together with contraband.

31. A learned Single Judge of this Court in Awadhesh Yadav (Supra), after referring to the various precedents on the issue of clubbing together of the quantities of contraband recovered individually, observed as under:

"49. From the provisions of law and the essence of case- laws, as discussed above, following principles can be culled out governing clubbing of the quantity of contraband recovered from two or more co-accused, at the stage of bail:

i. invocation of offence of abetment and/or conspiracy under Section 29 of the Act is must for clubbing of quantity. However, there cannot be a straight jacket formula for clubbing the quantity of contraband recovered from all the accused, merely on the basis of invocation of offence under Section 29 of the Act. It will depend on the factual backdrop of each case and the incriminating material available against the accused persons.

ii. the incriminating material relied upon to invoke the offence of abetment and/or conspiracy under Section 29 of the Act, has to be cogent and convincing against each one of the accused charged with the offence of abetment and/or conspiracy.

iii. in a case where joint recovery of contraband has been effected from two or more co-accused, the recovered contraband cannot be equally

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divided amongst the number of accused to determine whether the quantity of contraband recovered in "commercial quantity" or not.
iv. where accused persons are travelling together in the same private vehicle individually carrying contraband, it will not be proper to consider the alleged recovery to be an individual recovery and the contraband recovered from all persons can be clubbed.
v. if an accused is a habitual offender, it gives rise to an inference that he knows the tricks of the trade. In such a situation, previous involvement of the accused in the case(s) under the NDPS Act, is an additional factor which could be considered, besides other incriminating circumstances, for adding the quantities of contraband recovered from two or more co-accused."

Political bias ground for anticipatory bail

In the judgment of the Hon‟ble Apex Court in P. Krishna Mohan Reddy v. State of Andhra Pradesh 2025 SCC Online SC 1157= 2025 INSC 725, at Para Nos.27, it is held as under:

"27. To some extent, the petitioners could be said to have made out a prima facie case of political bias or mala fides but that by itself is not sufficient to grant anticipatory bail overlooking the other prima facie materials on record. Political vendetta or bias if any is one of the relevant considerations while considering the plea of anticipatory bail. The courts should keep one thing in mind, more particularly, while considering the plea of anticipatory bail that when two groups of rival political parties are at war which may ultimately lead to litigations, more particularly, criminal prosecutions there is bound to be some element of political bias or vendetta involved in the same. However, political vendetta by itself is not sufficient for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a prima facie case as alleged by the State. It is only when the court is convinced more than prima facie that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta.

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The statement made by the accused to the Magistrate conducting Test Identification Parade that he was shown to the witnesses prior to Test Identification Parade would not suffice. The details had to be given and the accused should be specific where and under what circumstances the accused were shown to the witnesses. A bald statement stating that they were shown to the witnesses will not in any manner dilute the identification proceedings or the identification of the accused by the witnesses at the time of Test Identification Parade and also subsequently in the Court.

Signature of the Accused on Seizure memo

in State of Rajasthan v. Teja Ram, 1999 LawSuit (SC) 333, learned Additional Public Prosecutor would submit that there is nothing wrong or illegal on the part of Investigating Officer in obtaining the signature of the accused on the seizure memo. In view of the above discussion, the said contention of learned Additional Public Prosecutor is sustainable.

Appreciation of a Hostile witness and Sole witness

In Paulmeli v. State of Tamil Nadu, (2014) 13 SCC 90 the case involved the conviction of multiple accused under Section 302 IPC despite several prosecution witnesses turning hostile. The trial Court, and subsequently the High Court, relied upon consistent parts of their testimony, which this Court affirmed. The relevant paragraphs are extracted below for better appreciation:

> "20. Paulmeli (PW 2) has supported the case of the prosecution so far as the present appellants are concerned. He was declared hostile when he did not name the other accused, who stood acquitted by the courts below and there could be no difficulty to accept his deposition to that extent.
>
> 21. This Court in Ramesh Harijan v. State of U.P. [(2012) 5 SCC 777] while dealing with the issue held : (S CC pp. 786-87, para 23)
>
> "23. It is a settled legal proposition that the evidence of a prosecution witness cannot be rejected in toto merely because the prosecution chose to treat him as hostile and cross-examine him. The evidence of such witnesses cannot be treated as effaced or washed off the record altogether but the same can be accepted to the extent that their version is found to be dependable on a careful scrutiny thereof.'
>
> [Vide Bhagwan Singh v. State of Haryana [(1976) 1 SCC 389 : 1976 SCC (Cri) 7], Rabindra Kumar Dey v. State of Orissa [(1976) 4 SCC 233 : 1976 SCC (Cri)

566], Syad Akbar v. State of Karnataka [(1980) 1 SCC 30 : 1980 SCC (Cri) 59] and Khujji v. State of M.P. [(1991) 3 SCC 627 : 1991 SCC (Cri) 916] (SCC p. 635, para 6)]"

22. In State of U.P. v. Ramesh Prasad Misra [(1996) 10 SCC 360, this Court held that evidence of a hostile witness would not be totally rejected if spoken in favour of the prosecution or the accused but required to be subjected to close scrutiny and that portion of the evidence which is consistent with the case of the prosecution or defence can be relied upon. A similar view has been reiterated by this Court in Sarvesh Narain Shukla v. Daroga Singh [(2007) 13 SCC 360 : (2009) 1 SCC (Cri) 188] , Subbu Singh v. State [(2009) 6 SCC 462 : (2009) 2 SCC (Cri) 1106] , C. Muniappan v. State of T.N. [(2010) 9 SCC 567 : (2010) 3 SCC (Cri) 1402] and Himanshu v. State (NCT of Delhi) [(2011) 2 SCC 36 : (2011) 1 SCC (Cri) 593] . Thus, the law can be summarised to the effect that the evidence of a hostile witness cannot be discarded as a whole, and the relevant parts thereof which are admissible in law, can be used by the prosecution or the defence."

18.2. Similarly, in Rajesh Yadav v. State of UP, (2022) 12 SCC 200 this Court observed that the hostility of a witness does not completely efface their testimony from the evidentiary record. The Court emphasized that even partially reliable hostile testimony may serve as the basis for conviction, provided it is corroborated or otherwise trustworthy. The relevant paragraphs are reproduced below:

"84. In the instant case, some of the material witnesses i.e. B. Kamal (PW 86) and R. Maruthu (PW 51) turned hostile. Their evidence has been taken into consideration by the courts below strictly in accordance with law. Some omissions, improvements in the evidence of the PWs have been pointed out by the learned counsel for the appellants, but we find them to be very trivial in nature.

85. It is settled proposition of law that even if there are some omissions, contradictions and discrepancies, the entire evidence cannot be disregarded. After exercising care and caution and sifting through the evidence to separate truth from untruth, exaggeration and improvements, the court comes to a conclusion as to whether the residuary evidence is sufficient to convict the accused. Thus, an undue importance should not be attached to omissions, contradictions and discrepancies which do not go to the heart of the matter and shake the basic version of the prosecution's witness. As the mental abilities of a human being cannot be expected to be

attuned to absorb all the details of the incident, minor discrepancies are bound to occur in the statements of witnesses. Vide Sohrab v. State of M.P. [(1972) 3 SCC 751 : 1972 SCC (Cri) 819] , State of U.P. v. M.K. Anthony [(1985) 1 SCC 505 : 1985 SCC (Cri) 105] , Bharwada Bhoginbhai Hirjibhai v. State of Gujarat [(1983) 3 SCC 217 : 1983 SCC (Cri) 728] , State of Rajasthan v. Om Prakash [(2007) 12 SCC 381 : (2008) 1 SCC (Cri) 411] , Prithu v. State of H.P. [(2009) 11 SCC 588 : (2009) 3 SCC (Cri) 1502], State of U.P. v. Santosh Kumar [(2009) 9 SCC 626 : (2010) 1 SCC (Cri) 88] and State v. Saravanan [(2008) 17 SCC 587 : (2010) 4 SCC (Cri) 580] ."

18.3. In Goverdhan v. State of Chhattisgarh, (2025) 3 SCC 378 where several witnesses had turned hostile and the delay in recording the statement of the key eyewitnesses was highlighted, this Court reiterated that hostile testimony must be carefully sifted – usable portions may be retained, while tainted segments are to be discarded. Applying that principle, the Court ultimately modified the conviction from Section 302 IPC to Part I of Section 304 IPC, relying on consistent portions of the testimony of the deceased's mother. The relevant paragraphs are extracted below:

"93. However, it is also to be noted that merely because the witnesses turn hostile does not necessarily mean that their evidence has to be thrown out entirely and what is supportive of the prosecution certainly be used. In Gangadhar Behera v. State of Orissa [Gangadhar Behera v. State of Orissa, (2002) 8 SCC 381 : 2003 SCC (Cri) 32] , it was observed as following : (SCC pp. 392-93, para 15) "15. To the same effect is the decision in State of Punjab v. Jagir Singh [(1974) 3 SCC 277 : 1973 SCC (Cri) 886] and Lehna v. State of Haryana [(2002) 3 SCC 76 : 2002 SCC (Cri) 526]. Stress was laid by the appellant- accused on the non-acceptance of evidence tendered by some witnesses to contend about desirability to throw out the entire prosecution case. In essence prayer is to apply the principle of falsus in uno, falsus in omnibus (false in one thing, false in everything). This plea is clearly untenable. Even if a major portion of the evidence is found to be deficient, in case residue is sufficient to prove guilt of an accused, notwithstanding acquittal of a number of other co-accused persons, his conviction can be maintained. It is the duty of the court to separate the grain from the chaff. Where chaff can be separated from the grain, it would be open to the court to convict an accused notwithstanding the fact that evidence has been found to be deficient to prove guilt of other accused persons. Falsity of a particular material witness or material particular would not ruin it from the beginning to end. The maxim falsus in uno, falsus in omnibus has no application in

India and the witnesses cannot be branded as liars. The maxim falsus in uno, falsus in omnibus has not received general acceptance nor has this maxim come to occupy the status of the rule of law. It is merely a rule of caution. All that it amounts to, is that in such cases testimony may be disregarded, and not that it must be disregarded. The doctrine merely involves the question of weight of evidence which a court may apply in a given set of circumstances, but it is not what may be called "a mandatory rule of evidence". (See Nisar Ali v. State of U.P. [1957 SCC OnLine SC 42 : AIR 1957 SC 366]) Merely because some of the accused persons have been acquitted, though evidence against all of them, so far as direct testimony went, was the same does not lead as a necessary corollary that those who have been convicted must also be acquitted. It is always open to a court to differentiate the accused who had been acquitted from those who were convicted. (See Gurcharan Singh v. State of Punjab [1955 SCC OnLine SC 16 : AIR 1956 SC 460].) The doctrine is a dangerous one specially in India for if a whole body of the testimony were to be rejected, because a witness was evidently speaking an untruth in some aspect, it is to be feared that administration of criminal justice would come to a dead stop. Witnesses just cannot help in giving embroidery to a story, however, true in the main. Therefore, it has to be appraised in each case as to what extent the evidence is worthy of acceptance, and merely because in some respects the court considers the same to be insufficient for placing reliance on the testimony of a witness, it does not necessarily follow as a matter of law that it must be disregarded in all respects as well. The evidence has to be sifted with care. The aforesaid dictum is not a sound rule for the reason that one hardly comes across a witness whose evidence does not contain a grain of untruth or at any rate exaggeration, embroideries or embellishment. (See Sohrab v. State of M.P. [(1972) 3 SCC 751 : 1972 SCC (Cri) 819] and Ugar Ahir v. State of Bihar [1964 SCC OnLine SC 90 : AIR 1965 SC 277] .) An attempt has to be made to, as noted above, in terms of felicitous metaphor, separate the grain from the chaff, truth from falsehood. Where it is not feasible to separate the truth from falsehood, because grain and chaff are inextricably mixed up, and in the process of separation an absolutely new case has to be reconstructed by divorcing essential details presented by the prosecution completely from the context and the background against which they are made, the only available course to be made is to discard the evidence in toto. (See Zwinglee Ariel v. State of M.P. [(1952) 2 SCC 560] and Balaka Singh v. State of Punjab [(1975) 4 SCC 511 : 1975 SCC (Cri) 601] .) As observed by this Court in State of Rajasthan v. Kalki [(1981) 2 SCC 752 : 1981 SCC (Cri) 593] normal

discrepancies in evidence are those which are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of occurrence and those are always there however honest and truthful a witness may be. Material discrepancies are those which are not normal, and not expected of a normal person. Courts have to label the category to which a discrepancy may be categorised. While normal discrepancies do not corrode the credibility of a party's case, material discrepancies do so. These aspects were highlighted recently in Krishna Mochi v. State of Bihar [(2002) 6 SCC 81 : 2002 SCC (Cri) 1220]. Accusations have been clearly established against the appellant-accused in the case at hand. The courts below have categorically indicated the distinguishing features in evidence so far as the acquitted and the convicted accused are concerned."

94. To the same effect it was held in Raja v. State of Karnataka [(2016) 10 SCC 506 : (2017) 1 SCC (Cri) 158] as follows : (SCC p. 516, para 32)

"32. That the evidence of a hostile witness in all eventualities ought not stand effaced altogether and that the same can be accepted to the extent found dependable on a careful scrutiny was reiterated by this Court in Himanshu [Himanshu v. State (NCT of Delhi), (2011) 2 SCC 36 : (2011) 1 SCC (Cri) 593] by drawing sustenance of the proposition amongst others from Khujji v. State of M.P. [(1991) 3 SCC 627 : 1991 SCC (Cri) 916] and Koli Lakhmanbhai Chanabhai v. State of Gujarat [(1999) 8 SCC 624 : 2000 SCC (Cri) 13]. It was enounced that the evidence of a hostile witness remains admissible and is open for a court to rely on the dependable part thereof as found acceptable and duly corroborated by other reliable evidence available on record."

95. We are also mindful of the position of law that the prosecution must stand or fall on its own legs and it cannot derive any strength from the weakness of the defence. However, in the present case, in spite of the untruthful and evasive testimony of the neighbours, the prosecution has been able to prove its case beyond reasonable doubt and the false plea of the appellants only strengthens the case of the prosecution."

These decisions reaffirm the legal principle that a hostile witness's testimony need not be discarded in its entirety and that the Court must carefully evaluate whether portions of such evidence are credible and corroborated.

18.4. It is equally well settled that the testimony of a single eyewitness, if found trustworthy and credible, is sufficient to sustain a conviction. In Vadivelu

Thevar v. State of Madras, (1957) SCR 981 : AIR 1957 SC 614 : 1957 CrLJ 1000 this Court held that if the sole witness is of a sterling quality and inspires confidence, a conviction can be safely based upon such testimony. The following paragraphs are pertinent in this regard:

> "...Section 134 of the Indian Evidence Act has categorically laid it down that " no particular number of witnesses shall in any case be required for the proof of any fact." The legislature determined, as long ago as 1872, presumably after due consideration of the pros and cons, that it shall not be necessary for proof or disproof of a fact, to call any particular number of witnesses. In England, both before and after the passing of the Indian Evidence Act, 1872, there have been a number of statutes as set out in Sarkar's I Law of Evidence -9th Edition, at pp. 1 100 and 1 101, forbidding convictions on the testimony of a single witness. The Indian Legislature has not insisted on laying down any such exceptions to the general rule recognized in Section 134 quoted above. The section enshrines the well recognized maxim that " Evidence has to be weighed and not counted". Our Legislature has given statutory recognition to the fact that administration of justice may be hampered if a particular number of witnesses were to be insisted upon. It is not seldom that a crime has been committed in the presence of only one witness, leaving aside those cases which are not of uncommon occurrence, where determination of guilt depends entirely on circumstantial evidence. If the Legislature were to insist upon plurality of witnesses, cases where the testimony of a single witness only could be available in proof of the crime, would go unpunished. It is here that the discretion of the presiding judge comes into play. The matter thus must depend upon the circumstances of each case and the quality of the evidence of the single witness whose testimony has to be either accepted or rejected. If such a testimony is found by the court to be entirely reliable, there is no legal impediment to the conviction of the accused person on such proof. Even as the guilt of an accused person may be proved by the testimony of a single witness, the innocence of an accused person may be established on the testimony of a single witness, even though a considerable number of witnesses may be forthcoming to testify to the truth of the case for the prosecution. Hence, in our opinion, it is a sound and well- established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for, proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely:

(1) Wholly reliable.

(2) Wholly unreliable.

(3) Neither wholly reliable nor wholly unreliable.

In the first category of proof, the court should have no difficulty in coming to its conclusion either way-it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the court, equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial. There is another danger in insisting on plurality of witnesses. Irrespective of the quality of the oral evidence of a single witness, if courts were to insist on plurality of witnesses in proof of any fact, they will be indirectly encouraging subornation of witnesses. Situations may arise and do arise where only a single person is available to give evidence in support of a disputed fact. The court naturally has to weigh carefully such a testimony and if it is satisfied that the evidence is reliable and free from all taints which tend to render oral testimony open to suspicion, it becomes its duty to act upon such testimony. The law reports contain many precedents where the court had to depend and act upon the testimony of a single witness in support of the prosecution. There are exceptions to this rule, for example, in cases of sexual offences or of the testimony of an approver; both these are cases in which the oral testimony is, by its very nature, suspect, being that of a participator in crime. But, where there are no such exceptional reasons operating, it becomes the duty of the court to convict, if it is satisfied that the testimony of a single witness is entirely reliable.

We have, therefore, no reasons to refuse to act upon the testimony of the first witness, which is the only reliable evidence in support of the prosecution."

18.5. The above principle has been reiterated in Chittar Lal v. State of Rajasthan, (2003) 6 SCC 397 where the Court upheld a conviction under Section 302 IPC based on the credible and convincing evidence of a single eyewitness, notwithstanding certain inconsistencies and lack of corroboration. The Court held that if the witness is otherwise reliable and his testimony inspires confidence, a conviction is legally sustainable. The relevant paragraph reads as under:

"7. … Evidence of the person whose name did not figure in the FIR as witness does not perforce become suspect. There can be no hard-and-fast rule that the names of all witnesses, more particularly eyewitnesses should be indicated in the FIR. As was observed by this Court in Shri Bhagwan v. State of Rajasthan [(2001) 6 SCC 296 : 2001 SCC (Cri) 1095] mere non-mention of the name of an eyewitness does not render the prosecution version fragile. The information was not lodged by an eyewitness. Mental condition of a person whose father has lost his life inevitably gets disturbed. Explanation offered by witnesses for non- mention of PW 3's name is plausible. Additionally, it is to be noted that in the present case the statement of PW 3 was recorded on the same day of incident, immediately after the investigation process was set into motion. Therefore, the plea that PW 3's testimony is doubtful lacks substance. The other plea was that conviction should not have been made on the basis of a single witness, PW 3's testimony. This plea is equally without essence. The legislative recognition of the fact that no particular number of witnesses can be insisted upon is amply reflected in Section 134 of the Indian Evidence Act, 1872 (in short "the Evidence Act"). Administration of justice can be affected and hampered if number of witnesses were to be insisted upon. It is not seldom that a crime has been committed in the presence of one witness, leaving aside those cases which are not of unknown occurrence where determination of guilt depends entirely on circumstantial evidence. If plurality of witnesses would have been the legislative intent, cases where the testimony of a single witness only could be available, in number of crimes the offender would have gone unpunished. It is the quality of evidence of the single witness whose testimony has to be tested on the touchstone of credibility and reliability. If the testimony is found to be reliable, there is no legal impediment to convict the accused on such proof. It is the quality and not the quantity of evidence which is necessary for proving or disproving a fact. This position has been settled by a series of decisions. The first decision which has become locus classicus is Mohd. Sugal Esa Mamasan Rer Alalah v. R. [AIR 1946 PC 3 : 1946 All LJ 100] The Privy Council focused on the difference between English law where a number of statutes make conviction impermissible for certain categories of offences on the testimony of a single witness and Section 134 of the Evidence Act. The view has been echoed in Vadivelu Thevar v. State of Madras [AIR 1957 SC 614 : 1957 Cri LJ 1000] , Guli Chand v. State of Rajasthan [(1974) 3 SCC 698 : 1974 SCC (Cri) 222 : AIR 1974 SC 276] , Vahula Bhushan v. State of T.N. [1989 Supp (1) SCC 232 : 1989 SCC (Cri) 353 : AIR 1989 SC 236] , Jagdish Prasad v. State of M.P. [1995 SCC (Cri) 160 : AIR

1994 SC 1251] and Kartik Malhar v. State of Bihar [(1996) 1 SCC 614 : 1996 SCC (Cri) 188].

18.6. A similar view was taken in Kuna v. State of Odisha, (2018) 1 SCC 296 where the Court upheld a conviction solely on the basis of a trustworthy eyewitness, emphasizing that credible testimony alone is sufficient in law. The following paragraph is pertinent in this regard:

> "19. That conviction can be based on a testimony of a single eyewitness if he or she passes the test of reliability and that it is not the number of witnesses but the quality of evidence that is important, have been propounded consistently in Anil Phukan [Anil Phukan v. State of Assam, (1993) 3 SCC 282 : 1993 SCC (Cri) 810], Ramji Surjya [Ramji Surjya Padvi v. State of Maharashtra, (1983) 3 SCC 629 : 1983 SCC (Cri) 748] , Patnam Anandam [State of A.P. v. Patnam Anandam, (2005) 9 SCC 237 : 2005 SCC (Cri) 1225] and Gulam Sarbar [Gulam Sarbar v. State of Bihar, (2014) 3 SCC 401 : (2014) 2 SCC (Cri) 195] with the apparent emphasis that evidence must be weighed and not counted, decisive test being whether it has a ring of truth and it is cogent, credible, trustworthy or otherwise."

Domestic Cruelty

In this context, it is pertinent to note that the Hon'ble Supreme Court while considering the aspect of mental cruelty in Samar Ghosh v. Jaya Ghosh - (2007) 4 SCC 511 in para 101 has observed as under:

"101. No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with the cases of 'mental cruelty'. The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive.

(i) On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty.

(ii) On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party.

(iii) Mere coldness or lack of affection cannot amount to cruelty, frequent rudeness of language, petulance of manner, indifference and neglect may reach such a degree that it makes the married life for the other spouse absolutely intolerable.

(iv) Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty.
(v) A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse.
(vi) Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty.
(vii) Sustained reprehensible conduct, studied neglect, indifference or total departure from the normal standard of conjugal kindness causing injury to mental health or deriving sadistic pleasure can also amount to mental cruelty.
(viii) The conduct must be much more than jealousy, selfishness, possessiveness, which causes unhappiness and dissatisfaction and emotional upset may not be a ground for grant of divorce on the ground of mental cruelty.
(ix) Mere trivial irritations, quarrels, normal wear and tear of the married life which happens in day to day life would not be adequate for grant of divorce on the ground of mental cruelty.
(x) The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill-conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.
(xi) If a husband submits himself for an operation of sterilization without medical reasons and without the consent or knowledge of his wife and similarly if the wife undergoes vasectomy or abortion without medical reason or without the consent or knowledge of her husband, such an act of the spouse may lead to mental cruelty.
(xii) Unilateral decision of refusal to have intercourse for considerable period without there being any physical incapacity or valid reason may amount to mental cruelty.
(xiii) Unilateral decision of either husband or wife after marriage not to have child from the marriage may amount to cruelty.
(xiv) Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary,

it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty.

Time period for pronouncing the judgment

This Court in Anil Rai vs. State of Bihar, (2001) 7 SCC 318 dealt with such state of affairs prevalent in some High Courts wherein after conclusion of arguments, judgments are not pronounced for a period spread over years. This Court made observations and issued guidelines as contained in paragraphs 9 and 10 of the judgment which are quoted herein below for reference:

> "9. It is true, that for the High Courts, no period for pronouncement of judgment is contemplated either under the Civil Procedure Code or the Criminal Procedure Code, but as the pronouncement of the judgment is a part of the justice dispensation system, it has to be without delay. In a country like ours where people consider the Judges only second to God, efforts be made to strengthen that belief of the common man. Delay in disposal of the cases facilitates the people to raise eyebrows, sometimes genuinely which, if not checked, may shake the confidence of the people in the judicial system. A time has come when the judiciary itself has to assert for preserving its stature, respect and regards for the attainment of the rule of law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of law, to have speedy justice for which efforts are required to be made to come up to the expectation of the society of ensuring speedy, untainted and unpolluted justice.
>
> 10. Under the prevalent circumstances in some of the High Courts, I feel it appropriate to provide some guidelines regarding the pronouncement of judgments which, I am sure, shall be followed by all concerned, being the mandate of this Court. Such guidelines, as for the present, are as under:
>
> (i) The Chief Justices of the High Courts may issue appropriate directions to the Registry that in a case where the judgment is reserved and is pronounced later, a column be added in the judgment where, on the first page, after the cause-title, date of reserving the judgment and date of pronouncing it be separately mentioned by the Court Officer concerned.
>
> (ii) That Chief Justices of the High Courts, on their administrative side, should direct the Court Officers/Readers of the various Benches in the High Courts to furnish every month the list of cases in the matters where the judgments reserved are not pronounced within the period of that month.
>
> (iii) On noticing that after conclusion of the arguments the judgment is not pronounced within a period of two months, the Chief Justice concerned shall

draw the attention of the Bench concerned to the pending matter. The Chief Justice may also see the desirability of circulating the statement of such cases in which the judgments have not been pronounced within a period of six weeks from the date of conclusion of the arguments amongst the Judges of the High Court for their information. Such communication be conveyed as confidential and in a sealed cover.

(iv) Where a judgment is not pronounced within three months from the date of reserving it, any of the parties in the case is permitted to file an application in the High Court with a prayer for early judgment. Such application, as and when filed, shall be listed before the Bench concerned within two days excluding the intervening holidays.

(v) If the judgment, for any reason, is not pronounced within a period of six months, any of the parties of the said lis shall be entitled to move an application before the Chief Justice of the High Court with a prayer to withdraw the said case and to make it over to any other Bench for fresh arguments. It is open to the Chief Justice to grant the said prayer or to pass any other order as he deems fit in the circumstances."

NEWS

- the use of Aadhaar number to establish identity enables individuals to receive subsidies, benefits and services in a convenient and seamless manner, obviates the need for multiplicity of documents to establish identity, simplifies processes and promotes transparency and efficiency
- the Promotion and Regulation of Online Gaming Act, 2025.
- the National Anti-Doping (Amendment) Act, 2025.
- Standard. Operating Procedure (SOP} for Requesting an Extension of Time from Hon'ble Supreme Court or High Court for the State of Telangana to Conclude Time-Bound Trials/Suits/Other proceedings. Dt 5.8.2025
- High Court of Andhra Pradesh- Circular - offences under B.N.S., 2023 -- sentence less than seven years -- Strict adherence to the principles laid down in Arnesh Kumar v. State of Bihar and another and Imran Pratap Gadhi v. State of Gujarath by the Magistrates- Corrigendum- Issued.
- APHC- the Hon'ble Supreme Court directed all the concerned trial Courts to complete the trials in respect of cases relating to Child Trafficking within a period of six months by conducting the trials on day to day basis
- AP Govt- NOTIFICATION ON SUMMARY TRAILS UNDER SECTION 286 OF THE BHARATHIYA NAGARIK SURAKSHA SANHITA-2023 - FORMAT FOR ENTERING RECORDS IN SUMMARY TRIALS BY MAGISTRATES. [G.O.Ms.No.130, Home (Courts-B), 29th August, 2025.]

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ON A LIGHTER VEIN

Q: What gear were you in at the moment of the impact?

A: Gucci sweats and Reeboks.

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NOTES

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

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CITATIONS

2025 0 INSC 1061; 2025 0 Supreme(SC) 1288; Sushil Kumar Tiwari Vs Hare Ram Sah and Others; Criminal Appeal No. 3813 of 2025 [Arising Out of SLP (Crl.) No. 18377 of 2024]; Decided On : 01-09-2025

One of the foremost principles of appreciation of evidence is that natural variations, errors and inconsistencies are not to be elevated to the standard of a reasonable doubt or to hold that the prosecution has failed. There is nothing like perfect evidence in a Court and in fact, perfection is often suggestive of tutoring and manufacturing of evidence. The availability of evidence as well as the quality of evidence are not open to judgment on any pre-determined parameters. For, these aspects not only depend upon the quality of investigation but also upon the societal circumstances prevalent in the area of crime. They also depend upon the level of awareness, not only of the persons involved in the case but also of the members of the locality who often appear as witnesses. Therefore, the Courts must be alive to the state of affairs on the ground and in that backdrop, it must examine whether the inconsistencies and gaps have been properly explained or not. If so, such inconsistencies and gaps may not affect the case of the prosecution.

However, if the prosecution fails to explain the inconsistencies in its case, an adverse inference may be drawn against it.

merely on account of non-availability of DNA analysis, the case of the prosecution cannot be discarded, especially because the purpose of identification has been fulfilled on the strength of other credible evidence. The reliance placed on Krishan Kumar Malik ((2011) 7 SCC 130) is, thus, wholly misplaced

mere discovery of an error, irregularity or omission in the framing of charge does not ipso facto render the decision of the Court as invalid. In fact, even a case of non-framing of charge is not liable to be discarded on that ground alone. In order to vitiate the decision, what is necessary is the failure of justice as a result of such error or omission or irregularity.

Nevertheless, we consider it a fit matter to call upon the Trial Courts to be vigilant and cautious in framing of charges. The prosecutors representing the State are also duty bound to render suitable assistance during the trial and to remain vigilant in identifying the errors in statement of charges. For, timely intervention is always better in a trial and the criminal procedure provides ample provisions for rectifying the mistakes in framing of charges during the trial itself. The identification of such mistakes at appellate stages, which could have easily been spotted and corrected during the trial, does not only affect the finality of cases but also affects the credibility of the criminal justice system as a whole.

In criminal law, the question whether certain acts and omissions form part of the same transaction often troubles the Courts. There is no definition of “same transaction” in the Code and more often than not, this determination is contingent upon the peculiar facts and circumstances of the case. To make it judicially determinable, we have often applied the three tests of “unity of purpose and design” or “proximity of time or place” and “continuity of action”. Reference may be drawn to the decision of this Court in State of Andhra Pradesh vs. Cheemalapati Ganeswara Rao and Another, AIR 1963 SC 1850.

Mere non-compliance of the procedure contemplated under Section 223 does not ipso facto render the trial as invalid, and the same cannot form the basis of returning a finding of prejudice and failure of justice. The said conclusion must emanate from the facts of the case, after a thorough examination of the facts and evidence on record. It is not a case wherein the joint trial precluded the Respondent Nos. 1 and 2 from presenting a valid defence. It is also not a case wherein separate evidence of the prosecution witnesses could have made any difference to the end result.

Before closing, we deem it fit to observe that noticeably, the principle of beyond reasonable doubt has been misunderstood to mean any and every doubt in the case of the prosecution. Often, we come across cases wherein loose acquittals are recorded on the basis of minor inconsistencies, contradictions and deficiencies, by elevating them to the standard of reasonable doubts. A reasonable doubt is one that renders the version of the prosecution as improbable, and leads the Court to believe in the existence and probability of an alternate version of the facts. It is a serious doubt which must be backed by reason. The underlying foundation of the principle of beyond reasonable doubt is that no innocent should face punishment for a crime that he has not done. But a flipside of the same, of which we are conscious, is that at times, owing to a mis-application of this principle, actual culprits manage to find their way out of the clutches of law. Such misapplication of this principle, resulting into culprits walking free by taking benefit of doubt, is equally dangerous for the society. Every instance of acquittal of an actual culprit revolt against the sense of security of the society and acts as a blot on the criminal justice system. Therefore, not only should no innocent face punishment for something that he has not done, but equally, no culprit should manage an acquittal on the basis of unreasonable doubts and misapplication of procedure.

2025 0 INSC 1067; 2025 0 Supreme(SC) 1294; Kiran Vs. Rajkumar Jivraj Jain & Anr.; Criminal Appeal No. 3867 of 2025 (@Special Leave Petition (Crl.) No. 8169 of 2025); 01-09-2025 (THREE JUDGE BENCH)

In Hitesh Verma vs. State of Uttarakhand & Anr., (2020) 10 SCC 710 as well as in Ramesh Chandra Vaish vs. State of U.P., 2023 SCC OnLine SC 668 this Court stated that intimidation or insult amounts to an offence under Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 should have been targeted intentionally to the member of the Scheduled Caste or Scheduled Tribe community and also because he is member of the Scheduled Caste or Scheduled Tribe community.

the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

The absolute nature of bar, however, could be read and has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations

relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.

Non-making of prima facie case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.

2025 0 Supreme(SC) 1645; Gursewak Singh Vs. State of Punjab; Petition for Special Leave to Appeal (Crl.) No.11234 of 2025; 03-09-2025

One another aspect of the matter we need to highlight is that while considering the plea for anticipatory bail why should the High Court ask a question to the investigating agency as to why the accused had not been arrested for the last four years. The fact that the petitioner was not arrested for four years by itself was a good ground for the High Court to exercise its discretion and order grant of anticipatory bail.

This Court then summed up the principles or circumstance governing the cancellation of bail as under: -

> "25. Some of the circumstances where bail granted to the accused under Section 439(1)CrPC can be cancelled are enumerated below:
> (a) If he misuses his liberty by indulging in similar/other criminal activity;
> (b) If he interferes with the course of investigation;
> (c) If he attempts to tamper with the evidence;
> (d) If he attempts to influence/threaten the witnesses;
> (e) If he evades or attempts to evade court proceedings;
> (f) If he indulges in activities which would hamper smooth investigation;
> (g) If he is likely to flee from the country;
> (h) If he attempts to make himself scarce by going underground and/or becoming unavailable to the investigating agency;
> (i) If he attempts to place himself beyond the reach of his surety.
> (j) If any facts may emerge after the grant of bail which are considered unconducive to a fair trial.
>
> We may clarify that the aforesaid list is only illustrative in nature and not exhaustive."
>
> (Emphasis supplied)

Thus, the considerations that must weigh with the court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that might have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner etc.

We have come across a catena of orders from the Allahabad High Court proceeding on an incorrect assumption of the law, more particularly that the Witness Protection Scheme is a substitute for cancellation of bail. According to the High Court it is an alternative remedy. We are at pains to note that we came across at least forty recent orders, that have been passed in the last one year alone, as per the records available from the official website of the Allahabad High Court

The Registry is directed to circulate one copy each of this order to all the High Courts.

2025 0 INSC 1081; 2025 0 Supreme(SC) 1656; Rajan Vs. The State of Haryana; Criminal Appeal No. 3904 of 2025 (@SLP(Crl.) No. 13881 of 2025 (Diary No. 43582 of 2018; Decided On : 02-09-2025

Over a period of time, it has been the practice of few High Courts to pronounce the operative part of the order without the reasoned judgment and after a substantial length of time the reasoned judgment is uploaded. This practice has been deprecated by this Court in many of its judgments and orders. This practice of the High Courts deprives the aggrieved party of the opportunity to seek further judicial redressal more particularly in criminal matters wherein the appeal is dismissed affirming the judgment and order of conviction passed by the trial court. (See: State of Punjab and Ors. v. Jagdev Singh Talwandi : (1984) 1 SCC 596, Zahira Habibulla H. Sheikh and Anr. v. State of Gujarat and Ors. (2004) 4 SCC 158, Mangat Ram v. State of Haryana : (2008) 7 SCC 96, Ajay Singh and Anr. v. State of Chhattisgarh and Anr. : (2017) 3 SCC 330, Balaji Baliram Mupade and Anr. v. State of Maharashtra and Ors. : (2021) 12 SCC 603, Ratilal Jhaverbhai Parmar and Ors. v. State of Gujarat and Ors. : 2024 INSC 801, K. Madan Mohan Rao v. Bheemrao Baswanthrao Patil and Ors. : 2022 INSC 1025)

Almost two decades back, this Court in Anil Rai v. State of Bihar reported in (2001) 7 SCC 318 had taken serious cognizance of the aforesaid. This Court issued guidelines as contained in paras 9 and 10 respectively of the judgment

Registry is directed to forward one copy each of this judgment to all the High Courts.

2025 0 INSC 1084; 2025 0 Supreme(SC) 1652; Union Of India & Ors. Vs. Sajib Roy; Civil Appeal Nos. 11718-11719 of 2025 (@ SLP (C) Nos. 21392-21393 of 2019) With Civil Appeal Nos. 11720-11721 of 2025 (@ SLP (C) Nos. 21394-21395 of 2019) Civil Appeal Nos. 11722-11723 of 2025 (@ SLP (C) Nos. 21926-21927 of 2019) And Civil Appeal Nos. 11724-11725 of 2025 (@ SLP (C) Nos. 22432-22433 of 2019); 09-09-2025
Accordingly, we hold as the respondents-writ petitioners had availed concession of age for participating in the recruitment process, in the teeth of office memorandum dated 01.07.1998, the High Court was wrong in applying the ratio in Jitendra Kumar (supra) and permitting them to be considered for appointment in the unreserved category.

2025 0 INSC 1098; Vandana vs State of Maharashtra; CRLA No. 3977 of 2025 (@ Special Leave Petition (Criminal) No. 9317 of 2025); 11-09-2025
The settled principles are well known:
(i) That the benefit of doubt follows when two views are reasonably possible;
(ii) That the Suspicion however grave cannot substitute standard of legal proof; and
(iii) That the exclusive control of the alleged forged document must be proved when there is lack of direct evidence to connect the alleged forgery to the accused especially in a case where the alleged document has passed through the hands of several persons before forgery is detected. If the same is not proved, at best, the evidence on record may arouse suspicion but they do not establish beyond reasonable doubt that the accused had forged, or knowingly used, or attempted to cheat by use of such forged documents.

2025 0 INSC 1100; Mohammad Afzal Mohammad Sharif Vs. The State of Maharashtra and others; Criminal Appeal No. 3976 of 2025 (@ Special Leave Petition (Criminal) No. 8494 of 2025); Decided On : 11-09-2025
Needless to state, when members of the police force don their uniforms, they are required to shed their personal predilections and biases, be they religious, racial, casteist or otherwise. They must be true to the call of duty attached to their office and their uniform with absolute and total integrity.

2025 0 INSC 1106; Vaneeta Patnaik Vs. Nirmal Kanti Chakrabarti & Ors.; Civil Appeal No. 11786 of 2025 (Arising out of Special Leave Petition (C) No. 17936 of 2025); Decided On : 12-09-2025

Section 3 of the POSH Act, while providing that no woman shall be subjected to sexual harassment at any workplace, describes certain circumstances that would amount as an act or behaviour of sexual harassment

On a combined reading of both the above provisions, it is manifest that not only the unwelcome act or behaviour in the form of physical contact or advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography or any unwelcome physical, verbal or non-verbal conduct of sexual nature but also any other circumstances connected with the act or behaviour of sexual harassment, like implied or explicit promise of preferential treatment in employment, threat about the present and future employment status, interference with work or creating an intimidating, offensive or hostile work environment or subjecting to humiliating treatment which may likely affect her health or safety, would also amount to acts or behaviour of sexual harassment.

In other words, a complaint of sexual harassment is mandatorily required to be filed within a period of three months from the date of the last incident of such harassment or within a further extended period of three months, i.e., within a maximum period of six months from the date of the last incident of sexual harassment.

2025 0 INSC 1106; Maniklal Sahu Vs. State of Chhattisgarh; Criminal Appeal No. 5578 of 2024; Decided On : 12-09-2025

We may highlight few broad principles that the courts must keep in mind:

(a) If it is proved that the injury was fatal and the intention was to cause death, though the death occurred after several days of septicaemia or other complications having supervened, yet it is undoubtedly a murder as it falls within the first limb of Section 300 of the IPC.

(b) If it is proved that the injuries by themselves were sufficient to cause death in the ordinary course of nature, and if it is established that those injuries were the intended injuries, though the death might have occurred after septicaemia or other complications had supervened, yet the act of the accused would squarely fall under the third limb of Section 300 of the IPC and the accused is therefore liable to be punished under Section 302 of the IPC.

(c) If it is proved that the injuries were imminently dangerous to life, though the death had occurred after septicaemia or other complications had supervened, yet the act of the accused would squarely fall under the fourth limb of Section 300 of the IPC, provided, the other requirements like knowledge on the part of the accused, etc. are satisfied and so the

accused would be liable to be punished under Section 302 of the IPC. Here also, the primary cause of the death is the injuries and septicaemia.
(d) In judging whether the injuries inflicted were sufficient in the ordinary course of nature to cause death, the possibility that skilful and efficient medical treatment might prevent the fatal result is wholly irrelevant.
(e) If the supervening causes are attributable to the injuries caused, then the person inflicting the injuries is liable for causing death, even if death was not the direct result of the injuries.
(f) Broadly speaking, the courts would have to undertake the exercise to distinguish between two types of cases; first, where the intervening cause of death, like peritonitis, is only a remote and a rather improbable consequence of the injury; then it can be said that the injury is one which may, in particular circumstances, result in death, but which may not in ordinary course of nature be likely to lead to it. Secondly, where the complication which is the intervening cause of death is itself a practically inevitable sequence to the injury. In that event, the probability is very high indeed, amounting to practical certainty i.e. death is a result in due course of natural events. A deep abdominal thrust with a knife followed by injury to the internal organs is practically certain to result in acute peritonitis causing death. It is clearly a case of murder under Section 302 and not merely of culpable homicide.
(g) Even when the medical evidence does not say that any one of the injuries on the body of the deceased was sufficient to cause death in the ordinary course of nature, yet it is open to the Court to look into the nature of the injuries found on the body of the deceased and infer from them that the assailants intended to cause death of the deceased. If none of the injuries alone were sufficient in the ordinary course of nature to cause the death of the deceased, cumulatively, they may be sufficient in the ordinary course of nature to cause his death.
(h) What the courts must see is whether the injuries were sufficient in the ordinary course of nature to cause death, or to cause such bodily injuries as the accused knew to be likely to cause death although death was ultimately due to supervention of some other cause. An intervening cause or complication is by itself not of such significance. What is significant is whether death was only a remote possibility, or is one which would have occurred in due course.
(i) To sum it up, where death is delayed due to later complications or developments, the courts should consider the nature of the injury, complications or the attending circumstances. If the complications or developments are the natural, or probable, or necessary consequence of

the injury, and if it is reasonably contemplated as its result, the injury could be said to have caused death. If on the other hand, the chain of consequences is broken, or if there is unexpected complication causing new mischief, the relation of cause and effect is not established, or the causal connection is too remote then the injury cannot be said to have caused death. If the original injury itself is of a fatal nature, it makes no difference that death is actually caused by a complication naturally flowing from the injury and not the injury itself, since causal connection is proximate.

https://indiankanoon.org/doc/28737031/; H. Lokesh vs The State Of Telangana on 2 September, 2025; CRLPs_7669,7691&7668_2025

A careful reading of Rule 8 of the Andhra Pradesh Medical Council Rules, 2013 reveals that it contemplates five distinct situations, each with a corresponding legal mechanism for enforcement.

First, where unqualified persons or quacks, having no recognized medical qualification, are found to be practicing modern medicine. In such cases, the Medical Council is required to lodge a complaint with the local police under Section 22 of the Andhra Pradesh Medical Practitioners Act, 1968, together with the Rules framed there under. If the police fail to act, the matter must be escalated to the Superintendent of Police or the Sub-Divisional Police Officer for enforcement.

Second, where de-registered practitioners of modern medicine continue to practice without surrendering their registration certificates. Such conduct constitutes professional misconduct and attracts disciplinary action under Rule 8(2)(c) of the APMC Rules read with the Code of Medical Ethics, 2002, by the Medical Council. Where the continued practice amounts to illegal medical practice, police intervention and penal action may also be warranted.

Third, where registered practitioners of modern medicine engage in unethical practices in violation of the prescribed professional code of conduct. In this scenario, the Medical Council, upon conducting inquiry and inspection, is empowered to initiate disciplinary proceedings, including suspension or removal from the register, under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. Depending on the nature of the violation, the matter may also be referred to the concerned institution for explanation or, if the misconduct amounts to a criminal offence, escalated to the police. Fourth, where non-allopathic practitioners, such as those qualified in Ayurveda, Homeopathy, Unani, Naturopathy, or Siddha are found to be practicing modern medicine in contravention of law. In such cases,

upon receipt of information from the Medical Council, the Commissioner, AYUSH, is mandated to initiate appropriate administrative and regulatory action under Government Memo No. 8914/L2/97-1, dated 17-03-1997. The Commissioner is bound to act within thirty days, and failure to do so is open to administrative challenge.

Fifth, where chemists dispense modern drugs on the basis of prescriptions issued by non-allopathic practitioners. In such cases, based on the report of the Medical Council, proceedings are to be initiated by the Drugs Inspector or Drugs Control Authority under the Drugs and Cosmetics Act, 1940, which may include both regulatory and criminal measures depending on the violation. If no action is taken within thirty days, the matter is to be escalated to the Director General, Drugs Control Administration.

this Court concluded thus, in Poonam Verma vs. Ashwin Patel, (1996) 4 SCC 332:

"A person who does not have knowledge of a particular system of medicine but practices in that system is a quack and a mere pretender to medical knowledge or skill, or to put it differently, a charlatan."

A harmonious reading of Section 15 of 1956 Act and Section 17 of 1970 Act leads to the conclusion that there is no scope for a person enrolled on the State Register of Indian medicine or Central Register of Indian Medicine to practise modern scientific medicine in any of its branches unless that person is also enrolled on a State Medical Register within the meaning of 1956 Act."

In the light of the above legal frame work and settled position of law it is clear that the registered practitioners of Indian Medicine are not entitled to prescribe allopathic medicine and such practice is impermissible. Nonetheless, Rule 8 of the APMC Rules prescribes that in the cases involving unqualified persons or quacks i.e., individuals without any recognized qualification in medicine and not registered, the Medical Council is bound to file a criminal complaint with the police.

Howsoever, Section 54 of the NMC Act requires mention here. This provision prescribes that, no Court may take cognizance of offences punishable under the Act **except upon a written complaint made by an authorized officer of the National Medical Commission**, the Ethics and Medical Registration Board, or the relevant State Medical Council. As noted earlier the prosecution proceedings were initiated upon the police report of the Respondent No.2/TMC. For this foundational defect, this accusation cannot be maintained.

Further, Cheating by personation is an act to pretends to be another person, or knowingly substitutes one person for another, or misrepresents his own or another's identity.

The primary right to lodge a police report lies with the victim/complainant who has been deceived (or whose property/security has been affected). However, since cheating and cheating by personation are cognizable offences, any person with knowledge of the offence may set the criminal law in motion by filing an FIR, upon which the police are bound to investigate. However the police report must indicate the particulars and the prima facie case. In this view, initiation of proceedings by the Respondent No.2/TMC is ex facie acceptable, in the present police report, the particulars of the persons who are deceived and the manner of impersonation are conspicuously absent. In the circumstances, the allegation against the petitioners per se that they have prescribed modern scientific medicine by holding registration under Indian system of medicine alone, without some particular, would fall short in making out a prima facie case of cheating and impersonation.

https://indiankanoon.org/doc/65598352/;V. Raghavulu vs The Government Of Telangana on 2.9.2025; Writ Appeal no.611/2025 (DB)

Furthermore, the request of the appellant for examination of the passenger and production of CCTV footage was not acceded by the enquiry officer. The non-examination of material witness and the non-production of crucial witness vitiated the enquiry. The departmental proceedings relied solely on the oral testimony of the officials of the department in the absence of any documentary, electronic or forensic evidence. There was no cash recovered from the appellant nor the stamp stated to be tampered was forensically examined. The appellant was acquitted by the criminal Court on the same set of facts which constituted the charge in the departmental proceedings observing that no cogent evidence was adduced by the department. The department failed to consider the acquittal of the appellant and to act upon the representation of the appellant to drop the punishment awarded in the departmental proceedings.

In the above situation, when the charges in the departmental enquiry and the charges framed against appellant/petitioner in the criminal trial are similar, this Court is of the considered opinion that the imposition of penalty of R.T.S.P for two stages for a period of two years with effect on future increment and pension, dated 23.08.2016 (final order) as confirmed in the appellate order dated 25.05.2018 was totally uncalled for, particularly in view of the fact that the criminal trial has negated the charges levelled against the appellant/petitioner.

https://indiankanoon.org/doc/183632674/;B.Rajendra Prasad And Anothers vs State Of AP; CrlRC No.1371 of 2011 Date:02.09.2025

In Arnesh Kumar, the Hon'ble Supreme Court laid down clear and binding guidelines aimed at preventing the mechanical and routine issuance of arrest warrants, especially in cases where the offence alleged is punishable with imprisonment of up to seven years. The Apex Court emphasized that arrest should not be made merely because the law permits it and that issuing non-bailable warrants, particularly in such cases, must be backed by cogent and compelling reasons recorded by the Magistrate.

In the present matter, however, no such reasons have been recorded by the Trial Court while opting to issue NBWs directly, bypassing the more reasonable and less coercive procedural step of issuing summons. The record is conspicuously silent on any justification or urgency that would necessitate the issuance of warrants at this nascent stage of proceedings. The absence of any stated rationale makes it difficult for this Court to discern the Trial Court's order in preferring coercive measures over the ordinary process of law.

Furthermore, it is also not the case of the prosecution, nor does it emerge from the facts on record, that there exists a credible or imminent risk of the accused absconding or evading the process of law if they were initially summoned instead of being subjected to arrest through NBWs. There is no material suggesting that the petitioners have either a history of non-cooperation with investigative authorities or any prior conduct indicating a likelihood to flee from justice.

https://indiankanoon.org/doc/57964370/;Yellanki Muthyalu vs The State Of Telangana on 2 September, 2025; CRLP 2491/2025

the arrest of the accused is a not a precondition for obtaining specimen signatures of a person U/s. 311A CrPC.

https://indiankanoon.org/doc/188607332/;Stephen Live Sedge vs The State Of Telangana on 2.9.2025; CRLP No. 12084 and 11387 of 2018

in Cr.No.539 of 2018 of P.S. RGI Airport registered for the offences punishable under Sections 25(1(B)(a) of the Indian Arms Act against the petitioner/sole accused for his possession of 25mm ammunition in his bag who was travelling to Mumbai from Hyderabad by Spice Indigo Airlines Flight 6E- 608 on 04.10.2018 in the course of screening at 8.15hours the bags at Level 4 of the RGJ Airport. It is the root cause in registration of the crime sought for under Section 6(2)(f) of the Indian Passport Act, 1967 (for short, 'the Act') permission to go abroad i.e. USA in the period from 10.11.2018 to

15.11.2018 to perform his daughter's marriage and return back his **passport No.488114795 issued by United States of America.**

The passport is undisputedly in the custody of the Court. The question of return of passport arises when once involved in the crime in India by virtue of Section 6(2)(f) of the Act, 1967 read with Sections 6 and 22 of the Act from the circular in GSR No.570(E) issued by the Ministry of External Affairs, Union of India, dt.25.08.1993 obtaining permission of the concerned Court wherein crime pending within the jurisdiction is mandatory which is pre-requisite even for taking return of the passport thereby.

Both the above petitions are dismissed, after hearing, with the observations that so far as return of passport to the petitioner concerned, Court has already passed order holding that the petitioner is not Indian citizen and if his passport is returned, there will be absolute probability of him fleeing away out of the country due to which any possibility to secure his ensuing appearance will not be possible and the same hampers investigation and subsequent trial.

Undoubtedly, the petitioner in support of seeking return of the passport filed material showing his daughter's marriage already fixed to be performed on 24.11.2018 and venue also was booked for the wedding reception etc., and also the proceedings received from the US Department of Justice dt.17.10.2018 that based on the National Criminal Information Centre (NCIC) stating there is no any criminal history associated with the petitioner who was born on 30.04.1951.

permitting the petitioner to obtain transit permission to leave India to attend the function during the period between the 16.11.2018 till 16.12.2018 (both days inclusive) subject to execution of self-bond for Rs.5.00 lakhs in the form of FDR for the equal sum or by deposit of cash with an undertaking of his return with passport and re-submit the passport by 17.12.2018.

https://indiankanoon.org/doc/166760678/; M/S. Hooghly Ship Breakers Ltd vs State Of Telangana And 2 Others on 3 September, 2025; Crl.P Nos.7351, 7364, 7423, 7424, 7485, 7486, 7490, 7492, 7510, 7511, 7512, 7516, 7518, 7520, 7552, 7549, 7493 & 7559 of 2018

Applying the principles laid down in the judgments referred above to the present facts of the case, the alleged non compliance under Section 102 (3) Cr.P.C is not a ground to set aside the order of freezing accounts. Therefore, I find no ground to set aside the orders passed under Section 102 Cr.P.C by exercising power under Section 482 Cr.P.C.

https://indiankanoon.org/doc/188256323/;B.Sadanandam vs The State Of Telangana on 3 September, 2025; WP No. 44905/2015

The plea of Petitioner that acquittal in criminal Courts should automatically translate into immunity from departmental action is wholly untenable. It is well-settled that acquittal does not prevent disciplinary authorities from assessing the fitness of a person to continue in service, particularly in a disciplined force. This Court also takes note of the fact that the Tribunal in O.A. No.6448 of 2009, while setting aside the earlier dismissal, expressly reserved liberty to the authorities to initiate fresh proceedings. Acting upon such liberty, a departmental enquiry was undertaken, charges were held proved, and penalty of dismissal was imposed. The order of disciplinary authority as well as those of appellate and revisional authorities demonstrate due consideration and a consistent view that Petitioner's continuance in service would be wholly incompatible with the standards of integrity and discipline demanded of members of the police force.

This Court cannot ignore the larger canvas. The question is not merely of one individual's employment but of the credibility of the entire police Force. Reinstating into service a person repeatedly found in proximity to criminal acts, even if acquitted in criminal courts, would send a dangerous message, that a uniform can shield misconduct and that public trust is expendable. The Constitution does not permit such an erosion of values.

A police officer must be above suspicion, a source of reassurance to the vulnerable. Petitioner, by his conduct, has irreparably breached that standard. To direct reinstatement in such circumstances would be a betrayal of the very citizens the police are sworn to protect.

https://indiankanoon.org/doc/44708388/;Narada Raju Gottemukkala vs The State Of Telangana on 3 September, 2025; CRLRC No .274/2025

While dealing with an application under Section 239 of the Cr.P.C., the trial Court is not required to conduct a detailed enquiry into the allegations or the evidentiary aspects. The Court must only consider whether there exists a prima facie case to proceed, otherwise the Court can discharge the accused. In the present case, there are prima facie grounds alleged by the de facto complainant against the petitioners herein.

The learned counsel for petitioner has relied upon a decision of the Apex Court in Delhi Race Club (1940) Limited v. State of Uttar Pradesh 1. His contention is that both the offences under Sections 406 and 420 of IPC cannot go together. In the said case, it was held that in the case of cheating dishonest intention starts with the very inception of the transaction and that the distinction between mere breach of contract and the offence of criminal

breach of trust and cheating is a fine one. In case of cheating, the intention of the accused at the time of inducement should be looked into and that in case of criminal breach of trust, the offender is lawfully entrusted with the property and he dishonestly misappropriated the same. (2024) 10 SCC 690 Whether the allegations attract the offences under Section 406 or 420 IPC is a matter that falls for consideration after a full-fledged trial. Since there is prima facie material pointing out the allegations against the petitioners herein, the trial Court has rightly dismissed the petition under Section 239 of Cr.P.C. and it does not call for any interference. Therefore the same is upheld and it is held that the petition lacks merits. Hence, the same is liable to be dismissed.

https://indiankanoon.org/doc/92504476/; S.Akbar vs State Of Ap., on 3 September, 2025; CRIMINAL APPEAL No.712 of 2018 (DB)

the cause of death of the deceased was mainly due to septicemia i.e. infection of the wounds. If only proper treatment was given, deceased might have survived. As the burns are not direct cause for the death of the deceased and as the accused himself put off the flames by pouring kerosene and as the deceased survived for ten (10) days, the offence committed by the appellant would fall squarely under Section 304 Part II IPC.

https://indiankanoon.org/doc/99394754/; APHC010452862025; Dalli Ravindra Reddy vs The State Of Andhra Pradesh on 4.9.2025; CRLP NO: 8991 OF 2025

I.A.Nos.3 and 4 of 2025 are filed by Respondent No.2 under Sections 320(6) and 320(2) Cr.P.C read with Sections 359 (6) and 359(2) of BNSS respectively seeking permission to compound the offences and to record the compromise between her and the Petitioner/ Accused.

in terms of the mediation held between the parties, since there is an amicable settlement between them, I.A.Nos.3 and 4 of 2025 are allowed.

Consequently, the Criminal Petition is allowed and the case against the Petitioner / Accused in S.C.No.39 of 2025 on the file of the Court of V Additional District and Sessions Judge-cum-Special Judge for trial of offences against Women, Eluru for the offence under Section 306 IPC, is hereby quashed.

{sec 306 IPC allowed to be compounded basing on amicable settlement and the sessions case has been quashed}

https://indiankanoon.org/doc/46243753/; APHC010541632022; The State Of Andhra Pradesh vs Thallapalli Maheswara Reddy on 8.9.2025; CRLRC NO: 926/2022

The learned Trial Judge rightly concluded that the investigation under 'the SC/ST (POA) Act', was not conducted in accordance with Rule 7 of 'the Rules'. The statutory mandate requires that such investigation be carried out by an officer not below the rank of Deputy Superintendent of Police. In the present case, the investigation was primarily conducted by the Sub-Inspector and Circle Inspector of Police. Although the Assistant Superintendent of Police was appointed at a later stage, it is evident from the record that he neither examined any fresh witnesses nor re-examined the witnesses already examined by the earlier Investigating Officers and merely verified the prior investigation. This course adopted by the Assistant Superintendent of Police is not in accordance with Rule 7 of 'the Rules'. The learned Trial Judge correctly held that such verification does not satisfy the requirements of Rule 7 of 'the Rules' and renders the investigation under 'the SC/ST (POA) Act' legally defective.

The alleged offence was not committed just because the deceased belonged to ST (Sugali community). There is no record forthcoming that on the sole ground that Sabhavath Shankar Naik is a member of Scheduled Tribe the Respondents murdered him. In the absence of such allegation, material ingredients of Sections 3(2)(v) and 3(2)(vi) of 'the SC/ST (PoA) Act' would not be applicable or made out or attract. There is no iota of reference emerging from the record that the alleged murder was committed against the deceased on the basis that he belonged to a Scheduled Tribe.

In light of the above findings, this Court affirms the discharge of the accused under Sections 3(2)(v) and 3(2)(vi) of 'the SC/ST (PoA) Act'. The learned Trial Judge's order is based on sound legal reasoning and supported by the record. Accordingly, the Criminal Revision Case is devoid of merit and is dismissed.

However, the learned Trial Judge may proceed with the trial for the offences under Sections 302 read with 34 of 'the I.P.C.,' and other Sections of 'the I.P.C.,' if attracted.

https://indiankanoon.org/doc/114227840/; Parimi Linga Raju, vs The State Of AP; CRLRC NO: 1763 of 2009 Date: 08.09.2025;

The evidence of mere identification of the accused person at the trial for the first time is, by its very nature, inherently weak. The purpose of a prior test identification, therefore, is to test and strengthen the trustworthiness of that evidence. It is accordingly considered a safe rule of prudence to generally

look for corroboration of the sworn testimony of witnesses in Court as to the identity of the accused who are strangers to them, in the form of earlier identification proceedings.

https://indiankanoon.org/doc/82492121/;Rupanagudi Rama Subba Reddy vs The State Of AP; CRLP NO:8206 OF 2024; 08.09.2025

Considering the submissions made by both the learned counsel and on a perusal of the material placed on record, it is evident that a civil suit filed by respondent No.2 is pending on the file of the competent Civil Court seeking permanent injunction and declaration of title over the schedule property. In the said suit, the petitioners have also filed a counter-claim seeking permanent injunction. As such being the case relates to right, title and possession of the property are already pending consideration before the competent Civil Court and no finding has been rendered so far, nor has any injunction order been granted in favour of either party. In such circumstances, the allegations of criminal trespass and damage to the property are not prima facie made out and continuation of criminal proceedings in the present case would, therefore, amount to abuse of process of law. However, it is made clear that the parties are at liberty to work out their remedies before the competent Civil Court where the matter is pending.

https://indiankanoon.org/doc/107457559/;Polasa Ravi Kumar, vs The State Of Telangana on 9 September, 2025; CRLP No.10320 of 2023

Examining the present case in light of these settled principles, it becomes clear that both the complaint and the civil suit arise from the very same set of allegations namely, payment of money said to be due by the petitioner to respondent No.2. The petitioner had deposited the original sale deed as security and also made some payments from 09.04.2019 to 24.02.2022. The dispute, therefore, is essentially civil in nature and already respondent No.2 filed a civil suit in O.S. No.598 of 2022 and the same is pending.

Hence, this Court is of the considered view that continuation of the proceedings i.e. C.C.No.6035 of 2022, on the file of the I Additional Metropolitan Magistrate, Cyberabad at Malkajgiri, against the petitioner, would amount to abuse of the process of law.

2025 0 INSC 1117; 2025 0 Supreme(SC) 1687; Kailas S/o Bajirao Pawar Vs. The State of Maharashtra; Criminal Appeal No. 4041 of 2025 (Arising out of SLP (Criminal) No. 4646 of 2025); Decided on : 15-09-2025

In the light of the discussion above, in our view, mere non-production of the seized contraband during trial may not be fatal if there is reliable evidence in respect of its seizure, drawing of samples therefrom, and FSL report relating to the sample drawn from the seized material. However, to ensure that no adverse inference is drawn against the prosecution for non-production of the seized contraband, documents prepared in terms of the provisions of Section 52-A, inter alia, evidencing preparation of inventory of seized contraband and drawing of samples therefrom, would have to be brought on record. Likewise, evidence should be there that the sample drawn from the inventory was sent to FSL in a sealed container/ envelop, as per guidelines, and that the seal was found intact at the end of FSL. This is to obviate any doubt regarding sample being tampered in transit. Similarly, FSL's report along with the sample tested by it is to be placed on record so that there remains no doubt regarding the sample tested.

https://indiankanoon.org/doc/25907023/; Nalla Balu Durgam Shashidhar Goud vs The State Of Telangana on 10 September, 2025; CRLPs_4905, 4903 & 8416_2025

Before parting with this judgment, this Court considers it necessary to make certain observations. Having regard to the factual and legal position discussed herein, and with a view to safeguarding fundamental rights as well as preventing the criminal process from being invoked mechanically or arbitrarily, it is appropriate to prescribe a set of operational guidelines for police authorities and Judicial Magistrates when dealing with proceedings initiated on the basis of **social media posts**. These directions are particularly relevant in cases where the registration of First Information Reports (FIRs) is sought in connection with such posts. Accordingly, the police authorities are directed to adhere to the following guidelines:

i. Verification of locus standi: Before registering any FIR for alleged defamation or similar offences, the police must verify whether the complainant qualifies as the "person aggrieved" in terms of law. Complaints by unrelated third parties lacking standing are not maintainable, except where the report concerns a cognizable offence.

ii. Preliminary inquiry in cognizable offences: Where a representation/complaint discloses a cognizable offence, the police shall, prior to registration of crime, conduct a preliminary inquiry to ascertain

whether the statutory ingredients of the alleged offence are, prima facie, made out.
iii. High threshold for media post/speech-related offences: No case alleging promotion of enmity, intentional insult, public mischief, threat to public order, or sedition shall be registered unless there exists prima facie material disclosing incitement to violence, hatred, or public disorder. This threshold must be applied in line with the principles laid down in Kedar Nath Singh v. State of Bihar, 1962 Supp (2) SCR 769, and Shreya Singhal v. Union of India, (2015) 5 SCC 1.
iv. Protection of political speech/post: The police shall not mechanically register cases concerning harsh, offensive, or critical political speech. Only when the speech amounts to incitement to violence or poses an imminent threat to public order may criminal law be invoked. Constitutional protections for free political criticism under Article 19(1)(a) of the Constitution must be scrupulously enforced.
v. Defamation as a non-cognizable offence: Since defamation is classified as a non-cognizable offence, the police cannot directly register an FIR or crime in such matters. The complainant must be directed to approach the jurisdictional Magistrate. Police action may follow only upon a specific order of the Magistrate under Section 174(2) of the BNSS.
vi. Compliance with arrest guidelines: In all cases, the police shall strictly comply with the principles laid down in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273. Automatic or mechanical arrests are impermissible, and the principle of proportionality in the exercise of criminal process must be observed. vii. Prior legal scrutiny in sensitive cases: In matters involving political speech/post or other sensitive forms of expression, the police shall obtain prior legal opinion from the Public Prosecutor before registering an FIR, to ensure that the proposed action is legally sustainable.
viii. Frivolous or motivated complaints: Where a complaint is found to be frivolous, vexatious, or politically motivated, the police shall close the matter under Section 176(1) of the BNSS, citing absence of sufficient grounds for investigation.

https://indiankanoon.org/doc/23625696/;Smt. Devara Santhi, vs The State Of Ap; CRLRC NO: 1590 of 2009 Date: 10.09.2025
Thus, as per the above Judgment rendered by the Hon'ble Supreme Court, the Magistrate as well as the Court of Appeal and the High Court have to consider the question of applicability of Section 360 Cr.P.C. as Sections 360 and 361 Cr.P.C. on being read together would indicate that in any case where the Court could have dealt with an accused under Section

360 Cr.P.C., but does not want to grant the benefit of the said provision, then it shall record in its Judgment the specific reasons for not having done so.

https://indiankanoon.org/doc/178179247/; APHC010447502025; R Senthil vs The State Of Andhra Pradesh on 11.09.2025; CRLP 9160/2025
for the offences punishable under Sections 111 (2) (b), 303 (2), 317 (4), 318 (4), 316 (2), 61 (2) read with Section 3 (5) of Bharatiya Nyaya Sanhita, 2023 (for brevity 'the BNS'), Section 3 of Prevention of Damage to Public Property Act, 1984 (for brevity 'the PDPP Act') and Section 4 and 21(4) of The Mines and Minerals (Development and Regulation)Act, 1957 (for brevity, 'the MMDR Act').
The prosecution has made out a prima facie case indicating a criminal conspiracy involving illegal transportation of sand across state borders, in contravention of the regulatory framework. The statement of L.W.7 recorded under Section 161 of 'the Cr.P.C.,' specifically implicates the Petitioners. Accused No.9 is stated to be the owner of the tipper lorries used in the offence, while Accused No.12 is the proprietor of the stone crusher under which the sand was concealed. Considering the organized nature of the offence, its environmental and economic impact, and the likelihood of tampering with evidence or influencing witnesses, this Court finds no merit in this case. Hence, the Criminal Petition is liable to be dismissed.

2025 0 INSC 1117; 2025 0 Supreme(SC) 1687; Kailas S/o Bajirao Pawar Vs. The State of Maharashtra; Criminal Appeal No. 4041 of 2025 (Arising out of SLP (Criminal) No. 4646 of 2025); Decided on : 15-09-2025
As far as admissibility of video recording i.e., Compact Disc (CD) is concerned, the author of the video i.e., SW No.2 not only deposed that he recorded the video, but he also gave a certificate, as contemplated under sub- section (4) of Section 65B of the Evidence Act, to make the CD admissible in evidence. Interestingly, the High Court did not dispute that the electronic record was duly exhibited as there existed a certificate envisaged under sub-section (4) of Section 65B. However, strangely, the High Court opined that the video would become relevant only if it is played during deposition of each witness so that the witness could explain its contents in his own words resulting in a transcript of the video. In our view, this is a strange and unacceptable reasoning for the simple reason that the CD is an electronic record and once the requirement of Section 65B is fulfilled it becomes an admissible piece of evidence, like a document, and the video recorded therein is akin to contents of a document which can be seen and heard to enable the Court to draw appropriate inference(s). No doubt, there

may be an occasion where to appreciate contents of a video an explanatory statement may be needed, but that would depend on the facts of a case. However, it is not the requirement of law that the contents of the video would become admissible only if it is reduced to a transcript in the words of a witness who created the video or is noticed in the video. Besides that, in the instant case, the search and seizure operation was sought to be proved by oral evidence of witnesses. The video, therefore, was perhaps to corroborate the oral testimony. Even the judgment of the trial court makes it clear that the video was played in court in the presence of all accused as well as both sides counsels and the presiding officer, upon seeing the video, could spot and confirm the presence of witnesses as well as the accused at the time of search and seizure. In such circumstances, in our view, a re-trial is not required only to explain the video.

2025 0 INSC 1129; 2025 0 Supreme(SC) 1710; Rajput Vijaysinh Natwarsinh Vs. State of Gujarat & Ors.; Criminal Appeal No. 4129 of 2025 (Arising out of SLP(Criminal) No. 3179 of 2025); 18-09-2025

As we have already noted supra, the dispute pertains to money paid to the complainant and other like firms, in the course of business. It is undisputed that respondent no. 2 has produced before the High Court certain documents to show that the proprietary firm through the appellant-accused, owed him/his concern a sum of Rs.50,00,000/-. However, it is entirely possible that the said sum of money was part of some other transaction. Simply because the amount owed to him matches the amount recovered does not establish that he is the only claimant to the said amount. As such, we hold that the Additional District and Sessions Judge, Mehsana correctly took the view that the direct ownership of the said Respondent cannot be conclusively established.

2025 0 INSC 1135; 2025 0 Supreme(SC) 1715; Nagamma @ Nagarathna & Ors. Vs. The State of Karnataka; CRLA No. 425 of 2014: 22-09-2025

Disclosure statements taken from one or more persons in police custody do not go out of the purview of Section 27 altogether, as held in State (NCT of Delhi) v. Navjot Sandhu @ Afsan Guru, (2005) 11 SCC 600 and reiterated in Kishore Bhadke v. State of Maharashtra, (2017) 3 SCC 760. While asserting that a joint or simultaneous disclosure would per se be not inadmissible under Section 27, it was observed that it is very difficult to place reliance on such an utterance in chorus; which was also held to be, in fact, a myth. Recognising that there would be practical difficulty in placing reliance on such evidence, it was declared that it is for the Courts to decide, on a

proper evaluation of evidence, whether and to what extent such a simultaneous disclosure could be relied upon. In Kishor Bhadke, (supra), while affirming the above principles in Navjot Sandhu6, the facts revealed were noticed, wherein the information given by one, after the other, was without any break, almost simultaneously and such information was followed up by pointing out the material thing by both the accused, in which circumstance it was held that there is no reason to eschew such evidence.
Manoj Kumar Soni v. State of M.P., 2023 SCC OnLine SC 984 was a case in which all the accused persons made disclosure statements to the IO whereupon recovery of various articles were effected. It was held that even when disclosure statements hold significance as a contributing factor in a case, it is not so strong a piece of evidence sufficient on its own and without anything more to bring home the charges beyond reasonable doubt (sic, para 22).
The fact that confessions were made by both the accused and the recovery was made from one of the accused, A4, leading the police to the spot would restrain us from treating the recovery as an inculpating circumstance against A3 or A4, especially when the confession is taken simultaneously from both the accused. We are of the opinion that in the present case there can be no reliance placed on the recovery based on the sketchy evidence adduced.

2025 0 INSC 1143; Surendra Khawse Vs. State of Madhya Pradesh and Another; Criminal Appeal No. 4213 of 2025 [Special Leave Petition (Crl.) No. 3361 of 2025]; Decided On : 22-09-2025

As apparent from the record, the Appellant-accused and the complainant had been colleagues for the past 5 years and it is somewhere during this time that their relationship progressed. We notice once again that the Appellant-accused had initiated legal processes/administrative processes against the complainant much prior to the subject FIR being lodged. These included a show-cause notice issued by the employer regarding her continued acrimonious behaviour against the Appellant-accused, with the ultimatum that should she not respond to the notice with the requisite clarification, she would be relieved of her employment. It is only thereafter that the subject FIR was lodged. Further, the same was lodged four months after the alleged incident of forced sexual intercourse with the complainant. If the description of the offence is taken at face value, right at the first instance, the complainant was not willing and was persuaded to engage in relations on the assurance of eventual marriage between the parties. When she enquired as to when the same would take place, a few days later, allegedly the Appellant-accused refused and asked her to marry someone

else. That would be the first occasion when, having realized that she had been taken advantage of the complainant should have taken the requisite action. Even if that was not done so, the fact that the subject FIR was only lodged after the issuance of show-cause notice, which obviously has large real-world implications insofar as the complainant is concerned, leaves open a gaping possibility that the same was lodged as an afterthought and was a vehicle for vengeance for the impending consequences described above.

2025 0 INSC 1151; Arshad Neyaz Khan Vs. State of Jharkhand & Another; Criminal Appeal No. 4281 of 2025 (Arising out of Special Leave Petition (Criminal) No.3606 of 2024; Decided On : 24-09-2025;

At this juncture, we find it apposite to mention the observations of this Court in Vishal Noble Singh vs. State of Uttar Pradesh, 2024 SCC OnLine SC 1680 wherein it was observed that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. We say so for the reason that while the complainant/respondent No.2 has made grave allegations against the appellant herein, he has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

2025 0 INSC 1152; Shobhit Kumar Mittal Vs. State Of Uttar Pradesh & Another; Criminal Appeal No. 4282 of 2025 (Arising out of Special Leave Petition (Criminal) No.4069 of 2024); Decided On : 24-09-2025

A bare perusal of the FIR shows that the allegations made by complainant/respondent No.2 are vague and omnibus. Other than claiming that the husband and his family along with the accused/appellant herein mentally harassed her with a demand for dowry, the complainant/respondent No.2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place, or manner in which the alleged harassment occurred or the details of the nature of demand or its particulars. Therefore, the FIR lacks concrete and precise allegations. Furthermore, the complainant/respondent No.2 has failed to impress the Court as to how the alleged harassment has any proximate relationship to the said injury and nerve damage that she sustained, so as to punish her in-laws under Section 323 IPC. There is no

remote or proximate act or omission attributed to the accused/appellant that implicates him or assigns him any specific role in the said FIR for the offence of hurt as defined under Section 319 IPC. Furthermore, merely stating that the accused/appellant has mentally harassed the complainant/respondent No.2 with respect to a demand for dowry does not fulfill the ingredients of Section 498A of IPC specially in absence of any cogent material or evidence on record to substantiate the said allegations. The term “cruelty” cannot be established without specific instances. The tendency of invoking the aforesaid provisions, without mentioning any specific detail, weakens the case of the prosecution and casts serious aspersions on the probability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in the FIR which is the basic premise for invoking the criminal machinery of the State. In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to initiate criminal proceedings against them. Therefore, mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person. Courts have to be careful and cautious in dealing with complaints and must take pragmatic realities into consideration while dealing with matrimonial disputes where the allegations have to be scrutinized with great care and circumspection in order to prevent miscarriage of justice and abuse of process of law.

2025 0 INSC 1155; The Central Bureau of Investigation Vs. Mir Usman @ Ara @ Mir Usman Ali; Petition(s) for Special Leave to Appeal (Crl.) No(s). 969 of 2025; Decided On : 22-09-2025

The practice of conducting trials on a day to day basis more particularly in important or sensitive cases as was the tradition about thirty years ago has been given a complete go-by. We sincerely believe that it is high time that the courts revert to that practice. For the purpose of reverting to the old practice, it is necessary to understand the current social, political and administrative scenario including the way the Police are functioning. All the High Courts need to constitute a Committee to discuss this issue very seriously for the benefit of their respective district judiciaries.

One of the significant factors contributing to delays in the justice system is the discretionary practice of non-continuous criminal trials, where evidence is heard by the court in piecemeal fashion, with cases effectively spread out over the course of many months or even years. While limited judicial or court resources and a shortage of available court time due to the volume of cases

are often cited for the use of this discretionary practice, the costs of non-continuous trials to both parties and to the justice system as a whole can far outweigh the perceived benefits.

It is true that the court has the discretion to defer the cross- examination. But we do not approve the practice prevailing in the trial courts across the country that the examination-in-chief of a particular witness is recorded in a particular month and his cross-examination would follow in particular subsequent month. The legal position is that once the examination of witnesses starts the court concerned must continue the trial from day to day until all the witnesses in attendance have been examined (except those whom the public prosecutor has given up). We are at pains to note that it is almost a common practice and regular occurrence that the trial courts flout the said mandate with impunity. Even when witnesses are present, cases are adjourned on far less serious reasons or even on flimsy grounds. The legislature itself has frowned at granting adjournment on flimsy grounds.

Necessity for the High Courts to issue a Circular

37. The Chief Justices of the High Courts may direct their administrative side to issue a circular to the respective district judiciaries stating as under:

[1] The proceedings in every inquiry or trial shall be held expeditiously.

[2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.

[3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.

[4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a "Special Reason" for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.

[5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind:

a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non- cooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.

b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.

c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.

d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.)

[6] The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.

[7] The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.

This order may be made part of the circular as an annexure.

2025 0 INSC 1174; 2025 0 Supreme(SC) 1753; Odela Satyam & Anr. Vs. The State of Telangana & Ors.; Writ Petition (Criminal) No. 397 of 2025 [@Diary No. 26673 of 2025] With Writ Petition (Criminal) No.269 of 2025 Writ Petition (Criminal) No. 313 of 2025 writ Petition (Criminal) No.320 of 2025 Writ Petition (Criminal) No. 321 of 2025 Writ Petition (Criminal) No. 319 of 2025; Decided On : 26-09-2025

This Court in Amish Devgan followed the ratio in T.T. Antony to the effect that the subsequent FIR would be treated as statements under Section 162 of the Cr.P.C. It was held that this would be fair and just to the complainants, at whose behest the FIRs were registered, since they would be in a position to file a protest petition in case a closure report is filed by the Police.

It is made clear that if and when the trial commences, witnesses from the prosecution, if travelling from the police station limits in which the FIR was originally registered to the Court having jurisdiction over the Police Station to which it has been transferred by this order, then necessarily the Court trying the case shall award costs to defray the expenses of travel and residence, if the residence is necessitated for the purpose of examination of the witnesses, which shall be paid by the accused herein through the Court.

https://indiankanoon.org/doc/48080858/; Chandragiri Shiva Kumar vs State Of Telangana on 15 September, 2025; Crl.P_10411_2025

In view of the above discussion, this Court is of the opinion that imposing of certain conditions to run the Hookah Centres would meet the ends of justice.

i) As Charcoal is being used for serving hookah in the Hookah Centres, the petitioners shall obtain licence from the Municipal Corporation as specified under Section 521(1)(b) of Greater Hyderabad Municipal Corporation Act, 1955.

ii) Since the Hyderabad City Police Act, 1348 Fasli confers power over the amusement Centres/restaurants which are defined as "public place" under the COTP Act and as per Rule 4 of the Prohibition of Smoking in Public Places Rules, 2008 permission is required specifying smoking area. Therefore, to establish hookah centres, the petitioners shall obtain necessary permission from the concerned authority under the provisions of the City Police Act.

iii) The Hookah Centres are prohibited from serving any tobacco product to the persons below the age of eighteen years. Pictorial health-warning labels at the entrance must be displayed.

iv) The respondents-police are at liberty to supervise and inspect the Hookah Centres, for any violation of rules and regulations, guidelines or circulars issued under the provisions of the Hyderabad City Police Act, 1348 Fasli.

v) If there is any violation of the provisions of the COTP Act and the Rules made there under, the respondents-police are at liberty to take appropriate action as per the provisions of the COTP Act.

25. Subject to fulfilling the above conditions and also the provisions of COTP Act, the respondents-police are directed not to interfere with the business activity of the petitioners for running Hookah Centres. If the police are found to act in a highhanded manner, the owners of the Hookah Centres are at liberty to bring the same to the notice of the Director General of Police/Commissioner of Police, as directed by this Court in Writ Petition No.3202 of 2014 and batch, in which event the said authority shall forthwith take necessary steps in that regard.

https://indiankanoon.org/doc/154780003/;Surakanti. Mahender Reddy vs The State Of Telangana, on 16 September, 2025;CRIMINAL PETITION No.4032 of 2024

To attract an offence punishable under Section 171-E of IPC, the ingredients of Section 171-B of IPC have to be fulfilled. If a person gives any gratification to any person for exercising any electoral right or for having exercised such

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right or accepts such amount from any person as a reward for exercising any right or inducing or attempts to induce any person in exercise of such rights amounts to bribery. In the present case, the amounts were allegedly found in the possession of the petitioners. The police assume that the said amounts are meant for political leaders to bribe the voters in the ensuing elections of December, 2018. Admittedly, no person was bribed or any money was accepted by those people for such purpose of exercising electoral franchise. For the said reasons, the offence under Section 171-B of IPC is not made out and consequently the question of prosecuting these petitioners for the offence of bribery punishable under Section 171-E of IPC does not arise.

Further as per the provisions of 195 of Cr.P.C., an offence under section 188 of IPC must be a private complaint made by a public servant and mere registering of a case by the sub inspector of police and filing a case is untenable.

https://indiankanoon.org/doc/59746135/; Kamal Tiwari Correct Name Kamal Kishor vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 9641/2025 Dated.16.09.2025

The offences under the COTPA Act, can only be launched if the police find that the sections 5, 6 7 and 10 are not complied with. Except on these very limited grounds genuine/legitimate traders cannot be prosecuted.

https://indiankanoon.org/doc/143998322/;Smt. Akula Subadhara vs State Of Telangana, on 16 September, 2025;CRIMINAL PETITION No.11098 OF 2025

in Kathyayini v. Sidharth P.S. Reddy 2025 LiveLaw (SC) 712, the Apex Court has held that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie exists against the accused persons.

https://indiankanoon.org/doc/65629431/; Erukala Yadaiah Goud Alias Giri vs Union Of India on 17 September, 2025;CRIMINAL PETITION No.7885 of 2025

In the complaint/chargesheet the Investigating Officer at paragraph No.13 mentioned that the entire proceedings concluded peacefully at around 06.00 a.m., on 06.06.2023. It does not mean that he had also arrested the Petitioner at that time. The chargesheet further mentioned that after completion of all the panchanama proceedings, summons under Section 67 of 'the NDPS Act' were issued to the Petitioner and other Accused on 06.06.2023. On receiving summons, the Petitioner and other Accused

tendered their voluntary statements, those were recorded vividly. Basing on those voluntary statements material objects and incriminating documents were seized from the possession of the Petitioner and other Accused.
The Petitioner's voluntary inculpatory statement under Section 67 of 'the NDPS Act', coupled with the seizure of manufacturing equipment and corroborative telephonic evidence, prima facie establish his complicity in the illicit manufacture and possession of a psychotropic substance.
Furthermore, the contention regarding procedural irregularities in arrest and delay in production before the learned Magistrate, while not condoned, cannot be determinative of bail in a case governed by the stringent provisions of 'the NDPS Act'. It is well settled that the length of custody, personal hardships, or completion of investigation do not ipso facto dilute the statutory embargo under Section 37 of 'the NDPS Act'. The period of detention, however prolonged, remains immaterial unless the twin conditions are demonstrably satisfied. In light of the gravity of the offence, the quantum of contraband, and the potential ramifications on public health and safety, this Court finds no compelling reason to enlarge the petitioner on bail. Accordingly, the bail petition stands dismissed.

https://indiankanoon.org/doc/142234610/; APHC010141832018; Balagam Govindaraju vs The State Of A.P.,17.09.2025;CRIMINAL APPEAL NO: 693/2018

The entire case of the prosecution rests on the solitary testimony of P.W.8, an eyewitness to the incident. P.W.8 categorically deposed about the cries of the deceased and his witnessing of the ghastly incident. The evidence of P.W.8 inspires confidence in this Court, and in fact, nothing contrary was elicited during his cross-examination to disbelieve his evidence. In fact, P.W.20, the wife of P.W.8, stated that immediately after hearing the hue and cry, she went out and found the deceased lying nearby a tree at her house with bleeding injuries.
Though there are minor variations in the evidence of P.Ws.8 and 20, the same had not materially shaken the prosecution's case. P.W.20 is a housewife, and P.W.8 is a businessman.
Though the incriminating circumstances pointing out the guilt of the accused had been put to the accused during Section 313 Cr.P.C examination, he has chosen the mode of denial, without offering any proper explanation. The accused also did not adduce any defence evidence.

https://indiankanoon.org/doc/128896687/;Grandhe Developers Pvt. Ltd vs The State Of Telangana on 18.09.2025; CRLP No.1343 OF 2021

It is relevant to mention that in K. Jagadish v. Udaya Kumar G.S. 8, the Hon'ble Apex Court has reaffirmed the well-settled principle that the same set of facts may give rise to both civil and criminal proceedings, and that availing a civil remedy does not bar the initiation of criminal prosecution. The Court relied heavily on precedents like Kamaladevi Agarwal v. State of W.B. and Trisuns Chemical Industry v. Rajesh Agarwal, to reiterate that criminal proceedings cannot be quashed merely because a civil dispute is also pending between the parties. In Kamaladevi Agarwal, it was categorically held that the pendency of civil proceedings does not justify quashing (2020) 14 SCC 552 criminal proceedings, especially where the allegations disclose a prima facie criminal offence. The Court observed that many acts of cheating occur in the context of commercial or financial transactions, and such a "civil profile" does not strip the act of its "criminal outfit." The Court also referred to State of Haryana v. Bhajan Lal and Rajesh Bajaj v. State (NCT of Delhi), which held that quashing of FIRs under Section 482 Cr.P.C. should be limited to rare and exceptional cases. It emphasized that just because a transaction involves a commercial or monetary element that alone is not a ground to rule out criminal intent or proceedings. Ultimately, the Court concluded that the High Court had erred in quashing the criminal proceedings, stressing that criminal cases must proceed as per the Cr.P.C. and cannot be halted solely due to parallel civil litigation, regardless of the status or authority of the civil forum.

https://indiankanoon.org/doc/55707899/;R. Mahender, vs The State Of Ap Rep By Its Spl Pp Hyd. on 18.09.2025; CRLA No.533 OF 2007

In Vinod Kumar (2015) 3 SCC 220, the Hon'ble Supreme Court clarified multiple important aspects of criminal trials. Firstly, following S. Jeevanantham v. State, it was held that the fact that the same officer lodged the FIR and conducted the investigation does not, by itself, vitiate the proceedings unless bias or prejudice is shown. Secondly, the Court reiterated the well-settled principle from Bhagwan Singh v. State of Haryana, and Khujji v. State of M.P., that the testimony of a hostile witness is not to be discarded in toto, but remains admissible and can be relied upon to the extent it is found credible and corroborated. It further stressed that the Public Prosecutor, during re-examination, has wide latitude to clarify or elicit explanations from such witnesses, and both the prosecution and the defence are entitled to rely upon parts of their testimony. Lastly, approving M. Narsinga Rao v. State of A.P., the Court recognised that when witnesses

turn hostile contrary to their earlier statements recorded by the Magistrate under Section 164 CrPC, and appear to have been won over, they may rightly be prosecuted for perjury.
The Court held that such minor inconsistencies or inability of witnesses to recollect precise details regarding the washes did not undermine the prosecution case or warrant acquittal, as the core fact of recovery stood duly proved.
The Court clarified the distinction between "acceptance" under Section 7, which arises where a public servant merely receives an unsolicited offer from a bribe-giver, and "obtainment" under Section 13(1)(d), which requires a prior demand emanating from the public servant. Mere recovery of tainted money, without proof of demand, is insufficient to establish guilt. Presumption of fact regarding demand and acceptance may be drawn only when foundational facts are proved, whereas Section 20 mandates a presumption of law in respect of offences under Section 7, subject to rebuttal, but does not extend to Section 13(1)(d). Importantly, even where the complainant turns hostile, dies, or is otherwise unavailable, the demand can still be proved through other witnesses or circumstantial evidence, and the prosecution case does not necessarily fail.

https://indiankanoon.org/doc/45602566/;Smt.Kamala Laxmi Devi vs The State Of Ap., And 4 Others on 18 September, 2025; Crl.A.No.1361 of 2017 and 1465 of 2018 (DB)
As already pointed out, the mediator, P.W.21, did not support the prosecution. In this regard, the Hon'ble Supreme Court, in the judgment referred to supra (1) has held as follows, "25. With regard to Section 27 of the Act, what is important is discovery of the material object at the disclosure of the accused but such disclosure alone would not automatically lead to the conclusion that the offence was also committed by the accused. In fact, thereafter, burden lies on the prosecution to establish a close link between discovery of the material object and its use in the commission of the offence. What is admissible under Section 27 of the Act is the information leading to discovery and not any opinion formed on it by the prosecution.

https://indiankanoon.org/doc/186499151/;Volupalli Mohan Ranga Rao vs The State Of Andhra Pradesh on 19 September, 2025; Criminal Petition Nos.1461 of 2025, 7844 of 2024, 2147, 2274, 2697, 3344 and 3454 of 2025 (DB)
in the event prima facie case is not made out, the application for pre-arrest bail/anticipatory bail is maintainable under Section 438 Cr.P.C. before the

High Court only and not before the Special Court or Exclusive Special Court constituted under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Further, the High Court retains its Concurrent as well as Original Jurisdiction under Section 438 of the Code of Criminal Procedure, 1973 [present Section 482 of B.N.S.S, 2023] and also under Section 14-A of the Act. Hence, the said Points No.1 & 2 of Reference are answered accordingly. Registry is directed to place this Reference Order along with Criminal Petitions before the Hon'ble the Chief Justice, so as to post the same before an appropriate Bench for adjudication in accordance with law.

https://indiankanoon.org/doc/159595157/;Biradavolu Srikanth Reddy Sreekanth vs The State Of Andhra Pradesh; CRIMINAL APPEAL Nos. 579 AND 588 OF 2025 DATE: 19-09-2025

The allegations made against the appellants are bald to attract the provisions of „the SC & ST Atrocities (POA) Act". Indeed, to attract the provisions of „the SCs & STs Atrocities (POA) Act", scheduled offence ought to have been committed against SC/ST person with the knowledge of the victim"s caste.Its applicability requires proof of caste-based intent, not just the act itself.

Sri A.V.Pardhasaradhi, learned amicus curiae, fairly conceded that there is nothing on record, especially in the statements of the witnesses who belong to S.C. community, to show that the appellants-accused Nos. 11 and 12, on account of the witnesses belonging to S.C. community only, have committed the alleged offences under the provisions of the 'SCs & STs (POA) Act'.

https://indiankanoon.org/doc/68957504/;Sri. Nadimpally Venkata Subba Raju vs Telangana on 19.09.2025; CRLP No.11426 of 2025

The petitioners herein are alleged to have forged certain documents showing false existence of fish tanks, obtained loans and diverted the amounts to their accounts and the alleged misappropriation is to an extent of Rs.192.98 crores. Thus, even if OTS is arrived at, it would not wipe out the criminal liability of the accused persons, as per the principle laid down in CBI v. Hari Singh's (2019) 16 SCC 687 and Parbatbhai Aahir @ Parbatbhai Bhimsenbhai Karmur and others Vs. State of Gujarat and another (2017) 9 SCC 641

https://indiankanoon.org/doc/196784085/; Mr. V.N.Subhash Chandra Bose vs The State Of Telangana on 22 September, 2025; CRIMINAL REVISION CASE No.1281 of 2024

In the present case, except making a vague plea that due to ill-health the petitioner could not give instructions to his counsel, no material whatsoever has been placed to substantiate the same. No medical record has been filed and no new fact or circumstance has been urged by the petitioner which would warrant recalling of the witnesses. On the contrary, the record reflects that on the dates when the witnesses were examined, the petitioner/accused was present and his counsel had either cross-examined or reported "Nil". The docket further shows that even recall of some witnesses had been earlier permitted and availed.

Therefore, the filing of the present petition after nearly a decade, without any plausible explanation for the delay and without placing any fresh material, only indicates that the attempt of the petitioner is to protract the trial and delay the proceedings, more so when the case is at the stage of examination of the Investigating Officer. This Court finds no illegality, perversity or infirmity in the order passed by the trial Court dismissing the recall petition and the Criminal Revision Case is devoid of merit and the same is liable to be dismissed.

https://indiankanoon.org/doc/62387667/;Shatabdi Manna vs The State Of Telangana on 22 September, 2025; CRLP No.11568 OF 2025

Considering the submissions made by the respective counsel and the material placed on record, the seized contraband is 63 grams of MDMA from the possession of petitioner herein which is a huge commercial quantity. Though petitioner is in jail from 19.02.2025 it is not a ground to grant bail in view of rigor of Section 37 of NDPS Act.

https://indiankanoon.org/doc/115724430/;Santhosh Sonawane vs The State Of Telangana, Rep By P.P And ... on 23 September, 2025; CRIMINAL PETITION Nos.10936 and 10937 of 2017

It is relevant to mention that in K. Jagadish v. Udaya Kumar G.S. (2020) 14 SCC 552, the Hon'ble Apex Court has reaffirmed the well-settled principle that the same set of facts may give rise to both civil and criminal proceedings, and that availing a civil remedy does not bar the initiation of criminal prosecution. The Court relied heavily on precedents like Kamaladevi Agarwal v. State of W.B. 2002 SCC(CRI) 200 and (2020) 14 SCC 552 Trisuns Chemical Industry v. Rajesh Agarwal, to reiterate that criminal proceedings cannot be quashed merely because a civil dispute is also

pending between the parties. In Kamaladevi Agarwal, it was categorically held that the pendency of civil proceedings does not justify quashing criminal proceedings, especially where the allegations disclose a prima facie criminal offence. The Court observed that many acts of cheating occur in the context of commercial or financial transactions, and such a "civil profile" does not strip the act of its "criminal outfit." The Court also referred to State of Haryana v. Bhajan Lal and Rajesh Bajaj v. State (NCT of Delhi), which held that quashing of FIRs under Section 482 Cr.P.C. should be limited to rare and exceptional cases. It emphasized that just because a transaction involves a commercial or monetary element that alone is not a ground to rule out criminal intent or proceedings. Ultimately, the Court concluded that the High Court had erred in quashing the criminal proceedings, stressing that criminal cases must proceed as per the Cr.P.C. and cannot be halted solely due to parallel civil litigation, regardless of the status or authority of the civil forum.

https://indiankanoon.org/doc/60384187/; Palika Srinivasa Kumar Another vs The State Of A.P. on 23 September, 2025; I.A. No. 2,3 & 4 in CRIMINAL REVISION CASE NO: 2566 OF 2012

The conviction and sentence under Section 498-A of IPC is set aside against the petitioners/A.1 and A.2, and they are acquitted under Section 320(8) of Cr.P.C., in light of the terms and conditions of the compromise. The petitioners/A.1 and A.2 are found not guilty of the offence punishable under Section 4 of the Dowry Prohibition Act and are acquitted under Section 248(1) of Cr.P.C. The bail bonds of the accused shall stand discharged.

{It appears that the judgment between Vinod Kumar Vs State of A.P in CRLP No.4868 of 2003 dated 25th March,2004, wherein it was held that Section 4 of DP Act is ancillary to main offence of 498A IPC and when 498A IPC is compounded, the ancillary offence follows, has not been brought to the notice of the trial court or the appellate court}

https://indiankanoon.org/doc/145771225/;Mr. Bollineni Krishnaiah vs The State Of Telangana on 24 September, 2025; WRIT PETITION No.2747 OF 2025

Therefore, this Court is of the view that there is no need to arrest the petitioners pursuant to alteration memo dated 29.08.2024. Therefore, this Court is not inclined to declare the action of Investigating Officer in adding Sections 467, 468 and 471 of IPC in addition to the existing Sections in Cr.No.17 of 2024 pending on the file 3rd respondent, as illegal.

https://indiankanoon.org/doc/145272031/;Mohammad Mahabub, vs The State Of Telangana. on 24 September, 2025; CRLP No.11608 of 2025 & batch

Having regard to the rival submissions made and on going through the material placed on record, it is noted that the quantity of Alprazolam mixed in sample of toddy is not referred to in the FSL Report, therefore, it cannot be said whether the quantity of Alprazolam involved in this case is commercial quantity or small quantity. However, it is the specific stand of learned Additional Public Prosecutor that total quantity is about 4 plastic crates of toddy, each containing 12 bottles of 650 ml, out of which in sample itself the Alprazolam was present which clearly shows that there is huge quantity of Alprazolam present in this case.

it is imperative to note that the Hon'ble Supreme Court in the case of Hira Singh Vs. Union of India (2020) 20 SCC 272, has held as follows:

"12.1. The decision of this Court in E. Micheal Raj [E. Micheal Raj v. Narcotics Control Bureau, (2008) 5 SCC 161 : (2008) 2 SCC (Cri) 558] taking the view that in the mixture of narcotic drugs or psychotropic substance with one or more neutral substance(s), the quantity of the neutral substance(s) is not to be taken into consideration while determining the small quantity or commercial quantity of a narcotic drug or psychotropic substance and only the actual content by weight of the offending narcotic drug which is relevant for the purpose of determining whether it would constitute small quantity or commercial quantity, is not a good law.

12.2. In case of seizure of mixture of narcotic drugs or psychotropic substances with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by weight of the offending drug, while determining the "small or commercial quantity" of the narcotic drugs or psychotropic substances."

https://indiankanoon.org/doc/14405438/;Smt. Prasanthi vs R.Laxmanna on 25 September, 2025; CMA.No.1007 of 2010

We are of the firm view that mere filing of a Criminal Case under section 498A of the IPC will not amount to cruelty so as to entitle the respondent to file a petition for divorce.

Consequentially, the decree dated 30.07.2010 granting divorce is also set aside.

https://indiankanoon.org/doc/101279606/; C Ammuda vs The State Of Andhra Pradesh on 26 September, 2025; W.P.No.19256 of 2025

The learned Government Pleader, fairly concedes that the the 2nd respondent has implicitly admitted, in his counter affidavit, that the representation of the petitioner, dated 18.06.2025, had not been considered by the 1st respondent and had been sent to the Advisory Board for its consideration. However, the learned Government Pleader would rely upon Section 10 of the Act to contend that the provisions of Section 10 require the government to forward any representation received on behalf of any detenue, to the Advisory Board and it is the Advisory Board which would be the authority to consider all such representations. He would contend that in such circumstances, the non consideration of the representation of the petitioner, dated 18.06.2025, is not fatal to the proceedings which are impugned in the present Writ Petition.

Article 22(5) does not expressly say to whom the representation is to be made and how the detaining authority is to deal with the representation. But it is necessarily implicit in the language of Article 22(5) that the State Government to whom the representation is made should properly consider the representation as expeditiously as possible. The constitution of an Advisory Board under Section 8 of the Act does not relieve the State Government from the legal obligation to consider the representation of the detenu as soon as it is received by it. On behalf of the respondent, it was said that there was no express language in Article 22(5) requiring the State Government to consider the representation of the detenu. But it is a necessary implication of the language of Article 22(5) that the State Government should consider the representation made by the detenu as soon as it is made, apply its mind to it and, if necessary, take appropriate action. In our opinion, the constitutional right to make a representation guaranteed by Article 22(5) must be taken to include by necessary implication the constitutional right to a proper consideration of the representation by the authority to whom it is made.

In the present case, the representation of the petitioner was addressed to the Chief Secretary, Government of Andhra Pradesh. Upon receipt of this representation, the 1st respondent-Government was required to consider and pass orders on the representation. As no such orders had been passed, and the representation was simply forwarded to the Advisory Board, there is a violation of the requirements of Article 22(5) of the Constitution and the entire proceedings of preventive detention, including the order of preventive detention, dated 05.06.2025, passed by the District Collector, Chittoor, G.O.Rt.No.1152, dated 11.06.2025, granting approval of the government for

the detention order, and the confirmation order, issued by way of, G.O.Rt.No.1326, dated 14.07.2025, are set aside. Consequently, the detenue shall be set at liberty forthwith, if he is not required in any other case.

https://indiankanoon.org/doc/53305257/; Atthoti John Paul vs The State Of Andhra Pradesh; CRLP No.9598 of 2025: 26.09.2025;

The allegation against the Petitioner/Accused No.3 is that he along with other accused indulged in dealing with 21 kgs of Ganja. Above 20 kgs of Ganja is a commercial quantity. However, in the Mediator's report it was mentioned that the Gazetted Officer and the Investigating Officer on opening the bag noticed that flowers, leaves and stems of Ganja were noticed giving a pungent fragrance.

In this case, if the flowers, leaves and stems are excluded from the flowering or fruiting tops of the Cannabis plant, then the quantity may not constitute commercial quantity.

https://indiankanoon.org/doc/153475681/;Sneha Priya vs The State Of Telangana on 8 September, 2025; CRIMINAL PETITION No.8140 OF 2025

The acts of the SI, a raid on the premises, search and seizure carried out suffer from material irregularity and illegality. The crime registered in furtherance of such acts is unsustainable, proceedings are liable to be quashed. The office of Director General of Police for the State of Telangana is requested to take necessary steps to get the Special Officer(s) appointed for the purposes of the actfor specified area(s). The Special Officer shall not be below the rank of Inspector of Police. Needless to state that the office of Director General of Police shall get the Special Officer(s) appointed by way of notifications (by Government) as per the provisions of the Act, within a period of four (4) weeks from the date of receipt of a copy of this order.

{ it appears that it has not been brought to the notice of the Hon'ble High Court that about the fact that As per the GO Rt. No. 475 Home (Pol.D) Dept, dtd, 16/08/1991 issued by the the Government, the ACP's and Inspectors are appointed as SPO for the areas falling under their jurisdiction, AND further, as per the binding precedent of our Hon'ble Apex Court, the investigation in ITP cases by an SI of Police is not illegal. -**2017 0 AIR(SC) 5141; 2017 16 SCC 126; 2018 2 SCC(Cri) 110; 2017 0 Supreme(SC) 1097; R.A.H.Siguran Vs.** Shankare Gowda @ Shankara & Anr.; Criminal Appeal No. 1439 of 2017 (Arising out of Special Leave Petition (Crl.) No. 6444 of 2016) Decided On : 18-08-2017}

NOSTALGIA

Appearance and Deposition through Video conference

https://indiankanoon.org/doc/77021476/; Gogineni Lakshmi Gowthami vs The State Of Andhra Pradesh on 20.10.2022; CRLP No.2837 of 2022

Respondent permitted to mark documents and to depose before the Court of Trial via Skype or Blue Jeans or any other alternative electronic media under Section 275(1) Cr.P.C and 285(3) of Cr.P.C.

Joint or Separate Trial

The legal position on Section 223 could not be termed as res integra, especially in light of the pronouncement in Nasib Singh vs. State of Punjab and Another, 2021 INSC 642 also relied upon by the High Court. The relevant extract of the decision reads thus:

> "51. From the decisions of this Court on joint trial and separate trials, the following principles can be formulated:
>
> 51.1 Section 218 provides that separate trials shall be conducted for distinct offences alleged to be committed by a person. Sections 219-221 provide exceptions to this general rule. If a person falls under these exceptions, then a joint trial for the offences which a person is charged with may be conducted. Similarly, under Section 223, a joint trial may be held for persons charged with different offences if any of the clauses in the provision are separately or on a combination satisfied.
>
> 51.2 While applying the principles enunciated in Sections 218-223 on conducting joint and separate trials, the trial court should apply a two-pronged test, namely (i) whether conducting a joint/separate trial will prejudice the defence of the accused and/or (ii) whether conducting a joint/separate trial would cause judicial delay.
>
> 51.3 The possibility of conducting a joint trial will have to be determined at the beginning of the trial and not after the trial based on the result of the trial. The Appellate Court may determine the validity of the argument that there ought to have been a separate/joint trial only based on whether the trial had prejudiced the right of accused or the prosecutrix.
>
> 51.4 Since the provisions which engraft an exception use the phrase 'may' with reference to conducting a joint trial, a separate trial is usually not contrary to law even if a joint trial could be conducted, unless proven to cause a miscarriage of justice.
>
> 51.5 **A conviction or acquittal of the accused cannot be set aside on the mere ground that there was a possibility of a joint or a separate trial. To set aside**

the order of conviction or acquittal, it must be proved that the rights of the parties were prejudiced because of the joint or separate trial, as the case may be." (Emphasis supplied)

"continuing wrong" and a "recurring wrong"

A distinction has to be made between a "continuing wrong" and a "recurring wrong". The difference between the two has been clarified in Union of India vs. Tarsem Singh, (2008) 8 SCC 648 where it has been held that a "continuing wrong" is when the injury itself persists, whereas a "recurring wrong" is when a fresh cause of action arises each time.

311A CrPC & Arrest of Accused

The Hon'ble High Court in the case of Bagathi Vijaya Lakshmi Vs. Hanumanthu Venkata Sathya {Crl.RC.No.1082 of 2013} held that if the accused is arrested solely for the purpose of obtaining the specimen signatures even when they themselves are cooperating to furnish the same, it would lead to "the procedural code shall sub-serve the ultimate end of the justice".

On similar lines, the Calcutta High Court in the case of Biswajyoti Chatterjee Vs. The State of West Bengal & Another {MANU/WB/1640/2022} , while bringing in the inevitable angle of anticipatory bail, made a critical observation that "no accused who has been granted anticipatory bail would cooperate with the inquiry and allow the investigating agency to come to its natural conclusion if the requirements of Section 311-A of Cr.P.C., are given such an interpretation."

The word "arrest" has been used in relation to the provisions of Section 311-A of the Cr.P.C., to benefit the investigating agency rather than the accused so that the learned Magistrate can issue an order requiring an accused who is in custody to provide the specimen signature or handwriting without violating the rights of accused under either Article 20(3) of the Constitution of India or the provisions of the Cr.P.C. In addition, in the judgment of the Hon'ble Supreme Court in the case of State of Bombay Vs. Kathi Kalu Oghad, it was observed that giving of specimen signatures and handwritings to the Police will not amount to testimonial compulsion which is prohibited by Article 20(3) of the Constitution of India and there is no constitutional bar for the Police to obtain specimen signatures and handwritings from the accused.

Ingredients of Sec 420 IPC

In Inder Mohan Goswami vs. State of Uttaranchal, (2007) 12 SCC 1, ("Inder Mohan Goswami") while dealing with Section 420 IPC, this Court observed thus:

"42. On a reading of the aforesaid section, it is manifest that in the definition there are two separate classes of acts which the person deceived may be induced

to do. In the first class of acts he may be induced fraudulently or dishonestly to deliver property to any person. The second class of acts is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, the inducement must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but need not be fraudulent or dishonest. Therefore, it is the intention which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had a fraudulent or dishonest intention at the time of making the promise. From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning."

Non-production of material object

In Jitendra and Another v. State of M.P., (2004) 10 SCC 562 the Charas and Ganja alleged to have been seized from the possession of the accused were not produced before the trial court to connect them with the sample sent to the forensic science laboratory (FSL). The High Court noticed the lacuna but brushed it aside by observing that non-production of those articles before the court is not fatal to the prosecution when the defense had not insisted during trial that those be produced. While observing so, the High Court relied on Section 465 CrPC to hold that non-production of the material object was a mere procedural irregularity and did not cause prejudice to the accused.

Appellate Courts power to reverse acquittal

Court in Babu Sahebagouda Rudragoudar vs. State of Karnataka, (2024) 8 SCC 149 reiterated following principles governing interference by the appellate Court with a judgment of acquittal:

"41. Thus, it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles:

41.1. That the judgment of acquittal suffers from patent perversity.

41.2. That the same is based on a misreading/omission to consider material evidence on record.

41.3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record.

42. The appellate court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial court."

156(3) CrPC without following 154(3) CrPC- not fatal

in Anurag Bhatnagar v. State (NCT of Delhi) 2025 SCC OnLine SC 238 2025 LiveLaw (SC) 742, the Apex Court held that "as the informant had directly moved the Magistrate under Section 156(3) of the CrPC without exhausting his statutory remedies, the Magistrate could have avoided taking action on the said application and could have refused to direct for the registration of the FIR. However, as entertaining an application directly by the Magistrate is a mere procedural irregularity and since the Magistrate in a given circumstance is otherwise empowered to pass such an order, the action of the Magistrate may not be illegal or without jurisdiction". Therefore, there is nothing wrong committed by the Magistrate, hence, prayed to dismiss the petition.

No Anticipatory bail in NDPS Cases

in the case of Anarul SK v. State of West Bengal **SLP(Crl) No. 12621/2024,** the Hon'ble Supreme Court observed that grant of anticipatory bail in cases involving NDPS is a very serious issue.

NEWS

- Notification of the Immigration and Foreigners Rules, 2025 issued.
- Notification of the Immigration and Foreigners Order, 2025 issued.
- Notification prescribing the Authority entitled to compound Immigration & foreigners Act issued.
- Notification Regarding Delegation of Power under the Immigration and Foreigners Act, 2025.
- The Immigration and Foreigners (Exemption) Order, 2025.
- Notification Regarding FRRO as Registration Officer under the Immigration and Foreigners Act, 2025.
- Notification Regarding FRRO as Civil Authority under the Immigration and Foreigners Act, 2025
- Notification Regarding Civil Authority under the Immigration and Foreigners Act, 2025.
- Notification Regarding Registration Officer under the Immigration and Foreigners Act, 2025.
- Notification Regarding Immigration Posts under the Immigration and Foreigners Act, 2025.
- Corrigendum notification for notifying the designated Immigration Post under the Immigration and Foreigners Act, 2025
- Corrigendum to the Immigration and Foreigners Order, 2025 under the Immigration and Foreigners Act, 2025 (13 of 2025)

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- AP-Home Department - Appointment of Assistant Public Prosecutor by District Magistrates under section 19 of BNSS, 2023 - Notification - Orders – Issued
- AP-Home Department – Notification on Establishment and Functioning of the Directorate of Prosecution (DoP), District Directorate of Prosecution (DDoP) and Assistant Director of Prosecution under sub-section 11 of Section 20 of the Bharatiya Nagarik Suraksha Sanhita, 2023 – Notification - Orders –Issued.
- AP- Home (Courts.A) Department –Sanction of Five (5) Assistant Public Prosecutor posts in the time scale of pay Rs.57,100 - 1,47,760 /- in RPS, 2022 on regular basis for Five (5) Courts, as per orders issued vide G.O.Ms.No.133, Finance (HR.I-Plg & Policy) Department, Dt:17-08-2018 - Orders – Issued.

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ON A LIGHTER VEIN

Q: This myasthenia gravis, does it affect your memory at all?

A: Yes.

Q: And in what ways does it affect your memory?

A: I forget.

Q: You forget. Can you give us an example of something that you've forgotten?

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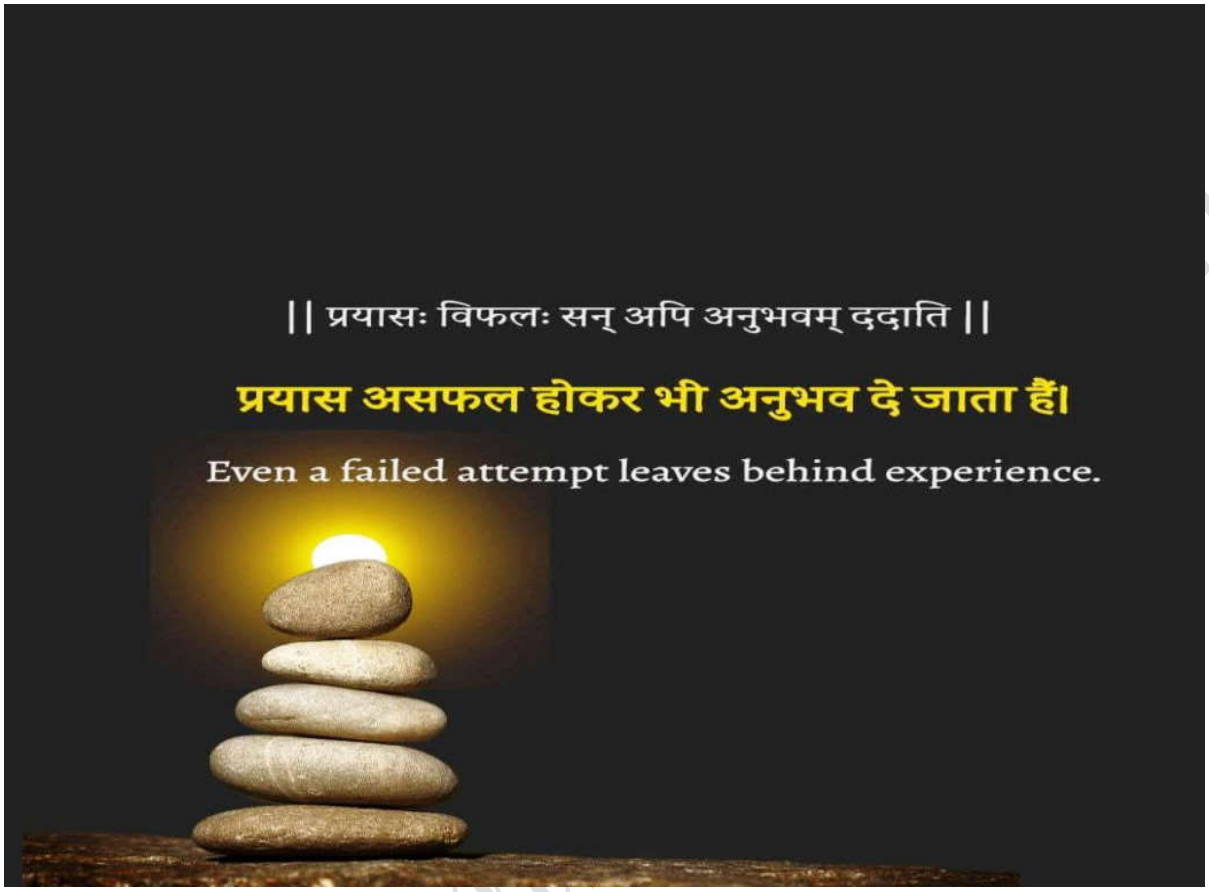
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Aano Bhadr Kratvo Yantu Viswatah
(Let Noble Thoughts Come To Me from All Directions)

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CITATIONS

2025 0 INSC 1184; 2025 0 Supreme(SC) 1767; Nazim & Ors. Vs. The State of Uttarakhand; Criminal Appeal No. 715 of 2018; 06-10-2025

In the present case, both PW-1 and PW-2 were admittedly familiar with Nazim and Aftab. Despite this, their names were not mentioned in the FIR, nor was any contemporaneous explanation offered for their absence. The High Court acknowledged the omission but brushed it aside as inconsequential. This approach is untenable. In a case based solely on circumstantial evidence, every circumstance must withstand rigorous scrutiny. The failure to name two of the three Appellants in the FIR, despite the complainant's familiarity with them, casts a serious shadow on the subsequent attempt to implicate them. It raises a legitimate inference that their names were introduced at a later stage, thereby suggesting the possibility of false implication. If PW-1 and PW-2 genuinely believed that Nazim and Aftab were responsible, there is no plausible reason for their omission in the FIR. This significant omission strikes at the root of the

prosecution narrative, undermines its credibility, and constitutes a material fact that must weigh heavily in favour of the accused

Equally significant is the fact that although PW-3 claimed his wife and son were with him at the time of the alleged sighting, the prosecution did not examine them. Both would have been natural witnesses capable of corroborating or contradicting his account. Their non-examination is a glaring omission.

It is well settled that dock identification without a prior TIP has little evidentiary value where the witness had no prior familiarity with the accused.

the 'last-seen' theory is itself a weak link unless the prosecution establishes a narrow time gap between when the accused and the deceased were seen together and the recovery of the body, such that the possibility of intervention by a third person is excluded.

Despite the inconclusive forensic report, the High Court dismissed the absence of DNA evidence as inconsequential and affirmed the conviction solely on ocular testimony. Such an approach is untenable in a case based entirely on circumstantial evidence. Where scientific evidence is neutral or exculpatory, courts must give it due weight. To convict on doubtful testimony while ignoring scientific tests is to substitute suspicion for proof. The Supreme Court has repeatedly cautioned that suspicion, however strong, cannot replace evidence.

However, the manner in which the rope and axe were dealt with by the investigating agency, and later by the courts below, is deeply unsatisfactory. During the course of the hearing of the criminal appeal, the High Court itself observed that these material exhibits had not been properly examined. It directed that the axe, rope, and certain items of clothing be sent for DNA and fingerprint testing, and further directed that the blood samples of the Appellants be collected and matched with the exhibits. Upon examining the same, the Forensic Science Laboratory reported that no complete autosomal DNA profiles could be generated from the exhibits. Consequently, no opinion could be given on a match with the blood samples of the Appellants. In effect, the only scientific evidence available was neutral as it neither connected the Appellants to the crime nor corroborated the oral testimony.

There are further doubts about the recovery of the rope. The prosecution claimed it was recovered from the scene in broad daylight, yet no independent public witnesses were examined to corroborate this. The investigating officer admitted that villagers were present during the seizure of soil samples, but none were called to testify. Such lapses diminish the credibility of the recovery and, by extension, the evidentiary value of the rope.

The case of the prosecution with respect to motive is also tenuous. The motive alleged by the prosecution is only that the Appellants sought revenge for an insult to their sister. However, no concrete evidence of animus was led.

2025 0 INSC 1191; 2025 0 Supreme(SC) 1775; Nilesh Baburao Gitte Vs. State of Maharashtra; Criminal Appeal No. 1471 of 2013; 07-10-2025

The doctor opined that the cause of death was asphyxia by strangulation. It will be noticed that there was no ligature mark from the back side of the neck. During cross-examination, the doctor clearly deposed that the absence of ligature mark on the back side of neck is possible in case of hanging. He further deposed that in case of strangulation; the ligature mark should be present all around the neck.

A document produced by the prosecution as part of the chargesheet pursuant to the investigation though not exhibited can be relied upon by the defence.

2025 0 INSC 1192; 2025 0 Supreme(SC) 1776; Zainul Vs. The State of Bihar; Criminal Appeal No. 1187 of 2014 (Arising out of SLP (Crl.) No. 740 of 2014), With Sattar & Ors. Vs. The State Of Bihar; Criminal Appeal No. 1188 of 2014 (Arising out of SLP (Crl.) No. 726 of 2014); 07-10-2025

There is no gainsaying that appreciation of evidence primarily falls within the domain of the trial court, and the first appellate court. However, if the courts below could be said to have faltered by overlooking material aspects resulting in the miscarriage of justice, this Court in exercise of its jurisdiction under Article 136 is duty- bound to intervene and look into the matter closely. Undoubtedly, once the existence of a common object amongst the members of an unlawful assembly is established, it is not imperative to prove that each member committed an overt act. The liability under this provision is attracted once it is certain that an individual had knowledge that the offence committed was a probable consequence in furtherance of the common object, thereby rendering him a “member” of the unlawful assembly.

The test to determine whether a person is a passive onlooker or an innocent bystander is the same as that applied to ascertain the existence of a common object. The existence of a common object is to be inferred from the circumstances of each case, such as:

a. the time and place at which the assembly was formed;

b. the conduct and behaviour of its members at or near the scene of the offence;

c. the collective conduct of the assembly, as distinct from that of individual members;
d. the motive underlying the crime;
e. the manner in which the occurrence unfolded;
f. the nature of the weapons carried and used;
g. the nature, extent, and number of the injuries inflicted, and other relevant considerations.

i. Rule of Prudence in Convicting Members of an Unlawful Assembly

This Court, as a matter of caution, has enunciated parameters to safeguard innocent spectators or passive onlookers from being convicted merely on account of their presence. This cautionary rule, however, does not dilute the doctrine of constructive liability, under which proof of an overt act by each individual is not indispensable. Where the presence of a large number of persons is established and many are implicated, prudence mandates strict adherence to this rule of caution.

At this stage, we would also like to discuss the established principles of law on the evaluation of the testimony of injured eyewitnesses. The testimony of an injured eyewitness is accorded a special status in law because the injuries on the person lends credence to the fact that the witness was present at the scene of the occurrence. The courts lend credence to the testimony of an injured eyewitness, assuming that the witness would not want to let his actual assailant go unpunished. Thus, unless there are cogent grounds for disbelieving the evidence of an eyewitness due to major contradictions and discrepancies, ordinarily, such evidence should be relied upon.

In Balu Sudam Khalde & Anr. v. State of Maharashtra, reported in (2023) 13 SCC 365, one of us, J.B. Pardiwala, J., had the benefit of expounding the law on this subject as follows:-

"26. When the evidence of an injured eyewitness is to be appreciated, the undernoted legal principles enunciated by the courts are required to be kept in mind:

26.1. The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

26.2. Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

26.3. The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

26.4. The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

26.5. If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.

26.6. The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded."

It needs to be emphasized that injuries on the eyewitnesses, at the best, may ensure their presence at the scene of occurrence but that is not enough. Before a criminal court even accepts the testimony of an injured eyewitness, it has to be satisfied that he is a truthful witness and had no reason to falsely implicate the accused persons. We have extensively explained or rather discussed the various infirmities in the oral evidence of all the eyewitness. These eyewitnesses in their police statements recorded under Section 161 of the Cr.P.C. have gone to the extent of implicating even those persons who were ultimately not arrayed as an accused in the chargesheet including those who ultimately came to be acquitted by the trial court.

2025 0 INSC 1193; 2025 0 Supreme(SC) 1777; Rajendra Singh & Ors. Vs. State Of Uttaranchal; Criminal Appeal Nos. 476-477 of 2013; 07-10-2025

A simple reading of all the three provisions conjointly reveals that the first two provisions are substantive, whereas Section 27 is in the nature of an exception. Sections 25 and 26, at one hand, provide that no confession made to a police officer or to any person while in custody of the police, shall be admissible against a person accused of any offence, on the other hand, Section 27 provides an exception to the above provisions. It states that so much of the information, received from an accused person in custody of the police, whether in the nature of confession or otherwise, as related distinctly to the fact thereby discovered, may be admissible. This means that not all information disclosed by a person in police custody is required to be proved as against the accused person; only that part which distinctly relates to the discovery of a fact is admissible and can be proved.

32. In Pulukuri Kottaya and Ors. vs. The King Emperor, 1947 MWN CR 45, the Privy Council while analysing the aforesaid three provisions of the Evidence Act, held that the fact of discovery, on information supplied by the accused is a relevant fact except in a case in which the possession or concealment of an object constitute the gist of the offence charged. Information supplied by a person in custody such as "I will produce a knife

concealed in the roof of my house", only leads to the discovery of the knife concealed in the house of the informant, but whether the knife is proved to have been used in the commission of an offence is another question. So if the above information is followed by the words, "with which I stabbed A", those words would be inadmissible since they do not relate to the discovery of the knife from the house of the informant, but are rather independent in nature, amounting to confession of the crime which cannot be used against the person making it i.e. the accused, in view of prohibition contained under Sections 25 and 26 of the Evidence Act.

33. The aforesaid decision has recently been followed with approval by the Division Bench of this Court in Manjunath and Ors. vs. State of Karnataka, 2023 SCC OnLine SC 1421 wherein it has been said that only "so much of the information" as relates distinctly to the fact thereby discovered is admissible, and the rest of the information stands excluded. In other words, the information leading to the recovery of the weapons of crime is admissible, but not the information that the crime was actually committed by the said weapons.

34. In view of the aforesaid facts and circumstances, the identity of the appellants as the persons involved in the offence has not been established either by any ocular evidence or from the recovery of the weapons of crime.

2025 0 INSC 1205; 2025 0 Supreme(SC) 1785; State of Rajasthan Vs. Parmeshwar Ramlal Joshi And Others; Criminal Appeal No(s). 4380-4381 of 2025 (Arising out of SLP (Crl.) No (s). 2797-2798 of 2025) With Special Leave Petition (Crl.) No(s). 3308-3309 of 2025, Special Leave Petition (Crl.) No(s). 3310-3311 of 2025; Decided On : 08-10-2025

Law is well settled by a catena of decisions of this Court that a criminal Court has no power to recall or review its own judgment. The only permissible action is to correct or rectify clerical errors by virtue of Section 403 BNSS [Section 362 CrPC]. In this regard, we may gainfully refer to the decision of this Court in Simrikhia v. Dolley Mukherjee and Chhabi Mukherjee and Another, (1990) 2 SCC 437, the relevant portions whereof are quoted below for ease of reference:

> "6. In Superintendent & Remembrancer of Legal Affairs v. Mohan Singh, (1975) 3 SCC 706, this Court held that Section 561A preserves the inherent power of the High Court to make such orders as it deems fit to prevent abuse of the process of the Court or to secure the ends of justice and the High Court must therefore exercise its inherent powers having regard to the situation prevailing at the particular point of time when its inherent jurisdiction is sought to be invoked. In that case the facts

and circumstances obtaining at the time of the subsequent application were clearly different from what they were at the time of the earlier application. The question as to the scope and ambit of the inherent power of the High Court vis-a-vis an earlier order made by it was, therefore, not concluded by this decision.

7. The inherent jurisdiction of the High Court cannot be invoked to override bar of review u/s 362. It is clearly stated in Sooraj Devi v. Pyare Lal, (1981) 1 SCC 50 that the inherent power of the Court cannot be exercised for doing that which is specifically prohibited by the Code. The law is therefore clear that the inherent power cannot be exercised for doing that which cannot be done on account of the bar under other provisions of the Code. **The court is not empowered to review its own decision under the purported exercise of inherent power.** We find that the impugned order in this case is in effect one reviewing the earlier order on a reconsideration of the same materials. The High Court has grievously erred in doing so. Even on merits, we do not find any compelling reasons to quash the proceedings at that stage."

(Emphasis supplied)

2025 0 INSC 1205; 2025 0 Supreme(SC) 1785; State of Rajasthan Vs. Parmeshwar Ramlal Joshi And Others; Criminal Appeal No(s). 4380-4381 of 2025 (Arising out of SLP (Crl.) No (s). 2797-2798 of 2025) With Special Leave Petition (Crl.) No(s). 3308-3309 of 2025, Special Leave Petition (Crl.) No(s). 3310-3311 of 2025; Decided On : 08-10-2025

Ex facie, we are of the opinion that once S.B. Criminal Writ Petition No. 2244 of 2024 preferred by the complainant with identical prayers had been dismissed as withdrawn, without there being any liberty to approach the High Court again for seeking self-same relief, the subsequent petition could not have been entertained under the garb of exercise of inherent jurisdiction under Section 528 BNSS [Section 482 CrPC]. The attempt so made was nothing but a change in the label of the petition with the substance being the same.

Law is well settled by a catena of decisions of this Court that a criminal Court has no power to recall or review its own judgment. The only permissible action is to correct or rectify clerical errors by virtue of Section 403 BNSS [Section 362 CrPC].

2025 0 INSC 1203; 2025 0 Supreme(SC) 1786; Dashwanth Vs. State of Tamil Nadu; Criminal Appeal No(s). 3633-3634 of 2024; Decided On : 08-10-2025 (THREE JUDGE BENCH)

We may hasten to add that while the present case pertains to the commission of a heinous offence involving a girl of tender age of 7 years, at the same time, we cannot ignore or bypass the fundamental principle of criminal jurisprudence that the prosecution is duty-bound to prove the guilt of the accused beyond reasonable doubt. The onus is heavier in a case based purely on circumstantial evidence. However, regrettably, the prosecution has miserably failed to do so in the instant case, leaving the Court with no choice but to acquit the appellant, despite the heinous nature of the crime. While it is acknowledged that the acquittal of an individual involved in a heinous crime can lead to societal distress and cause grave anguish to the victim's family, the legal framework does not permit the Courts to punish an accused person based merely on moral convictions or conjectures. Each case must be adjudicated by the Courts rigorously on its individual merits and in strict conformity with the law, without yielding to public sentiment and external pressures.

2025 0 INSC 1208; 2025 0 Supreme(SC) 1792; Rejanish K.V. Vs. K. Deepa And Others; Civil Appeal No. 3947 of 2020 & batch Decided On : 09-10-2025 (FIVE JUDGE BENCH)

In the result, we answer the questions as under:

(i) Judicial Officers who have already completed seven years in Bar before they were recruited in the subordinate judicial service would be entitled for being appointed as a District Judge/Additional District Judge in the selection process for the post of District Judges in the direct recruitment process;

(ii) The eligibility for appointment as a District Judge/Additional District Judge is to be seen at the time of application;

(iii) Though there is no eligibility prescribed under Article 233(2) for a person already in judicial service of the Union or of the State for being appointed as District Judge, in order to provide a level playing field, we direct that a candidate applying as an in-service candidate should have seven years' combined experience as a Judicial Officer and an advocate;

(iv) A person who has been or who is in judicial service and has a combined experience of seven years or more as an advocate or a Judicial Officer would be eligible for being considered and appointed as a District Judge/Additional District Judge under Article 233 of the Constitution;

(v) In order to ensure level playing field, we further direct that the minimum age for being considered and appointed as a District Judge/Additional District Judge for both advocates and Judicial Officers would be 35 years of age as on the date of application.

(vi) It is held that the view taken in the judgments of this Court right from Satya Narain Singh (supra) till Dheeraj Mor (supra), which take a view contrary to what has been held hereinabove do not lay down the correct proposition of law.

Article 233(2) of the Constitution is a continuation of Article 233(1) of the Constitution. This provision, in fact, reiterates the fact that an appointment by way of direct recruitment can be done from two sources, namely, 'judicial service' and 'an advocate or a pleader'. While doing so, it declares the eligibility criteria only for the latter. Hence, it is made abundantly clear that no such eligibility criteria are fixed for a person in the judicial service. Clause (1) along with Clause (2) of Article 233 of the Constitution, is a complete code by itself, and therefore does not leave any room for interpretation otherwise. Judging is an independent sovereign function. The function of the presiding officer of a Court is purely judicial, and not even quasi- judicial. For instance, in a criminal case, the prosecuting agency would invariably be either the State, the Union or their instrumentalities, who become mere litigants before the Court, though the presiding officer's post may be connected to them only for administrative purposes. No employee can be an adjudicator of an employer. To say that such a judge is their employee, and therefore debarred from competing for the vacancies earmarked to be filled through direct recruitment, would be contrary to the principle of independence of the judiciary.

One must appreciate the constitutional silence on the eligibility criteria qua a person in the judicial service, which has accordingly been left to the discretion and wisdom of the High Court and the Governor of the State, as per Articles 233 and 235 of the Constitution. Therefore, such an omission was done consciously, as a person in the judicial service has already been recruited by way of an appointment by the orders of the Governor, in consultation with the High Court and the State Public Service Commission.

The word "eligible" used in Article 233(2) of the Constitution must be read as "qualified." Thus, a person who has been an advocate or a pleader for not less than seven years, along with the recommendation of the High Court is one qualification, and a person in the judicial service is the other qualification. Both of these qualifications are nothing but mere gateways for being appointed to the post of a district judge, facilitating a threshold for entry. However, there is no bar on the High Court to fix the qualification, qua

persons in the judicial service, with the approval of the Governor. These qualifications are meant only for consideration for appointment, subject to the successful completion of the recruitment process.

2025 0 INSC 1221; 2025 0 Supreme(SC) 1805; G. Prasad Raghavan Vs. Union Territory Of Puducherry; Criminal Appeal No. 4416 of 2025 [@ Special Leave Petition (Criminal) No. 12380 of 2025]; 10-10-2025

It is alleged in the chargesheet that accused no. 1, Gunasekaran had obtained the power of Attorney from the original owners of the property on 03.03.2022 and executed the sale deed in favour of the present appellant (accused no. 2), who is the son of the accused No.1 for a sum of Rs. 60,00,00/-. It is alleged that the present appellant-accused no.2 had registered the property in question in his name knowing fully well that accused no. 1, Gunasekaran had not returned the amount of the sale consideration received from the informant. It is also alleged that the accused No.2 (appellant herein) had no income of his own to purchase the property since he is a student.

From the record, it further transpires that now the only allegation against the appellant herein is that he had purchased the plot in question from the original accused no. 1 in the year 2022. Thus, when the transaction took place between the informant and original accused no. 1 in the year 2015-2016, the appellant was minor, hence ingredients of offences punishable under Section 406 and 420 of the IPC read with Section 34 of the IPC are not made out qua appellant.

2025 0 INSC 1223; 2025 0 Supreme(SC) 1807; Rahul Agarwal Vs. The State of West Bengal & Anr.; Criminal Appeal No. 4456 of 2025 [@Special Leave Petition (Crl.) No. 5518 of 2025]; 13-10-2025

We need not hence consider the question as to whether it is the Cr.P.C. or the BNSS which would be applicable to the present case. If it is the Cr.P.C., the three Judge Bench decision in Ritesh Sinha (supra) permits the same on the identical principle adopted by this Court in Kathi Kalu Oghad, (supra) to permit furnishing of handwriting, signature and finger impressions. The said sampling is similar to voice sampling, as now possible by reason of the advancing technology. If it is the BNSS that is applicable, then there is a specific provision enabling such sampling. The reasoning was also that mere furnishing of a sample of the fingerprint, signature or handwriting would not incriminate the person as such. It would have to be compared with the material discovered on investigation, which alone could incriminate the

person giving the sample, which would not fall under a testimonial compulsion, thus not falling foul of the rule against self-incrimination.

https://indiankanoon.org/doc/49805768/; **CRIMINAL PETITION No. 10039 OF 2025; Shaik Baba Fakroddinu Alias Godi Baba vs The State Of Andhra Pradesh on 3 October, 2025**

Though there is substance in the contention of learned Assistant Public Prosecutor, it is also well settled that the law cannot be deviated which is settled way back by the Hon'ble Supreme Court that confessional statements of the co-accused cannot form a basis to bring home the guilt of the other accused.

https://indiankanoon.org/doc/60146991/; **Mahesh Kulakarni Kulkarni vs State Of Telangana on 6.10.2025; CRLRC No.676 of 2025**

Thus, it is evident from the law laid down by the Supreme Court in the aforesaid judgments that the order which affects the rights of the parties is not an interlocutory order. The order taking cognizance and issuance of process against the accused persons in initiating an action which affects/adjudicates the rights of the accused cannot be said to be an interlocutory order. Interlocutory order is an order of purely interim or temporary nature which does not decide or adjudicate the important rights or liabilities of the parties. The order of the Magistrate directing issuance of process is not interlocutory, it is intermediate or quasi-final, as such, it can be safely construed that the revision against the said order is maintainable. Thus, I hold that the present revision is maintainable.

The order of issuance of process is not an empty formality and it is a serious issue. The Court cannot take cognizance and summon the accused to face criminal trial without giving any cogent reasons. The order taking cognizance though not required to be elaborate should reflect proper reasons for taking cognizance of the offence.

https://indiankanoon.org/doc/132959992/; **M.Shekar vs The State Of Telangana on 6 October, 2025; CRIMINAL PETITION No. 9315 of 2021**

A mere act of obstruction or verbal altercation does not amount to an offence under Section 353 IPC.

https://indiankanoon.org/doc/96308233/;**Syed Jameel Ahmed vs The State Of Telangana on 6 October, 2025; CRLP No.12857 of 2025**

This Criminal petition is filed by the petitioner/accused No.2 under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023')

seeking quashment of proceedings in C.C.No.5644 of 2020 on the file of the learned II Additional Chief Judicial Magistrate, Hyderabad, registered for the offences under Section 420 of Indian Penal Code, 1860 (for short 'IPC') and Section 7 of the Essential Commodities Act, 1955.
without there being any complaint from any beneficiary, alleging that the rice was procured deceptively or with a criminal intent and charging the petitioners for prosecution is untenable and improper.
The allegations on their face value cannot be sustained against the petitioners. Further, this Court in Crl.P.Nos.5709 of 2019 and 33493 of 2015 while considering the same situation, categorically observed that the offences alleged against the petitioners therein cannot be continued and quashed the proceedings.

https://indiankanoon.org/doc/128189373/;**Chevireddy Mohith Reddy, vs The State Of Andhra Pradesh, on 7.10.2025; CRLP No. 6892/2025**
In P. Chidambaram v. Directorate of Enforcement, the Hon'ble Supreme Court reiterated the settled law that the right to anticipatory bail is not a part of Article 21 of the Constitution of India and that power conferred under Section 438 CrPC being an extraordinary remedy, has to be exercised sparingly particularly in cases of economic offences. Once again, the Hon'ble Supreme Court in Serious Fraud Investigation Office v. Aditya Sarda observed that anticipatory bail should not be granted as a matter of routine, in serious economic offences, involving large scale fraud, public money or complex financial crimes as they constitute a class apart due to the deep rooted conspiracies involving huge loss of public funds.
In Sumitha Pradeep v. Arun Kumar C.K the Hon'ble Supreme Court clarified that mere non-requirement of custodial interrogation by itself is not a good ground to grant anticipatory bail. It was further stated that it is the primary requirement for the court while hearing an anticipatory bail application to consider if any prima facie case is put up against the accused; and thereafter nature of offence and severity of punishment should be looked into. Further, the Hon'ble Supreme Court in Srikanth Upadhyay v. State of Bihar ,categorically held that the power to grant anticipatory bail is an extraordinary and grant of the same is the judicious discretion of the Court depending on the facts and circumstances of each case. It was also held that protection of the Accused in serious cases may lead to miscarriage of justice.

https://indiankanoon.org/doc/98795339/;**P.V.Murali Mohan Rao vs Kanuri Jagadish Prasad on 7 October, 2025; CRLRC No. 526 OF 2023**
Indeed, the question of discharge of petitioner or accused would arise only before framing of charges, it may be under Section 227 of 'the Cr.P.C.' or 239 of 'the Cr.P.C.

https://indiankanoon.org/doc/1245680/;**Sampathi Shiva Kumar Reddy vs The State Of Telangana on 7 October, 2025; CRLP No.4033 of 2024**
as per the provisions of 195 of Cr.P.C., an offence under section 188 of IPC must be a private complaint made by a public servant and mere registering of a case by the sub inspector of police and filing a case is untenable.

https://indiankanoon.org/doc/162002558/; **Mr. Mamidala Rajulu vs The State Of Telangana on 7.10.2025; Crl.P. Nos.12106 & 12108 of 2025**
However, the allegations point out prima facie case against the petitioners in Crl.P. No.12106 of 2025 for the offences under Sections 329(4), 352, 351(2) and 133 of BNS and for the offences under Sections 420, 467, 468, 471, 474, 477-A and 506 IPC against the petitioners in Crl.P. No.12108 of 2025. The investigation is still in progress. Hence, this Court is not inclined to interfere with the said process. Though the learned counsel for the petitioners contends that the matter is civil in nature and can be pursued by civil remedies in a civil court, the creation of documents involves criminality and thus, it cannot be held as a ground to quash the proceedings as per the decision in Kathayayini v. Sidharth P.S. Reddy and others 2025 KTL 2025 SCC OnLine SC 1428.

https://indiankanoon.org/doc/7927128/: **Palasa Santhamma vs The State Of AP; CRLP Nos. 9937 AND 9939 OF 2025: 07.10.2025**
In view of the fact that the petitioner has not approached learned Sessions Judge concerned at the first instance and directly approached this Court for grant of pre-arrest bail without establishing any special case or showing extraordinary circumstance, this Court is not inclined to grant any relief. However, the petitioner is permitted to move an appropriate application before learned Sessions Judge concerned for grant of pre-arrest bail.

https://indiankanoon.org/doc/64486248/; **Vemushetty Vishwanatham vs The State Of Telangana on 7 October, 2025; Crl.P_12913_2025**
It is evident that the allegations in the present case pertain to purchase and sale of Gutka packets, which are similar to the allegations considered in Chidurala Shyamsunder vs The State Of Telangana 1. In the said case it

was observed that the act of purchase and sale of gutka does not fall under Section 270 of IPC as it does not spread any infectious disease and further it is not a noxious food to attract the offence under Section 273 of IPC. It is further observed that similar orders have been passed in Crl.P.Nos.12333 of 2024, 152 of 2020 and batch, and in several other matters.

https://indiankanoon.org/doc/184565063/; **Jinkala Pavan vs The State Of Telangana on 7 October, 2025; CRLP No. 12935 of 2025**
In a similar case vide Crl.P.No.3773 of 2025, learned Single Judge of this Court relied upon the decisions of the Hon'ble Apex Court in the case of Central Bureau of Investigation v. Akhilesh Singh AIR 2005 SCC 268 NC and also relying on the decisions of the Hon'ble High Court of Karnataka at Bengaluru in case of Mohammed Ilias v. State of Karnataka (2001) 3 Kant LJ 551 and opined that since the trial Court acquitted the other accused, if the petitioner is subjected to second round of trial, the evidence to be produced against him cannot be different from the one that was produced by the prosecution in the earlier case. With the said observation the Single Judge has allowed the petition filed by the petitioner therein.

https://indiankanoon.org/doc/5152570/;**Devara Muralikrishna, vs State Of Telangana, on 7 October, 2025; Crl.P_12892_2025 07.10.2025**
The petitioner is the de facto complainant in Crime No. 2530 of 2023, registered for offences under Sections 419 and 420 of IPC, and Sections 66(C) and 66(D) of the IT Act. He filed Crl.M.P.No.8072 of 2024 seeking release of the amount seized during the investigation. However, the petition has not been numbered since 2024. It was initially filed as Crl.M.P.No.8072 of 2024 and later resubmitted as Sr.No.1659 of 2025. Therefore, the learned XII Additional Chief Metropolitan Magistrate, Hyderabad, is directed to number the petition and decide it on its own merits, without being influenced by any observations made by this Court.

https://indiankanoon.org/doc/26896666/;**Siliveru Venkateshwarlu vs Silivery Rambai , Veerijala Rambai on 8.10.2025; C.M.A. No.1136 of 2011**
Learned counsel for the respondent further contended that the learned Trial Court rightly held that filing of criminal cases by the respondent including under Section 498-A IPC and ST/ST (PoA) Act cannot by itself amount to cruelty, and that in matrimonial disputes, the law recognizes that where one spouse is subjected to harassment or ill- treatment, approaching lawful authorities for protection is a legitimate remedy. Unless it is concluded by the

Courts and they record a finding that such complaints were false, frivolous, or malicious, the mere fact of filing of cases cannot be twisted into a ground of cruelty, and that it is a right available to a victim to urge the Courts when she is being subjected to domestic violence. It is further contended that if the contention in this regard is accepted, it would set a dangerous precedent whereby any spouse who seeks legal recourse for protection from harassment could be penalized by having such actions treated as cruelty. The learned Trial Court adopted the correct legal position in holding that respondent's act of filing criminal cases cannot be equated with mental or physical cruelty.

Learned counsel for the respondent further contended that an important contraction in the appellant's evidence was his reliance on Ex.A- 11, a letter addressed by the respondent to the District Collector stating that the house was in the appellant's name. In this regard, the learned Trial Court rightly held that this isolated statement did not prove that the appellant had purchased or constructed the house with his own funds, whereas the respondent being a Government employee in the Revenue Department, she naturally purchased the property in her husband's name out of love and affection, and that the appellant's selective use of the said document without substantiating his financial capacity is rejected as misleading.

In the present case, the respondent filed a criminal case under Section 498-A IPC and also under the provisions of the SC/ST Act. However, it is settled position of law that filing of criminal complaint by itself is not cruelty. Such a complaint, if found to be false and motivated, may be relevant.

Basing on the above findings recorded by the learned Trial Court, this Court holds that the appellant has failed to establish the ground of cruelty of the nature contemplated under matrimonial laws. Even the assertion of financial claim regarding Rs.13.00 lakhs worth articles and purchase of house by appellant are not supported by any reliable evidence whereas respondent's steady employment in the Revenue Department and the appellant's lack of regular income renders his version improbable. The learned Trial Court's appreciation of witnesses' credibility and documentary evidence is well reasoned and does not warrant any interference. Whereas, the appellant being a Practicing Advocate, having entered into an inter-caste marriage, has to maintain social equilibrium. An advocate is a pillar of legal system and a member of Society's intellectual elite, to uphold a higher standard of social responsibility. He is expected to be more cautious and reasonable in the manner in which he conducts himself, both personally and professionally. Legal profession is a royal profession, which demands not only knowledge, skill, proficiency, but also utmost integrity, fairness and respect to truth.

https://indiankanoon.org/doc/184275791/; **Paruchuri China Kasi Viswanadam vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 10404/2025; Dated.08.10.2025**

For ready reference the Order passed in Criminal Petition Nos.5421 of 2019 and batch, dated 18.12.2019 wherein this Court held as follows:

"But as far as the present cases are concerned, this Court by exercising the power under section 482 Cr.P.C and following the mandate of the Hon'ble Supreme Court of India in State of Haryana v. Bhajan lal and the judgment of the High Court of Allahabad in M/s.Pepsico India Holdings(Pvt) Ltd., and Another (4 supra), is constrained to hold that all the FIRs/cases that have been registered under the provisions of the IPC, FSS Act and the COTPA Act are quashed, leaving it open to them, if they so desire to pursue the prosecution in respect of the offences under the other enactments, if any. The offences under the NDPS Act can be pursued. The offences under the COTPA Act, can only be launched if the police find that the sections 5, 6 7 and 10 are not complied with. Except on these very limited grounds genuine/legitimate traders cannot be prosecuted.

It is hoped that copies of the orders passed by the learned single Judge in Crl.P.No.3731 of 2018 and batch and this order are widely circulated by the Director General of Police and the Chief Secretary of the State of Andhra Pradesh through out the state of Andhra Pradesh so that the time and effort of the police are devoted to more serious crimes. Whatever be the impact of tobacco products on the health of an individual or the nation; till the law is amended/modified it has to be followed. As held by many Courts earlier; it may be hard, but it is the law.

https://indiankanoon.org/doc/173478865/;**Ireddy Ravinder Reddy vs The State Of Telangana, on 8 October, 2025; CRLP No.10573 of 2025**

The Hon'ble Apex Court in Ram Sumer Puri Mahant. v. State of U.P. and others AIR 1985 Supreme Court 472, held that:

"When a civil litigation is pending for the property wherein the question of possession is involved and has been adjudicated, we see hardly any justification for initiating a parallel criminal proceeding under Section 145 of the Code. There is no scope to doubt or dispute the position that the decree of the Civil Court is binding on the criminal court in a matter like the one before us. Counsel for respondents 2-5 was not in a position to challenge the proposition that parallel proceeding should not be permitted to continue and in the event of a decree of the Civil Court, the criminal court should not be allowed to invoke its jurisdiction particularly when possession is being

examined by the civil court and parties are in a position to approach the civil court for interim orders such as injunction or appointment of receiver for adequate protection of the property during pendency of the dispute. Multiplicity of litigation is not in the interest of the parties nor should public time be allowed to be wasted over meaningless litigation."

9. In Fakir Chand v. Sub-Divisional Magistrate, Kaithal 1987 LawSuit (P&H) 1065, the High Court of Panjab & Haryana has referred the decision of Ram Sumer Puri Mahant's case (1 supra) and has held that the observations of the Supreme Court in Ram Sumer Puri Mahant's case cannot be construed to mean that in every case, wherever a civil suit is pending regarding the same subject matter, criminal proceedings under Section 145 Cr.P.C., cannot be initiated. In that particular case, plaintiff's suit had been dismissed and the appeal against the order of dismissal is pending. The question of possession was involved which had already been adjudicated upon by the High Court. It is in these circumstances that the Supreme Court observed that initiation of criminal proceedings under Section 145 of Cr.P.C. should not be permitted. The decision of a Division Bench of the High Court of Punjab & Haryana in Mohinder Singh v. Shri Dilbagh Rai 1976 (78) PunLR 803 was also referred, wherein it was held that mere pendency of a civil suit regarding the same subject matter between the parties does not bar the Magistrate from exercising his jurisdiction under Section 145 of the Code. It was observed that maintenance of status quo during the pendency of the civil suit is a situation in which a civil court does not prima facie feel satisfied about any party being in possession, the Executive Magistrate in such matters when both parties claim possession can initiate proceedings under Section 145 of the Code. The said judgment does not come in conflict with the law laid down in Ram Sumer Puri Mahant's case. Therefore, it was held by the High Court of Punjab and Haryana that the orders of the learned Executive Magistrate under Section 145 of Cr.P.C. were upheld.

10. Conversely, in cases where the civil court has not made a determination regarding possession, the criminal court retains the authority to act under Section 145 Cr.P.C., as held by the Supreme Court in Mando Kumhharuni v. Dutia Rana 4. If there is no effective order from the Civil Court regarding possession or if the civil court has not determined which party is in actual possession, the Magistrate may proceed under Section 145 to maintain peace as per the decision in Mahant Govind Sharan Ji Maharaj v. State of U.P. If a Civil Court has issued an interim injunction regarding (1990) 69 CLT 274 8 ETD,J possession, the Criminal Court should respect the order and may choose to drop the proceedings under Section 145 Cr.P.C.

https://indiankanoon.org/doc/11323661/; **Valluri Vijaya Laxmi, vs The State Of Telangana - Ps Kodad on 8.10.2025; CRLP No.11655 of 2025**

Perused the record. It reveals that PW1 to PW4 were cross-examined, and subsequently, the present petition has been filed to recall PW1 to PW4. After availing four adjournments, the petitioner has now filed this petition. The trial Court observed that there was no mention regarding the production or verification of documents pertaining to the prosecution witnesses. Therefore, the trial Court declined to allow the petition to recall PW1 to PW4 and to receive the said documents. The recitals of the charge ETD, J Crl.P_11655_2025 sheet reveal that the petitioner is the owner of the land and a resident of Visakhapatnam, while the accused persons are residents of Gudibanda village. The parental home of LW3 (the petitioner) is located in Gudibanda village, and her parents had gifted her a piece of land measuring 2½ acres in Sy.No.452. It is alleged that the accused persons, armed with crowbars, criminally trespassed into her land. The allegations in the complaint and the contents of the charge sheet indicate not only criminal trespass but also assert that LW3 is the owner of the subject land. The purpose of recalling PW1 to PW4, as stated by the petitioner, is to submit title deeds and other relevant documents necessary for the proper adjudication of the case.

6. Since the investigation also revealed that the land in question belongs to LW3, and the allegations point out the occurrence of trespass on her land, recalling PW1 to PW4 and permitting the submission of relevant documents would serve the ends of justice to facilitate a proper adjudication of the land alleged trespass. In this context, it is pertinent to refer to the decision of the Apex Court relied upon by the learned counsel for ETD, J Crl.P_11655_2025 the petitioner in Harendra Rai v. State of Bihar 1, wherein the 3- Judge Bench has held that Section 311 of Cr.P.C should be invoked when it is essential for just decision of the case.

https://indiankanoon.org/doc/155593975/;**Kaniviti Rajal Rao Raju vs The State Of Telangana on 8 October, 2025; CRLP No.5459 of 2024**

On perusal of the record and material, it is apparent that the petitioner is absent before the trial Court for several adjournments and filed a petition seeking to recall NBW through his counsel without appearing before the trial Court. Due to the non appearance of the accused, the case is pending before the trial Court, wherein there are as many as 10 accused in this case. Further there was no reasonable cause and explanation assigned by way of any document for the absence of the petitioner from 03.09.2021 till the date of impugned order. Though it is settled principle that for recalling of NBW

personal appearance need not be insisted upon as Section 205(1) of Cr.P.C., enables the Court to dispense with personal appearance, but as per 205(2) Cr.P.C., the Magistrate may in his discretion, at any stage of the proceedings, direct the personal attendance of the accused. However, the trial Court has rightly held that though there is a provision for recall of NBW in the absence of the petitioner, the case law regarding the same cannot be permitted to be misused, as the accused neither appeared before the Court nor placed any document assigning any reasonable cause for his absence before the Court for such a long period. Hence, this Court is not inclined to interfere with the order passed by the trial Court.

https://indiankanoon.org/doc/118035470/; **Yaparla Anurag vs The State Of Telangana on 8 October, 2025; CRLP No.12982 of 2025**

The record further reveals that a co-ordinate Bench of this Court has quashed the proceedings against accused No.6 in Crl.P.No.7396 of 2023, by order dated 11.02.2025. Having regard to the submissions of both the learned counsel, upon considering the fact that no cogent or convincing evidence is put forth by the prosecution, to prove that the petitioner **is either consumer or purchaser of Ganja** and relying on the decisions passed by the Hon'ble Supreme Court cited (supra), Ajay Kumar Gupta Vs. Union of India Criminal Appeal No.878 of 2019 , Madhavarao Jiwajirao Scindia and Others Vs. Sambhajirao Chandrojirao Angre and Others 1988 (1) SCC 692 , this Court is inclined to quash the proceedings against the petitioner/accused No.6 in SC NDPS No.1672 of 2022 on the file of the learned I Additional District and Sessions Judge-cum-MSJ, Medchal-Malkajgiri.

https://indiankanoon.org/doc/143467329/; **Kudumula Diwakar Reddy Alias Gopal vs The State Of AP on 9.10.2025; CRLRC NO: 892/2025**

At this stage either this Court or the Sessions Court cannot appreciate the contention of the Petitioner that the confession given by Accused No.4 before the Investigating Officer cannot be looked into as it is hit by Section 25 of 'the Act', inasmuch as there is also recovery of the weapons under the cover of mahazarnama from the possession of the Petitioner and other Accused and whether it is relevant under Section 27 of 'the Act' or any other provisions of 'the Act' cannot be determined at this juncture. As rightly pointed out by the learned Trial Court, it is a matter of full-fledged trial to appreciate the contentions of the Petitioner.

https://indiankanoon.org/doc/105176602/;**Abdul Saleem vs Union Of India on 9 October, 2025; Crl.A. No.923 of 2025 & batch (DB)**

The Hon'ble Supreme Court in Tarun Kumar v. Assistant Director, Directorate of Enforcement 2023 INSC 1006, has authoritatively clarified that parity, though a relevant consideration is not an inflexible rule of law. The Court held that "while applying the principle of parity, the focus must be upon the role attached to the accused whose application is under consideration." Parity does not extend to cases where the role, conduct, or antecedents of the applicant are materially distinct, such as abscondence, non-cooperation with investigation, or additional incriminating material found during inquiry. Therefore, though earlier orders of bail in favour of co-accused may guide judicial discretion, they cannot compel an identical outcome unless the factual parity is complete and bona fide.

Therefore, the appellants herein having absconded during pendency of crime and the present Special S.C. No.1 of 2023 from 29.12.2022, cannot claim 'parity' with other accused, whom this Court and the Designated Court granted bails. There is every possibility of the appellants absconding from trial in which event the Designated Court will not be in a position to proceed with trial in Spl. S.C. No.1 of 2023. Therefore, on consideration of the said aspects only, the Designated Court dismissed the bail applications filed by the appellants herein - accused Nos.2 to 4. There is no error in it. The appellants failed to make out any case to grant bail to them. Thus, the present appeals are liable to be dismissed.

https://indiankanoon.org/doc/119951432/;**Bhukya Devendar vs The State Of Andhra Pradesh on 10 October, 2025; CRLP NO: 8873/2025**

The Hon‟ble Apex Court in Sri Darshan supra while referring to the judgments of the Hon‟ble Apex Court in Vihan Kumar and Kasireddy Upender Reddy supra observed that requirement under Article 22(1) of the Constitution of India is satisfied if the accused is made aware of the arrest, grounds in substance, even if not conveyed in writing. It was also further observed that both the decisions viz., vihan kumar and Kasireddy Upender Reddy v. State of Andhra Pradesh4, which are based on decision in Pankaj Bansal v. Union of India5 clarifed that written, individualized grounds are not an inflexible requirement in all circumstances. It was also further observed that consistent judicial approach has been to adopt a prejudice-oriented test when 2025 INSC 768 (2024) 7 SCC 576 examining alleged procedural lapses. Saying so, it was further mentioned that mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend.

The expression "reasonable grounds" means something more than prima facie grounds. It contemplates substantial probable causes for believing that the accused is not guilty of the alleged offence. The reasonable belief contemplated in the provision requires existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence. In the case on hand, the High Court seems to have completely over looked the underlying object of Section 37 that in addition to the limitations provided under the CrPC, or any other law for the time being in force, regulating the grant of bail, its liberal approach in the matter of bail under the NDPS Act is indeed uncalled for. This extract is taken from State of Kerala v. Rajesh, (2020) 12 SCC 122: (2020) 4 SCC(Cri) 147: 2020 SCC OnLine SC 81 at page 129

https://indiankanoon.org/doc/163049358/; **Meghdeep Saha, vs The English And Foreign Languages on 10.10.2025; W.P. No.7693 of 2025**

i) Relevant paragraph of the judgment is extracted below "25. Therefore, so far as proceedings before the ICC are concerned, with the consent of all the parties and in consonance with the principles laid down by the Supreme Court in Bidyut Chakraborty (Prof); this court in Bidyut Chakraborty (Prof) and Kerala High Court in L.S. Sibu, it is directed that ICC which is to proceed in terms of the judgment dated 16th February, 2017, shall proceed in the following manner:

(i) The inquiry in the three complaints made by the respondents No. 3 to 5 shall begin within two weeks from today from the stage of cross-examination of the complainant's witnesses whose examination-in-chief has been tendered in writing to the previous ICC.

(ii) The ICC shall intimate the appellant and the respondents No. 3 to 5 in writing as well as by e-mail of the date and time of its proceedings.

(iii) The appellant would be allowed to cross-examine the witnesses of the complainant through a questionnaire which would be submitted to the ICC at the time when the witnesses are produced for their cross-examination.

(iv) The witnesses would be called one by one by the ICC to answer the questionnaire which is put to them. Witnesses would answer questionnaire in the presence of the Committee. Every effort shall be made by the ICC to complete the testimony of a single witness the very day on which the recording of the witness cross-examination commences.

(v) So far as witnesses who are common to several complaints are concerned, such common witness shall be cross-examined in one go when the witness appears before the ICC, in respect of all the complaints in which he/she is a witness.

(vi) The appellant and the complainant would not be present at the time when the cross-examination of the witnesses of the complainant is being recorded.
(viii) The ICC shall endeavour to ensure that the witnesses who are being cross-examined, does not confabulate with the witnesses who are yet to be cross-examined.
(ix) The ICC shall make every endeavour to supply a copy of the cross-examination of the complainants' witnesses to the appellant on the date on which the cross-examination at the earliest, in any case before cross-examination of the next witness.
(x) After completion of the cross-examination of the complainants' witnesses, the appellant would be permitted to lead defence evidence. The appellant shall submit the examination-in-chief of the defence witnesses to the ICC in writing within one week of completion of the crossexamination of the complainant's witness. Copies of the statements of the appellant's witnesses would immediately be made available to respondents No. 3 to 5.
(xi) The procedure set out above for cross-examination of the witnesses of the complainant would be followed in identical terms so far as cross-examination of the appellant's witnesses by the respondents No. 3 to 5.
(xii) We need not to emphasise that the proceedings have to be expeditiously concluded. In the event any representation is made by the complainant under Section 12 of the enactment for any interim redressal, the same would be expeditiously decided by the ICC, preferably within one week of the representation.
(xiii) After completion of the cross-examination of the witnesses of the appellant, parties shall be given a personal hearing by the ICC.
(xiv) After consideration of recording of the inquiry and the submissions made by the parties, the ICC shall submit separate reports on each complaint along with their recommendations to the Competent Authority which is the Governing Body of the respondent No. 2 within 3 days of the conclusion of the submissions.
(xv) For reasons of expediency, it is directed that the above procedure shall be strictly abided by the ICC.
(xvi) We also deem it necessary to direct that in any case any vacancy in Constitution of the ICC occurs, the same shall be filled within one week from the date when it has arisen. It is made clear that in such eventuality, the inquiry shall resume from the stage on which the erstwhile member of the ICC had left the Committee.
(xvii) It is directed that ICC shall complete the above exercise within a total period of three months from today.

(xviii) In view of the above, while maintaining the order of the ld. Single Judge so far as findings recorded in para 8 of the judgment dated 16th February, 2017 is concerned, we hereby set aside the directions made in paras 11 and 12 which shall stand substituted by the directions recorded in para 22 hereinabove."

https://indiankanoon.org/doc/199402443/; **Polipaka Gali Chandrakala vs The State Of Telangana; CRLP No.13172 of 2025 :13.10.2025**
The contents of the complaint and the recitals of the charge sheet do point out the offences under Sections 420, 406, 468, and 471 r/w. 34 of the IPC. The allegations specifically point out that a fake document was created, portraying rights over the subject property. Though the petitioners' counsel contends that the matter is purely civil in nature and that criminal proceedings cannot be maintained, in such cases, as per the guidelines laid down by the Hon'ble Apex Court in Kathyayini v. Sidharth P.S. Reddy 2025 SCC OnLine SC 1428, it is held that pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons.

https://indiankanoon.org/doc/27748892/;**Banoth Venkanna, vs The State Of T.G., on 13 October, 2025; CRLP No.12222 of 2025**
though learned counsel for the petitioner contended that the other accused are already on bail and the parity be taken for the petitioner as well, it is noted that even according to remand case diary, the other accused were not in conscious possession of contraband, as such, the relief was granted to them, whereas, the allegations against the petitioner are not the same. Given the serious allegations against the petitioner, this Court is not satisfied that conditions for granting bail under Section 37 are met.

https://indiankanoon.org/doc/99431757/; **Kaipu Prabhakar Reddy vs The State Of Telangana; Dt.13.10.2025; Crl.P.No.13142 _2025**
Sections 7 and 8 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abetment in this regard, is punishable. As per the prosecution, the petitioners have procured PDS rice from the beneficiaries after supply from the dealer.
A Coordinate Bench of this court in Crl.P.No.7227 of 2025 has considered the identical facts and observed that:- "There is no averment indicating that the petitioners in any way deceptively induced the beneficiaries to part with the supplied PDS rice or the beneficiary entrusted the PDS rice purchased

by them with the petitioners and they dishonestly misappropriated or converted to their own use or used it in violation of a lawful direction or contract. In the absence of essential factors, on the face of prosecution, this Court finds it to be a fit case to exercise the jurisdiction under Section 528 of BNSS, 2023. Thus, continuance of proceedings against the petitioners is abuse of process of law."

https://indiankanoon.org/doc/188819440/;**Jyothi Chincholi vs The State Of Telangana on 14.10.2025; CRIMINAL PETITION No.11206 OF 2025**
If at all the said sworn statement is believed to be true, the said statement is recorded on 10.05.2022. The present case crops up from the incident alleged to have occurred on 24.11.2019 and it is mentioned in the complaint that accused Nos.1 and 2 have trespassed into her house and has committed the alleged offence, based on which FIR.No.1694 of 2019 was registered, then if at all accused No.3 has gone along with accused Nos.1 and 2, how could she ask the de-facto complainant to withdraw any case. The case itself was not registered till then, then withdrawing the said case does not arise. Therefore, the allegations on the face of it are apparent to be false. It is not the case of the de-facto complainant that there were earlier some criminal cases pending between both the parties. It is her case that on 24.11.2019 the alleged incident occurred, when accused Nos.1 and 2 trespassed into their house. Subsequently, during her recording of sworn statement, she says that accused No.3 has asked her to withdraw the complaint, which is not at all in existence till then.

https://indiankanoon.org/doc/119978644/;**M/S Triangles Snooker And Pool Center vs State Of Telangana; WP No.32525 OF 2017: 14.10.2025**
Section 133 Cr.P.C. empowers an Executive Magistrate to issue a conditional order requiring the removal of unlawful obstructions or nuisances, or to regulate or prohibit certain activities that may pose a threat to public safety, health, or convenience. The provision is preventive and summary in nature and not punitive. It is well settled that the exercise of power under Section 133 Cr.P.C. must be based on credible material showing the existence of an unlawful obstruction or public nuisance affecting the community at large.
Sections 137 to 143 Cr.P.C. further envisage that before finalizing such an order, the Magistrate must conduct an inquiry to ascertain the existence of the alleged nuisance or obstruction, and only upon due satisfaction and observance of procedural safeguards can an order be made absolute.

In the present case, the record does not disclose that any such inquiry was conducted or that the petitioner was afforded an opportunity of hearing as required under Sections 135 to 138 Cr.P.C. The impugned action appears to have been taken solely on the basis of the initial notice, without following the mandatory procedural steps prescribed by law. A direction to close the business premises within 48 hours, based merely on the allegation of "rowdy behaviour" and "public nuisance," without establishing credible evidence of imminent threat to public order or safety, cannot be sustained.
Moreover, the respondent authorities have not pleaded that any inquiry or local inspection was conducted to verify the alleged nuisance, or that any order was made absolute in accordance with Sections 137 and 138 Cr.P.C. Likewise, there is no record of compliance with the conditional enforcement measures or penalty procedures envisaged under Sections 139 to 143 Cr.P.C.

https://indiankanoon.org/doc/55029420/**;Battila Lakshmanudu vs The State Of Telangana on 14.10.2025; CRLP Nos.12506 & 12520 of 2025**
It is pertinent to refer to Section 173(8) of the Criminal Procedure Code (for short 'Cr.P.C') and the same is extracted hereunder for the sake of reference:_ Section 173(8) of the Cr.P.C:- "allows the police to conduct a further investigation into an offense even after a final report (such as a chargesheet) has been submitted to the Magistrate**. If new evidence is obtained during this further investigation,** the police officer must submit a further report to the Magistrate, and the general provisions of Section 173 (including subsections 2 to 6) will apply to this new report. This provision was added to the 1973 Cr.P.C to provide a statutory basis for further investigation, addressing recommendations from the Law Commission."
Thus, the statute envisages that prosecution can collect additional evidence and shall forward it to the Magistrate subsequently after filing the final report. In the present case the prosecution has collected original bonafide certificate issued by Sri Chaitanya Junior College and therefore, has filed the present petition seeking to receive the said document.
The contention of the accused is that the prosecution has not offered any explanation for the non filing of the bonafide certificate at the time of the filing charge sheet and that the collection of new evidence at a later point of time would prejudice the rights of the accused. Since 173(8) empowers the investigating officer to conduct further investigation and in case if any evidence is collected, he can produce the same before the Court. In the present case an important document is intended to be marked. Hence, the same has to be received by the trial Court and the trial Court has rightly

allowed the application and had reasoned out its order. Therefore, there is no infirmity in the orders passed by the trial Court. Hence, the petition lack merits and the same is liable to be dismissed.

https://indiankanoon.org/doc/128513142/;**Kamsani Anjali vs The State Of Telangana; W.P.No.26685 OF 2025 15th October, 2025.**
Illegal detention is the sine qua non for maintainability of a Writ of Habeas Corpus: Rasamalla Divyarani Vs. The State of Telangana 6. Rachna Vs. State of U.P. 7 dealt specifically with a case of the victim being sent to Women Protection Home/Nari Niketan by the CWC appointed under section 27 of the JJ Act. The Allahabad High Court held that the Writ Petition was not maintainable against the orders passed by a Judicial Magistrate or the CWC under the provisions of the JJ Act. A similar view was taken in Omkar Vs. State of U.P. 8 and Shifa @ Mannu @ Shifa Malik Vs. State of U.P. 9, where the petitioner sought custody of the detenue who was detained in a Protection Home pursuant to the order passed by the CWC under section 37(1)(c) of the JJ Act. The Court held that detention under the order of the CWC would not warrant a Writ of Habeas Corpus. The Madhya Pradesh High Court in Vatsalyapuram Jain Welfare Society Vs. 5 (2020) 14 Supreme Court Cases 161 6 2023 (6) ALT 571 7 2021 SCC OnLine All 211 2023: AHC: 105954 2020 SCC OnLine All 2381 MB,J & GPK,J The State of Madhya Pradesh 10 also opined that a Writ Petition for Habeas Corpus is not maintainable to challenge the statutory orders of detention passed by the CWC or the jurisdictional Magistrate.
Admittedly, the detenues were minors when they were rescued by the Yadagirigutta Police on 17.08.2018 from a trafficking racket. Both the detenues are now 19 years old. However, it does not automatically follow that the child must be released upon attaining majority if the release is not in the best interest of the child. The CWC is fully empowered to take a decision with regard to the further detention or MB,J & GPK,J release of the child bearing in mind her safety, welfare and rehabilitation as priorities: Girish Kumar Vs. The State of U.P11. Shifa @ Mannu (supra) involved a case a Writ of Habeas Corpus on the ground that the detenue is a major and should hence not be kept in Nari Niketan against her wishes. The Allahabad High Court held that the Writ could not lie against a lawful order of a competent authority such as the CWC. The Duty of the State vs. the Victim's Right to script her Future.
in Hussainara Khatoon v. Home Secretary, State of Bihar, 14 (1980) 4 SCC 531 15 (2022) SCC ONLINE SC 704 (2001) 4 SCC 734 MB,J & GPK,J Patna 17, the Supreme Court doubted that expression 'protective custody' as

nothing but imprisonment in the context of women who have been kept in jail for long periods of time without any fault on their part. Gian Devi (Supra) was a case where the petitioner herself made a request for Court protection but was ordered to be detained at the Nari Nikethan, Delhi, in the background of the petitioner marrying a person against the wishes of her father. Smt. Icchu Devi Choraria (Supra) reiterated the settled principle that the detaining authority should discharge the burden of establishing that the detention is in accordance with the procedure established by law. The Supreme Court noted in Shafin Jahan (supra) that the entire complexion of a case would change where the detention is not illegal. The detenue in that case appeared before the High Court and stated that she was not under illegal confinement. It must also be borne in mind that Shafin Jahan involved an interfaith marriage between the petitioner and the detenue which occurred against the wishes of the detenue's father. Budhadev Karmaskar (supra) was concerned with a Panel for prevention of trafficking and rehabilitation of sex workers and conditions conducive for working with dignity.

The detenues may encounter several ground realities upon their release. The detenues are **material witnesses** in trafficking and POCSO cases which are pending trial. Hence, premature release may expose the alleged detenues to threat and intimidation from traffickers. The continued protective custody of the detenue would hence not only be in furtherance of their protection but also for preserving the integrity of the criminal proceedings.

The primary concern is to balance the alleged detenues' right to autonomy with the duty of the State to protect them. Although the State must be cautious not to infantilize the detenues by denying them agency, it also cannot turn a blind eye to the history of exploitation and the possibility of the detenues' being influenced by anti-social and criminal elements. We have no doubt that there must be a credible plan in place for the protection of the detenues and to facilitate realization of their true potential as empowered members of the society. Our suggestions in this regard:

(a) The State can assess whether the victim of trafficking is in a position to make a truly informed decision for leaving the child welfare system and whether the victim is being manipulated by external forces.

(b) A mental health evaluation is necessary to ascertain whether the victim can make independent and informed decisions.

MB,J & GPK,J

(c) Make a risk assessment as to whether any protective measures are required to be implemented after the victim is released.

(d) Provide a State Home Exit Plan including State Housing Programme designed for survivors of trafficking.

(e) Legal protection i.e., by issuing restraining orders against certain persons who pose an immediate threat to the victim.
(f) Provide education, vocational training and place the victims in a suitable employment away from exploitation.
(g) Provide monetary and support structure to a victim if the victim decides to leave the care facilities by providing access to emergency support services and developing a partnership with organizations working for anti-social trafficking and victims' protection programme.
(h) The State can also approach the Court for necessary orders for temporary guardianship arrangement or a Court monitoring system to be put into place for safeguarding the victim.

https://indiankanoon.org/doc/42904566/; **Kadam Anand Rao, vs State Of Telangana. on 15.10.2025; CRIMINAL PETITION No.12286 of 2025**
The record discloses that the offences alleged against the petitioner are under Sections 354, 354D, 363, 506 IPC and 3(1)(2(i), 3(2)(va) of SC & ST and Section 11 read with 12 of the POCSO Act. The offences under Sections 354, 354D, 363, 506 IPC are punishable with imprisonment of below 7 years, but the offences under Sections 3(1)(2(i), 3(2)(va) of ST & ST Act and Section 11 read with 12 of the POCSO Act are heinous offences. When the accused was surrendered before the learned Judicial Magistrate of First Class, Bhainsa, by filing a petition under Section 431 Cr.P.C., the learned Magistrate has accepted the petition and released the accused on bail subject to certain conditions. In such a situation, the learned Magistrate ought to have seen that once the surrender is accepted, the provisions of SC & ST Act and POCSO Act would come into picture and therefore, issuance of notice is mandatory to the victim and the Public Prosecutor. It is only after serving the notice on the victim and the Public Prosecutor, the Magistrate could have arrived at a decision. But, in the present case, the accused was set at liberty by granting bail without serving any notice on the Public Prosecutor or the victim
Thus, serving notice under Section 15(a) of the SC & ST Act is mandatory, which is violated by the learned Magistrate. When there is such a violation, the order passed by the learned Magistrate needs to be set aside and the revisional court has done the same. Thus, there is no infirmity in the orders passed by the learned Principal District & Sessions Judge, Nirmal, and hence, the same are upheld. Thus, the petition lacks merit and is liable to be dismissed.

2025 0 INSC 1249; 2025 0 Supreme(SC) 1831; Rajendra Bihari Lal and Another Versus State of Uttar Pradesh and Others: Writ Petition (Crl.) No. 123 of 2023, Writ Petition (Crl.) No. 141 of 2023, Criminal Appeal Nos. 4565-4567 of 2025 [Special Leave Petition (Crl) Nos. 7233-7235 of 2023], Criminal Appeal No. 4568 of 2025 [Special Leave Petition (Crl) Nos. 7380 of 2023], Criminal Appeal No. 4569 of 2025 [Special Leave Petition (Crl) No. 10187 of 2023], Criminal Appeal No. 4570 of 2025 [Special Leave Petition (Crl) No. 13679 of 2023], Criminal Appeal Nos. 4571-4572 of 2025 [Special Leave Petition (Crl) Nos. 13231-13232 of 2023], Criminal Appeal Nos. 4573-4576 of 2025 [Special Leave Petition (Crl) Nos. 15251-15254 of 2023], Criminal Appeal No. 4577 of 2025 [Special Leave Petition (Crl) No. 3818 of 2023], Criminal Appeal No. 4578 of 2025 [Special Leave Petition (Crl) No. 10555 of 2024], Writ Petition (Crl.) No. 315 of 2024 [Special Leave Petition (Crl.) No. 8615 of 2024] Decided On : 17-10-2025

We find it apt to mention that an accused person may approach the High Court for quashing of the FIR and chargesheet under Article 226 of the Constitution till the time cognizance on the chargesheet has not been taken by the jurisdictional Trial Court. Once cognizance is taken, thereafter the accused person may approach the High Court under Section 528 of the B.N.S.S. (earlier Section 482 of the Cr.P.C.) at any stage of the proceedings for quashing of the FIR and the consequential proceedings on the ground of abuse of the process of law. (See: Order dated 15.10.2024 in SLP (Crl.) 13578/2024, Neeta Singh and Others v. The State of Uttar Pradesh and Others)

Recently, in State of Rajasthan v. Surendra Singh Rathore, reported in 2025 SCC OnLine SC 358, Sanjay Karol, J., upon referring to the earlier decisions of this Court, laid down the principles regarding the permissibility of the registration of a second FIR. The relevant paragraphs have been reproduced hereinbelow:

> "9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:
>
> 9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.
>
> 9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.
>
> 9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.
9.5 Where the incident is separate; offences are similar or different." (Emphasis supplied)

2025 0 INSC 1223; 2025 0 Supreme(SC) 1807; Rahul Agarwal Versus The State of West Bengal & Anr.; Criminal Appeal No. 4456 of 2025 [@Special Leave Petition (Crl.) No. 5518 of 2025]; 13-10-2025

Following the aforesaid precedent, it was held in Ritesh Sinha (supra) that despite absence of explicit provisions in Cr.P.C., a Judicial Magistrate must be conceded the power to order a person, to give a sample of his voice for the purpose of investigation for a crime. We specifically note that this Court had not spoken only of the accused and specifically employed the words 'a person', consciously because the Rule against self- incrimination applies equally to any person whether he be an accused or a witness. It was also directed that till explicit provisions are incorporated in the Cr.P.C., the Judicial Magistrate will be so empowered by virtue of the said judgment. The issue was also pending with the Government and with the advent of the BNSS, it has been specifically incorporated under Section 349.

We need not hence consider the question as to whether it is the Cr.P.C. or the BNSS which would be applicable to the present case. If it is the Cr.P.C., the three Judge Bench decision in Ritesh Sinha (supra) permits the same on the identical principle adopted by this Court in Kathi Kalu Oghad, (supra) to permit furnishing of handwriting, signature and finger impressions. The said sampling is similar to voice sampling, as now possible by reason of the advancing technology. If it is the BNSS that is applicable, then there is a specific provision enabling such sampling. The reasoning was also that mere furnishing of a sample of the fingerprint, signature or handwriting would not incriminate the person as such. It would have to be compared with the material discovered on investigation, which alone could incriminate the person giving the sample, which would not fall under a testimonial compulsion, thus not falling foul of the rule against self-incrimination.

2025 0 INSC 1248; 2025 0 Supreme(SC) 1830; Jane Kaushik Vs. Union Of India & Ors.; Writ Petition (Civil) No. 1405 of 2023; 17-10-2025

Before we close this judgment, we would like to say something as regards the litigation that has unfolded before us. This matter has been an eye opener for one and all and therefore, we deem it necessary to bring to light certain deficiencies that we came across in the 2019 Act which require immediate attention of the Parliament and the Union of India.

(i) One of the issues arising under the 2019 Act is the accessibility and effective availment of the benefits it guarantees. While the Act takes significant steps towards securing a slew of benefits for the transgender persons, these benefits are made dependent on the possession of an identification card. In this context, the MoSJE may consider simplifying and streamlining the process of issuance of identification cards to the transgender persons.

(ii) During the course of hearing, our attention was drawn to the inadequate condition of 'Garima Grehs,' the State-funded and operated shelter homes for transgender persons, which have been established to provide a safe and inclusive living environment across the country. While the initiative of the Union of India is commendable, merely setting up these shelters is insufficient. We urge, the Union of India, particularly the MoSJE, together with all State Governments, to earnestly take proactive steps in ensuring adequate funding for the effective functioning of these homes and to further expand their reach, with the aim of establishing such shelters in every district.

(iii) One of the significant challenges faced by the transgender community, particularly within public institutions such as educational establishments, hospitals, transport hubs and government offices, is the lack of effective measures ensuring reasonable accommodation. In this regard, it is, therefore, suggested that: -

a. Gender-neutral or gender-diverse washrooms be provided within the premises of all public as-well as private establishments.

b. All establishments, including workplaces, may endeavour towards cultivating an environment that is gender-inclusive and conducive to the free expression of identity by transgender persons, without fear or stigma.

c. All personnel at these establishments, particularly the employers, be urged to maintain strict confidentiality with regard to the gender identity of transgender employees.

d. All establishments under the 2019 Act, especially the educational institutions and workplaces, must also strive to update their forms for admissions and examinations, especially at the application and entry level, to include and accommodate the category of 'Third Gender', to ensure the maximum participation of transgender persons in such institutions.

e. All educational institutions may ensure that they respect the gender identity and right to recreation and participation of transgender persons. They may be inclusively accommodated in the academic, cultural and physical environment of the institution.

(iv) Raising awareness about the realities of the plight of transgender persons can further help in promoting a safe, conducive and inclusive environment for transgender people. Schools, particularly play a crucial role in this regard, as it helps create awareness for generations to come by shaping the perceptions of students from a very young age. It is, therefore, suggested that the Ministry of Education undertake comprehensive programmes aimed at fostering inclusivity and sensitisation towards gender diversity. An inclusive curriculum following the model given by the National Council of Educational Research and Training (NCERT) in its training material on 'Inclusion of Transgender Children in School Education: Concerns and Roadmap' (2021) may be devised. The curriculum must ideally foster understanding and respect, along with promoting a positive representation and recognition of transgender persons.

(v) The University Grants Commission (UGC), the Central Board of Secondary Education (CBSE), and all State Education Boards may earnestly consider adopting comprehensive policies in institutions under their recognition or affiliation to promote inclusion and equality for transgender, intersex, and gender non-conforming students. Such policies may, inter alia, provide for the modification of application forms, records, and registers to reflect the chosen gender identity; ensure equal access to opportunities in admission, learning, evaluation, extracurricular activities, and student representation; promote the use of gender-sensitive language and recognition of preferred names and pronouns; and facilitate participation in sports and other activities in accordance with students' self-identified gender.

(vi) Security check-ins at airports, metro stations, bus stands, sea ports, workplaces, shopping complexes, malls, cinema halls, and other public spaces may create special gender diverse screening points for transgender persons along with the sensitization of security personnels at such security-checks.

(vii) In view of Section 15(d) of the 2019 Act, the National Medical Commission may consolidate their efforts and come up with a revamped course curriculum with pragmatic pedagogic approach towards equipping the medical students and doctors with knowledge pertaining to gender reaffirming surgeries and specific health issues faced by transgender persons.

(viii) The Ministry of Home Affairs, Government of India, may also consider formulating and issuing specific directions to ensure that no transwoman is arrested without the presence of a lady officer.

F. DIRECTIONS

199. Having gone through the statutory framework, we are disheartened to note that there are several provisions in both the 2019 Act and the 2020 Rules respectively which remain as mere aspirations on paper despite the same being couched in a mandatory language. Thus, we find it appropriate to exercise our plenary powers under Article 142 of the Constitution to direct the following:

(i) That the appellate authority before which a transgender person may exercise their right to appeal against the decision of the District Magistrate be designated as per Rule 9 of the 2020 Rules in every State/UT.

(ii) That a Welfare Board for the transgender persons as envisaged under Rule 10(1) of the 2020 Rules be created in every State/UT for the purpose protecting their rights and interests and also facilitating access to schemes and welfare measures.

(iii) That a Transgender Protection Cell under the charge of the District Magistrate in each District and under the Director General of Police of the State be set up in each State/UT in accordance with Rule 11(5) of the 2020 Rules, in order to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences.

(iv) That all States/UTs ensure that every “establishment” designates a complaint officer in accordance with Section 11 of the 2019 Act and Rule 13(1) of the 2020 Rules respectively.

(v) In the absence of a forum before which an objection can be raised by a transgender person, who is aggrieved with the decision taken by the head of the establishment under Rule 13(3) of the 2020 Rules, the State Human Rights Commission (SHRC) shall be designated as the appropriate authority to look into such objections.

(vi) A dedicated nation-wide toll-free helpline number be set up to address the contravention of any provision of the 2019 Act and the 2020 Rules respectively. If any such information regarding the violation of the provisions of the 2019 Act and 2020 Rules respectively, is received by the helpline, it shall immediately report such information to the Transgender Protection Cells under the charge of the District Magistrate in each District and under the Director General of Police of the State, as the case may require. This nation-wide toll-free helpline number would have a wider scope than the grievance redressal mechanism envisioned under Rule 13(5) of the 2020 Rules.

200. The Union of India and all the State respectively shall ensure that the aforesaid directions are strictly complied with within a period of three months from the date of the pronouncement of this judgment.

2025 0 INSC 1231; 2025 0 Supreme(SC) 1814; Shivkumar @ Baleshwar Yadav Vs. The State of Chhattisgarh; Criminal Appeal No. 4502 of 2025 (@ Special Leave Petition (Criminal) No. 14625 of 2024): 14-10-2025

Thus it is clear that before a witness can be declared hostile and the party examining the witness is allowed to cross-examine him, there must be some material to show that the witness is not speaking the truth or has exhibited an element of hostility to the party for whom he is deposing

Section 8(c) of the SC/ST Act clearly indicates that the acquaintance of the accused with the family of the victim is enough to presume that the accused was aware of the caste and identity of the victim, unless proved otherwise.

Nothing has been brought on record to rebut the presumption and as such, we are fully convinced that even Section 3(2)(v) of the SC/ST Act is clearly attracted.

2025 0 INSC 1232; 2025 0 Supreme(SC) 1815; Varun Kumar Alias Sonu Vs. The State Of Himachal Pradesh & Ors.; Criminal Appeal No. 1295 of 2018; Decided On : 14-10-2025

Even assuming that the victim had wilfully volunteered to sexual intercourse, this aspect becomes immaterial, as the victim was a minor on the date of the incident in question. As observed hereinabove, as per the case of the prosecution, she was aged about 15 years on the date of the incident.

2025 0 INSC 1260; 2025 0 Supreme(SC) 1859; State of Kerala Vs. Suni @ Sunil; Criminal Appeal No 4647 of 2025 [@ SLP (Crl.) No. 6238 of 2024] With Criminal Appeal Nos. 4648-4649 of 2025 [@ SLP (Crl.) Nos. 8223-8224 of 2025]; Decided On : 28-10-2025

We may note, at this stage, that the shortfalls and lack of lucidity in the statute do not constitute casus omissus, i.e., ‘a case of omission’. It is well settled that it is not permissible for the Court to apply the doctrine of casus omissus where the language of a statute is clear and unambiguous as the words used by the statue speak for themselves and it is not the function of the Court to add words or expressions merely to suit what the Court thinks is the intent of the legislature [See S.R. Bommai vs. Union of India, (1994) 3 SCC 1]. As pointed out by a Constitution Bench in Nathi Devi vs. Radha Devi Gupta, (2005) 2 SCC 271 while interpreting a statute, effort should be made to give effect to each and every word used by the legislature and a construction which attributes redundancy to the legislature should not be accepted except for compelling reasons, such as obvious drafting errors.

However, in a situation where it is not an instance of casus omissus by the draftsman of the legislation and there are ample means to gather the clear intention of the lawmakers, the statutory provisions which are seemingly lacking in clarity, but are actually not so, can be synchronized so as to give effect to the legislation as intended, without the Court venturing into the realm of legislative drafting. Such an exercise would only require harmonious construction of the provisions so as to give full effect to the legislation.

Section 195A CrPC, therefore, aimed at bringing clarity to the issue. The threatened witness or other person could approach the police or file a complaint in relation to an offence under Section 195A IPC so that the process relating to cognizable offences could commence immediately. The use of the word 'may' in Section 195A CrPC indicates that it is not compulsory for a threatened witness or other person to only approach the Magistrate concerned to complain of the offence under Section 195A IPC. Given the scheme and structure of both the statutes, i.e., the IPC and the CrPC, in the context of the offence under Section 195A IPC, we are not persuaded by the argument that the word 'may' in Section 195A CrPC should be read as 'shall'. The undeniable fact remains that the offence under Section 195A IPC is a cognizable offence and once that is so, the power of the police to take action in relation thereto under Sections 154 CrPC and 156 CrPC cannot be doubted. As the said offence is classified as a cognizable offence, the process of criminal law can as well be set in motion by giving information of the commission of such offence to the concerned police officer under Section 154 CrPC. It is only by way of an additional remedy that Section 195A CrPC permits the threatened witness or any other person acting on his behalf to file a complaint before the jurisdictional Magistrate to set the process of criminal law in motion.

2025 0 INSC 1261; 2025 0 Supreme(SC) 1861; State Election Commission Vs. Shakti Singh Barthwal & Anr.; M.A. No. 1901 of 2025 In SLP (Civil) No. 27946 of 2025; Decided On : 28-10-2025

It must be appreciated that once the Court has indicated its mind and requested the counsel to refrain from further submissions, the same is expected to be respected. Orders are passed by the Court only after due consideration. The Court is always mindful of the submissions advanced and does not dismiss the matters without careful examination. Continued insistence thereafter, especially after the Court expressed its inclination, serves no purpose and affects the decorum of proceedings. There needs to be a balance in the duty that advocate has towards his/her client and the

Court. The orderly and dignified functioning of the Court is best ensured when the Bench and the Bar move in symphony with each other.

2025 0 INSC 1262; 2025 0 Supreme(SC) 1863; Om Pal & Ors Vs. State of U.P. (Now State Of Uttarakhand); Criminal Appeal No. 1624 of 2011 With Criminal Appeal Nos.1613-1614 of 2011; Decided on : 28-10-2025

It is settled that the testimony of an injured eyewitness is accorded a special status in law. As being a stamped witness, his presence cannot be doubted. The testimony of an injured eyewitness has its own relevancy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present during the occurrence. Thus, the testimony of the injured eyewitness should be generally given due importance unless there are glaring contradictions.

Motive although is a relevant factor in all criminal cases, it, however, is not a sine qua non for establishing the guilt of the accused persons. Motive even in a case which rests on an eyewitness account, lends strength to the prosecution's case and fortify the Court in its ultimate conclusion. Thus, the fact of motive has to be seen in the light of the other cogent evidence available.

The use of the sharp edges of spades, phawadas to deliver fatal blows on the heads of the deceased demonstrates that the assailants acted with a clear motive and object of permanently eliminating them, thereby committing their murder. Thus, the circumstances to bring the case under the fourth exception to Section 300 of the IPC do not exist.

It is a settled position that delay in filing of the FIR cannot be considered to be fatal to the case of the prosecution when there is direct evidence and when the delay in filing the FIR is well explained.

this Court has many a times reiterated that non-recovery of the weapons cannot be considered fatal to the case of the prosecution if there is consistent medical and ocular evidence.

Any omission on the part of the investigating officer cannot go against the prosecution's case. Story of the prosecution is to be examined dehors such omission by the investigating agency. Otherwise, it would shake the confidence of the people not merely in the law enforcing agency but also in the administration of justice.

2025 0 INSC 1258; 2025 0 Supreme(SC) 1857; Denash Vs. The State of Tamil Nadu; Criminal Appeal No(s). 4613 of 2025 (Arising out of SLP (Crl.) No(s). 8698 of 2025); Decided On : 27-10-2025

While the Rules of 2022 lay down the procedure for initiation and disposal of seized articles, they are notably silent on the rights of persons whose property is affected by such disposal. This omission assumes particular importance in cases where the seized property is not a contraband per se but a conveyance or container belonging to a third party who may have no connection with the seized contraband. In this context, it is essential to refer to the substantive and procedural provisions contained in Sections 60 and 63 of the NDPS Act, which form the statutory framework governing confiscation and the rights of claimants.

a conjoint and holistic reading of Sections 60(3) and 63, makes it abundantly clear that the power to determine whether or not a seized conveyance is liable to confiscation vests in the Special Court constituted under the NDPS Act and not in any administrative or executive authority such as the Drug Disposal Committee. The statute stipulates that where an owner proves absence of knowledge or connivance, the Special Court is duty- bound to hear such claim before deciding the fate of the seized vehicle including confiscation.

The principle enunciated in the aforesaid decision makes it abundantly clear that confiscation or otherwise of a conveyance is to be determined finally, only upon conclusion of the trial, and until such adjudication, the ownership rights of the owner, who prima facie establishes that he is unconnected with the seized contraband, from claiming the seized vehicle cannot be extinguished. It further underscores that the power of confiscation is coupled with a duty to observe procedural fairness and to ensure that no prejudice is caused to an innocent owner who had neither knowledge nor willfully participated or connived to commit the offence under the NDPS Act.

we are of the considered view that the interpretation given by the High Court, holding that pursuant to the promulgation of the Rules of 2022, all other forums, including the Special Court, are divested of the jurisdiction to decide the fate of a seized conveyance under the NDPS Act and that the aggrieved person must necessarily approach the Drug Disposal Committee, is unsustainable in the eyes of law.

In the present case, it is manifest that the appellant is the true owner of the vehicle, having valid documents. The vehicle was lawfully engaged for transportation of iron sheets weighing 29,400 MT. The seized drug, i.e., 6 kilograms Ganja was found in possession of the four accused persons present in the vehicle. Neither was the appellant chargesheeted in the matter

nor did the prosecution allege him to be acting in conspiracy. As a necessary corollary, it can safely be presumed that the said contraband must have been procured by the drivers and/or the khalasis without the knowledge or connivance of the appellant.

2025 0 INSC 1268; 2025 0 Supreme(SC) 1870; Jemaben Vs. The State of Gujarat; Criminal Appeal No. 1934 of 2017; Decided On : 29-10-2025
merely because there are minor discrepancies in the version given by the prosecution witness with regard to the dying declaration and with regard to the manner of occurrence of the incident, the first dying declaration given by the deceased before the independent witness, i.e. PW-3, cannot be ignored. The first dying declaration is supported by the independent documentary evidence, and therefore, the High Court has rightly placed reliance upon the decision rendered by this Court in the case of Nallam Veera Stayanandam and Others vs. Public Prosecutor, High Court of A.P., (2004) 10 SCC 769 and thereby, rightly set aside the order of acquittal rendered by the trial court qua the appellant/accused.

https://indiankanoon.org/doc/61970502/;**M Sreenivasulu vs The State Of Andhra Pradesh on 27 October, 2025; WP No. 1294 of 2025**
The learned II Additional Judicial First Class Magistrate, Tirupati passed the Lok Adalat Award without a Petition seeking permission under Section 320 (2) Cr.P.C at the behest of the defacto complainant (Sri Y. Satish Kumar) who cannot be treated as the owner of the property and without there being an authorization to compound the offences issued by the T.T.D Management Board. Accused was acquitted under Section 320 (8) Cr.P.C.
The Counter Affidavit (filed on 24.10.2025) by Respondent No.2 - Executive Officer would also indicate that as on the date of recording of compromise/compounding of offences at the behest of the defacto complainant Sri Y. Satish Kumar, there was no express authorization from the owner of the property i.e., from the 'Deity through the Management Board of T.T.D' . This is besides the fact that, if Sri C.V. Ravi Kumar was correctly charged with proper provision of law i.e., under Section 409 of IPC, the issue of compromise/compounding would not have been possible at all.
It is also surprising to note that the Executive Officer has taken sufficient interest in authorizing Sri B. Ramesh Kumar, employee of T.T.D to receive the stolen property, but insofar as the recording of compromise and closing of the criminal case, neither the Executive Officer nor the T.T.D Board has issued the Proceeding, while fully being aware of each and every Proceeding that was going on in the Court of the learned II Additional Judicial Magistrate

of First Class, Tirupati. While the noted shortcomings are the major ones, this Court has also noted several smaller discrepancies. This Court is of view that what is noted above is just the tip of ice berg. This Court, prima-facie, noticed that the statutory provisions, statutory procedures and several other administrative procedures have been given a complete go-bye to ensure that a heavy-lid is placed on the criminal proceeding with a view to give a quietus as expeditiously as possible for the reasons best known to several persons/authorities involved in the entire process. Whether these events have taken place out of gross negligence and non-application of mind of the authorities or due to active connivance and foul-play is a thing which requires very serious investigation in the opinion of this Court.

This Court, having considered the facts, is of the prima-facie opinion that the compromise/compounding of offences under Sections 379 & 381 of IPC, in the given facts and circumstances of the case, is per se illegal, inasmuch as the defacto complainant had no authority to agree for a compromise. The defacto complainant, by no stretch of imagination, can be considered to be the owner of the property. In any case, the charging of the accused only under Sections 379 & 381 of IPC was perhaps intended to facilitate recording of compromise by leaving-out the charge against the accused under Section 409 of IPC.

https://indiankanoon.org/doc/125351095/;**Kuna Raviteja Goud vs The State Of Telangana; CRIMINAL PETITION Nos.13256, 13261, 13268, 13277, 13298, 13299, 13301 of 2025 Date: 27.10.2025**

It is therefore contended that, in the absence of such quantification, the same ought to be treated as an intermediate quantity, thereby entitling the petitioners to the benefit of bail. However, the record clearly discloses that Alprazolam was mixed in the toddy and, as a result of its consumption, eight persons lost their lives. This circumstance itself indicates that the quantity of Alprazolam mixed in the toddy was of a substantial nature and not a negligible or intermediate one. Even if the Investigating Agency had destroyed the toddy seized, the same is inconsequential, as per the law laid down by the Hon'ble Supreme Court in Heera Singh v. Union of India, wherein it was held that the total mixture of the contraband substance with the neutral material must be taken into consideration for determining the quantity. Therefore, the contention of the petitioners that the seized substance constitutes an intermediate quantity cannot be accepted.

https://indiankanoon.org/doc/64043364/; **Shaik Habbibunnisa vs The State Of AP; CRIMINAL PETITION No.8768 of 2025; 27.10.2025**
Pre-arrest bail granted to a juvenile

NOSTALGIA

TIP

In P. Sasikumar v. State, (2024) 8 SCC 600 this Court acquitted the accused on precisely this ground, holding:

> "17. The admitted position in this case is that the test identification parade was not conducted. All the prosecution witnesses who identified the accused in the Court […] were not known to the present Appellant. They had not seen the present Appellant prior to the said incident. He was a stranger to both of them….
>
> 18. […] Under these circumstances, TIP had become necessary particularly when both the accused, who are alleged to have committed this murder were arrested within two days.
>
> 19. […] No explanation whatsoever has been given by the prosecution as to why TIP was not conducted in this case before a Magistrate as it ought to have been done."
>
> "21. It is well settled that TIP is only a part of police investigation. The identification in TIP of an accused is not a substantive piece of evidence. The substantive piece of evidence, is only dock identification that is identification made by witness in court during trial.
>
> 23. […] In cases where an accused is a stranger to a witness and there has been no TIP, the trial court should be very cautious while accepting dock identification by such a witness.
>
> 24. […] We are of the opinion that not conducting a TIP in this case was a fatal flaw in the police investigation and in the absence of TIP the dock identification of the present appellant will always remain doubtful. Doubt always belongs to the accused."

Last Seen theory

This Court has consistently cautioned against treating the last-seen circumstance as conclusive proof of guilt. In State of U.P. v. Satish, (2005) 3 SCC 114 it was observed:

> "22. The last-seen theory comes into play where the time gap between the point of time when the accused and the deceased were last seen alive and when the deceased is found dead is so small that the possibility of any person other than the accused being the author of the crime becomes

impossible. It would be difficult in some cases to positively establish that the deceased was last seen with the accused when there is a long gap and possibility of other persons coming in between exists. In the absence of any other positive evidence to conclude that the accused and the deceased were last seen together, it would be hazardous to come to a conclusion of guilt in those cases…."

b. The same principle was reiterated in Hatti Singh v. State of Haryana, (2007) 12 SCC 471 where this Court held:

"28. There cannot be any doubt that conviction can be based on circumstantial evidence, but therefor the prosecution must establish that the chain of circumstances only consistently points to the guilt of the accused and is inconsistent with his innocence. Circumstances, as is well known, from which an inference of guilt is sought to be drawn are required to be cogently and firmly established. They have to be taken into consideration cumulatively. They must be able to conclude that within all human probability the accused committed the crime."

c. In the subsequent decision in Chattar Singh & Anr. v. State of Haryana, (2008) 14 SCC 667 this Court warned against drawing hasty inferences from such evidence. It observed that the last-seen theory is a weak kind of evidence. It would be unsafe to base conviction solely on this circumstance unless it is corroborated by some other strong and clinching material.

d. Most recently, in Krishan Kumar & Anr. v. State of Haryana, 2023 SCC OnLine SC 1180 this Court reiterated the dangers of indirect or presumptive application of the last-seen theory stating that the theory cannot be applied in the absence of clear and positive testimony placing the deceased in the company of the accused at a proximate time before the occurrence. The doctrine cannot be stretched to presume such presence indirectly, nor can conjectures substitute proof. Any indirect application of the last-seen theory is impermissible.

Conflict between the Ocular Version and the Medical Evidence

The law on conflict between the medical evidence and ocular evidence has been succinctly explained in Abdul Syeed v. State of M.P., reported in (2010) 10 SCC 259, succinctly explained thus:-

"Medical evidence versus ocular evidence

32. In Ram Narain Singh v. State of Punjab [(1975) 4 SCC 497 : 1975 SCC (Cri) 571 : AIR 1975 SC 1727] this Court held that where the evidence of the witnesses for the prosecution is totally inconsistent with the medical evidence or the evidence of the ballistics expert, it amounts

to a fundamental defect in the prosecution case and unless reasonably explained it is sufficient to discredit the entire case.

xxx

38. In State of U.P. v. Hari Chand [(2009) 13 SCC 542 : (2010) 1 SCC (Cri) 1112] this Court reiterated the aforementioned position of law and stated that : (SCC p. 545, para 13)

"13. … In any event unless the oral evidence is totally irreconcilable with the medical evidence, it has primacy."

39. Thus, the position of law in cases where there is a contradiction between medical evidence and ocular evidence can be crystallised to the effect that though the ocular testimony of a witness has greater evidentiary value vis-à-vis medical evidence, when medical evidence makes the ocular testimony improbable, that becomes a relevant factor in the process of the evaluation of evidence. However, where the medical evidence goes so far that it completely rules out all possibility of the ocular evidence being true, the ocular evidence may be disbelieved." (Emphasis supplied)

BEYOND REASONABLE DOUBT

In Ramakant Rai v. Madan Rai, reported in (2003) 12 SCC 395, this Court explained the meaning of "reasonable doubt". It means doubts that are free from abstract speculation, not a result of an emotional response, which are actual and substantial doubts on the guilt of the accused person, and not vague apprehensions. It cannot be an imaginary, trivial or a possible doubt, but a doubt based upon reason and common sense. The relevant observations have been reproduced hereinbelow:-

"23. A person has, no doubt, a profound right not to be convicted of an offence which is not established by the evidential standard of proof beyond reasonable doubt. Though this standard is a higher standard, there is, however, no absolute standard. What degree of probability amounts to "proof" is an exercise particular to each case. Referring to (sic) of probability amounts to "proof" is an exercise, the interdependence of evidence and the confirmation of one piece of evidence by another, as learned author says : [see The Mathematics of Proof II : Glanville Williams, Criminal Law Review, 1979, by Sweet and Maxwell, p. 340 (342)]

"The simple multiplication rule does not apply if the separate pieces of evidence are dependent. Two events are dependent when they tend to occur together, and the evidence of such events may also be said to be dependent. In a criminal case, different pieces of evidence directed to

establishing that the defendant did the prohibited act with the specified state of mind are generally dependent. A juror may feel doubt whether to credit an alleged confession, and doubt whether to infer guilt from the fact that the defendant fled from justice. But since it is generally guilty rather than innocent people who make confessions, and guilty rather than innocent people who run away, the two doubts are not to be multiplied together. The one piece of evidence may confirm the other."

24. Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than the truth. To constitute reasonable doubt, it must be free from an overemotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt; but a fair doubt based upon reason and common sense. It must grow out of the evidence in the case.

25. The concepts of probability, and the degrees of it, cannot obviously be expressed in terms of units to be mathematically enumerated as to how many of such units constitute proof beyond reasonable doubt. There is an unmistakable subjective element in the evaluation of the degrees of probability and the quantum of proof. Forensic probability must, in the last analysis, rest on a robust common sense and, ultimately, on the trained intuitions of the judge. While the protection given by the criminal process to the accused persons is not to be eroded, at the same time, uninformed legitimisation of trivialities would make a mockery of the administration of criminal justice. This position was illuminatingly stated by Venkatachaliah, J. (as His Lordship then was) in State of U.P. v. Krishna Gopal [(1988) 4 SCC 302 : 1988 SCC (Cri) 928 : AIR 1988 SC 2154] ." (Emphasis supplied)

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the Hon'ble Supreme Court in its recent judgment in M. Ravindran Vs. The Intelligence Officer, Directorate of Revenue Intelligence 1 . In the said judgment, the Court observed at paragraph Nos.25.1 to 25.3 as follows:

"25.1. Once the accused files an application for bail under the Proviso to Section 167(2) he is deemed to have 'availed of' or enforced his right to be released on default bail, accruing after expiry of the stipulated time limit for investigation. Thus, if the accused applies for bail under Section 167(2), CrPC read with Section 36A (4), NDPS Act upon expiry of 180 days or the extended period, as the case may be, the Court must release him on bail forthwith without any unnecessary delay after getting necessary information

from the public prosecutor, as mentioned supra. Such prompt action will restrict the prosecution from frustrating the legislative mandate to release the accused on bail in case of default by the investigative agency.
25.2. The right to be released on default bail continues to remain enforceable if the accused has applied for such bail, notwithstanding pendency of the bail application; or subsequent filing of the chargesheet or a report seeking extension of time by the prosecution before the Court; or filing of the chargesheet during the interregnum when challenge to the rejection of the bail application is pending before a higher Court.
25.3. However, where the accused fails to apply for default bail when the right accrues to him, and subsequently a chargesheet, additional complaint or a report seeking extension of time is preferred before the Magistrate, the right to default bail would be extinguished. The Magistrate would be at liberty to take cognizance 2021 2 SCC 485 of the case or grant further time for completion of the investigation, as the case may be, though the accused may still be released on bail under other provisions of the CrPC."

ROWDY SHEET

In Mansoor Shah Khan and Others v. State of Telangana and Another, 2021 (2) ALD (Crl) 70 (T.S.), It was observed as follows:
"As per Standing Order 601 of the A.P. Police Manual, a rowdy sheet may be opened and maintained only against a person who habitually commits, attempts to commit, or abets the commission of offences involving breach of peace, disturbance to public order, or threat to public security. The Hon'ble Supreme Court in Vijay Narain Singh v. State of Bihar (AIR 1984 SC 1334) interpreted the term 'habitually' to mean 'repeatedly' or 'persistently,' implying a continuity or pattern of conduct. A single act or sporadic offence does not render one a habitual offender. A habitual offender is one who has developed a disposition or tendency toward **crimin**al conduct, posing a danger to public order. Standing Order 742 further clarifies that involvement in merely two cases does not constitute habitual **crimin**ality; there must be more than two instances demonstrating such a tendency. Rowdy sheets cannot, therefore, be opened casually or mechanically. Police authorities must exercise due care and caution before categorizing an individual as a rowdy. Figuring as an accused in two cases would not be sufficient to characterize a person as a habitual offender."

Protest petition

Rekha Sharad Ushir Vs. Saptashrungi Mahila Nagari Sahkari Patsanstal Limited 1, wherein it was held that in paragraph Nos.10 and 11 that ;

"(10) Recording the complainant's statement on oath under Section 200 of the Cr.P.C is not an empty formality. The object of recording the complainant's statement and witnesses, if any, is to ascertain the truth. The learned Magistrate is duty-bound to put questions to the complainant to elicit the truth. The examination is necessary to enable the Court to satisfy itself whether there are sufficient grounds to proceed against the accused. After considering the complaint, the documents produced along with the complaint, and the statements of complainant and witnesses, if any, the learned Magistrate has to apply his mind to ascertain whether there is sufficient ground for proceeding against the accused. If he is satisfied that there is sufficient ground to proceed against the accused, then the learned Magistrate has to issue a process in terms of sub-
Section (1) of Section 204 of the Cr.P.C. The corresponding provision under the BNSS is Section 227. Setting criminal law in motion is a serious matter. The accused faces serious consequences in the sense that he has to defend himself in the trial.
(11) it is settled law that a litigant who, while filing proceedings in the Court, suppresses material facts or makes a false statement, cannot seek justice from the Court. The facts suppressed must be material and relevant to the controversy, which may have a bearing on the decision making. Cases of those litigants who have no regard for the truth and those who indulge in suppressing material facts need to be thrown out of the Court."

Public Nuisance

The Supreme Court in C.A. Avarachan v. C.V. Sreenivasan, (1996) 7 SCC 71, held that the Magistrate's power under Section 133 Cr.P.C. is not unbridled and should be invoked only when there is clear and convincing evidence of public nuisance. The provision contemplates a two-stage process:
initially, the Magistrate may issue a conditional order under Section 133 Cr.P.C., calling upon the person concerned either to remove the nuisance or to appear and show cause against the order. Thereafter, under Section 135 Cr.P.C., the person has a right to be heard. Upon considering the explanation, if the Magistrate finds the cause unsatisfactory, the conditional order may be made absolute under Section 138 Cr.P.C.

Additional evidence on behalf of the prosecution

the decision reported in Sameer Sandhir Vs. Central Bureau of Investigation 2025 INSC 776, wherein it was held that even though the documents do not form the part of the charge sheet, they can be produced

before the trial Court in support of the prosecution case. In the said case CDs were filed before the trial Court vide supplementary charge sheet. The matter went in appeal to the High Court and the High Court confirmed the said orders and the same was affirmed by the Apex Court.

Age determination

In State of Chhattisgarh Vs. Lekhram, (2006) 5 SCC 736, this Court held as under: -

> "12. A register maintained in a school is admissible in evidence to prove date of birth of the person concerned in terms of Section 35 of the Evidence Act. Such dates of births are recorded in the school register by the authorities in discharge of their public duty. PW 5, who was an Assistant Teacher in the said school in the year 1977, categorically stated that the mother of the prosecutrix disclosed her date of birth. The father of the prosecutrix also deposed to the said effect.
>
> 13. The prosecutrix took admission in the year 1977. She was, therefore, about 6-7 years old at that time. She was admitted in Class I. Even by the village standard, she took admission in the school a bit late. She was married in the year 1985 when she was evidently a minor. She stayed in her in-laws' place for some time and after the "gauna" ceremony, she came back. The materials on record as regards the age of the prosecutrix were, therefore, required to be considered in the aforementioned backdrop. It may be true that an entry in the school register is not conclusive but it has evidentiary value. Such evidentiary value of a school register is corroborated by oral evidence as the same was recorded on the basis of the statement of the mother of the prosecutrix."

14. Only because PW 3 the father of the prosecutrix could not state about the date of birth of his other children, the same, by itself, would not mean that he had been deposing falsely. We have noticed hereinbefore, that he, in answer to the queries made by the counsel for the parties, categorically stated about the year in which his other children were born. His statement in this behalf appears to be consistent and if the said statements were corroborative of the entries made in the register in the school, there was no reason as to why the High Court should have disbelieved the same. We, therefore, are of the opinion that the High Court committed a serious error in passing the impugned judgment. It cannot, therefore, be sustained. It is set aside accordingly.

NEWS

- Notification Extraordinary regarding Information Technology Intermediary Guidelines and Digital Media Ethics Code Amendment Rules, 2025 for publication in the Gazette of India- notified
- The Andhra Pradesh State Commission For Scheduled Tribes (Amendment) Act, 2025 (Act No.21 Of 2025) - Date Of Commencement Of Act.
- Amendment to The Andhra Pradesh State Judicial (Service & Cadre) Rules, 2007.
- High Court for the State of Telangana -Letter received from the Assistant Registrar Supreme Court of India -Forwarded a certified copy of the Judgment dated 15.04.2025 in Criminal Appeal Nos 1927-1944 of 2025 arising out of SLP CRL No 4658 of 2025 between Pinki Vs State of Uttar Pradesh and Anr -Certain directions -Instructions issued -Reg.

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ON A LIGHTER VEIN

Once, during a tense hearing, the judge sternly asked a witness, "Do you swear to tell the truth, the whole truth, and nothing but the truth?"
The nervous witness quickly replied, "Yes, Your Honor… though I'll try my best, because I'm not very good at telling the whole truth when my wife's in the room."
The judge asked" why is that?"
the witness added meekly, "She's sitting right there, and I don't want another cross-examination at home."

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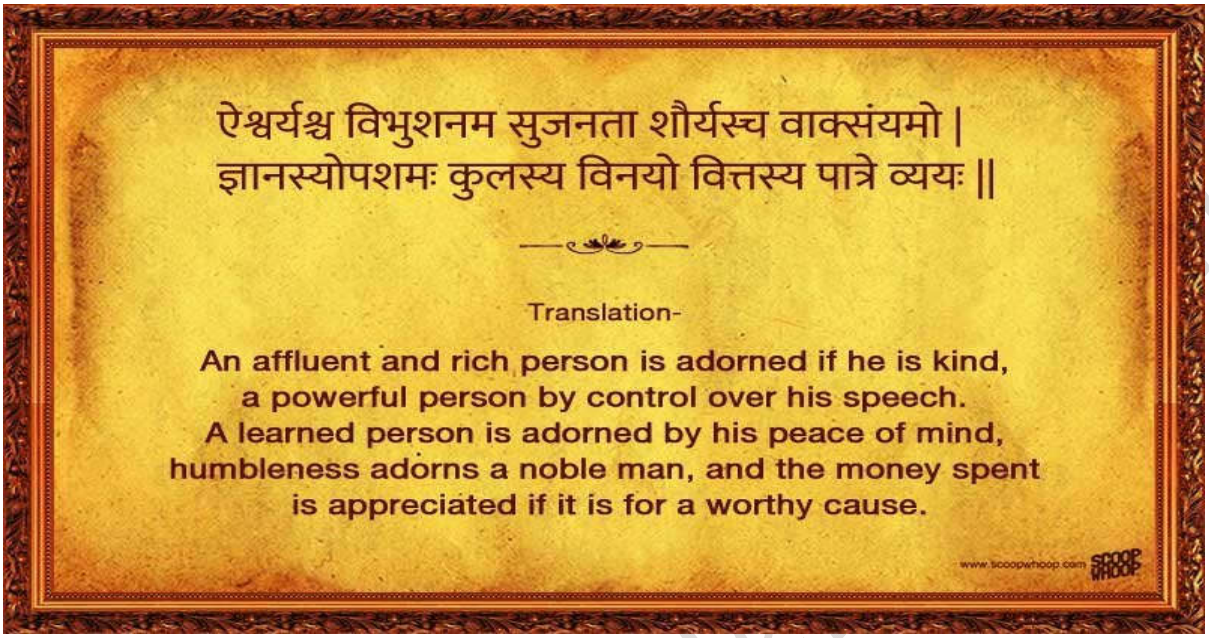
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Aano Bhadr Kratvo Yantu Viswatah
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CITATIONS

2025 0 INSC 1282; 2025 0 Supreme(SC) 1884; Sadiq B. Hanchinmani Vs. The State Of Karnataka & Ors; Criminal Appeal No. 4728 of 2025 [@ Special Leave Petition (Criminal) No. 11336 of 2022] With Sadiq B. Hanchinmani Vs. The State Of Karnataka & Ors.; Criminal Appeal No. 4729 of 2025 [@ Special Leave Petition (Criminal) No. 17649 of 2025] [@ Diary No. 39619 of 2022]; Decided On : 04-11-2025

Examined, additionally, from another lens, even if an injunction order is subsequently set aside, consequences for breach/violation of the same when it subsisted, could still befall upon the violator, as held in Samee Khan v Bindu Khan, (1998) 7 SCC 59. This position of law was recently reiterated in Lavanya C v Vittal Gurudas Pai, 2025 SCC OnLine SC 499.

2025 0 INSC 1287; 2025 0 Supreme(SC) 1889; Muskan Vs. Ishaan Khan (Sataniya) And Others; Criminal Appeal No. 4752 of 2025 [Arising Out Of S.L.P. (Criminal) No.1531 OF 2025]; Decided On : 06-11-2025

On the aspect of the powers of the Courts under Section 482 of the Cr.PC, it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised.

2025 0 INSC 1288; 2025 0 Supreme (SC) 1890; Mihir Rajesh Shah Vs. State of Maharashtra and Another; Criminal Appeal No. 2195 of 2025, Criminal Appeal No. 2189 of 2025, Criminal Appeal No. 2190 of 2025, S.L.P. (Crl.) No. 8704 of 2025; Decided On: 06-11-2025

In conclusion, it is held that:

> (i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023).
>
> (ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands.
>
> (iii) In cases where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate.
>
> (iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free.

After having come to the above conclusion, it is pertinent to note that the provision of law under Section 50 of Cr.P.C. 1973 (Section 47 of BNSS 2023) does not provide for a specific mode of or time frame for communication of the grounds of arrest to the person arrested. This Court in Prabir Purkayastha (supra), held that the grounds of arrest be conveyed to the arrestee in writing in all offences at the earliest, which means it need not be given at the time of arrest but within a reasonable time thereafter, for offences under all the statutes, which period would be as has been laid down above in this order.

We are cognizant that there existed no consistent or binding requirement mandating written communication of the grounds of arrest for all the offences. Holding as above, in our view, would ensure implementation of the constitutional rights provided to an arrestee as engrafted under Article 22 of the Constitution of India in an effective manner. Such clarity on obligation would avoid uncertainty in the administration of criminal justice. The ends of fairness and legal discipline therefore demand that this procedure as affirmed above shall govern arrests henceforth.

However, the prosecution may move an application for remand or custody, if required, along with the reasons and necessity for the same, after the supply of the grounds of arrest in writing to the accused, before the

magistrate if the case has not been committed for trial and in case the trial having commenced before the Trial Court as the case may be.

2025 0 INSC 1305; 2025 0 Supreme(SC) 1887; State of Chhattisgarh Vs. Amit Aishwarya Jogi; Criminal Appeal No(s). 1927 of 2014 with Criminal Appeal No(S) 4758 of 2025 (Arising Out of SLP (Crl.) No. 1438 of 2012), Criminal Appeal No(S) of 2025 (Arising Out of SLP(Crl.) No. 3037 of 2012), Criminal Appeal No(S) of 2025 (Arising Out of SLP(Crl.) No. 7331 of 2011); Decided On : 06-11-2025 (THREE JUDGE BENCH)

In this background, we are of the view that the question as to whether the State Government can independently file an appeal against acquittal of the accused in a case which was initially registered by the local police and later tried on the chargesheet filed by the CBI, may be examined and deliberated in a suitable case involving the following situations:

(a) the complaint was lodged by the State Government or its officers;

(b) investigation was partly done by State Police;

(c) prosecution was commenced at the instance of the State Government;

(d) the State Government has a stake in the criminal proceedings; and

(e) the jurisdiction of the CBI had been invoked at the instance of the State Government.

2025 0 Supreme(SC) 1934; State of Madhya Pradesh & Ors. VS. Kusum Sahu; Criminal Appeal No. 4710 of 2025 (Arising out of SLP(Criminal)No. 10491 of 2025); Decided On : 03-11-2025

The facts of the case, as noticed above, in brief, indicate that the manner in which the case has been dealt with really shocks the conscience of this Court. It is a case where accused was arrested and filed four bail applications before the High Court, which were rejected. Despite this, in a habeas corpus petition filed by his daughter, his custody has been held to be unlawful and he was directed to be released while examining the case on merits as if the Court was hearing appeal against the order rejecting the bail application. The process followed is totally unknown to law. Lest the High Court starts following the impugned order as a precedent to scuttle the due process of law, to nip the evil in the bud, we hold that custody of an accused in a criminal case registered against him cannot be held to be unlawful especially when his bail applications have been dismissed.

2025 0 INSC 1308; 2025 0 Supreme(SC) 1918; Surendra Koli Vs. The State of Uttar Pradesh and Another; Curative Petition (Crl.) No. 60 of 2025 [Diary No. 49297 of 2025], R.P. (Crl.) No. 395 of 2014, Criminal Appeal No. 2227 of 2010; Decided On : 11-11-2025 (THREE JUDGE BENCH)

Once the disclosure is not contemporaneously proved, once prior knowledge is established, and once contradictions infect the record, Section 27 of the Evidence Act ceases to operate. The legal conclusion cannot change from case to case when the premise is identical.

At this juncture, we must remark on our abiding faith in the capacity of police and investigative agencies of our country. When investigations are timely, professional and constitutionally compliant, even the most difficult mysteries can be solved and many crimes can be prevented by early intervention. It is, therefore, genuinely unfortunate that in the present matter negligence and delay corroded the fact-finding process and foreclosed avenues that might have identified the true offender. The scene was not secured before excavation began, the alleged disclosure was not contemporaneously recorded, the remand papers carried contradictory versions, and the petitioner was kept in prolonged police custody without a timely, court-directed medical examination. Crucial scientific opportunities were lost when post-mortem material and other forensic outputs were not promptly and properly brought on record and when searches of D-5 yielded no incriminating traces that could be forensically anchored to the alleged events. The investigation did not adequately examine obvious witnesses from the household and neighbourhood and did not pursue material leads, including the organ-trade angle flagged by a governmental committee. Each lapse weakened the provenance and reliability of the evidence and narrowed the path to the truth.

To allow a conviction to stand on evidentiary basis that this Court has since rejected as involuntary or inadmissible in the very same fact- matrix offends Article 21 of the Constitution. It also violates Article 14 of the Constitution, since like cases must be treated alike. Arbitrary disparity in outcomes on an identical record is inimical to equality before the law. The curative jurisdiction exists to prevent precisely such anomalies from hardening into precedent.

We are mindful of finality. We are equally mindful that curative relief is exceptional and proceeds on narrow grounds. The present case crosses that exacting threshold. The confession that anchored the conviction is legally tainted on grounds already accepted by this Court in the companion matters. The supposed discoveries do not satisfy the statutory preconditions for admissibility. The forensic and investigative record does not supply the

missing links. Once those keystones are removed, the circumstantial chain no longer holds. The conviction cannot be sustained without departing from principles that now stand authoritatively applied to indistinguishable prosecutions arising out of the same occurrence. For these reasons, we hold that the petitioner has established a fundamental defect that impeaches the integrity of the adjudicatory process and that relief is warranted ex debito justitiae within the parameters of Rupa Ashok Hurra vs. Ashok Hurra, (2002) 4 SCC 388.

2025 0 INSC 1304; 2025 0 Supreme(SC) 1905; R. Rajendran Vs.Kamar Nisha And Others; Criminal Appeal No. 1013 of 2021; Decided On : 10-11-2025

"Access" or "non-access" under Section 112 of the Evidence Act must be understood in a very narrow and specific sense, referring to possibility of sexual relations between the spouses. Non-access denotes the impossibility, not merely the absence or lack of such opportunity. Even where cohabitation exists, non-access may arise due to impotency, serious illness, physical incapacity or absence during the relevant period. Conversely, the lack of cohabitation alone does not establish non-access, nor does the existence of extramarital relations, separate residences, or non- communication.

Allegations of multiple or simultaneous access by third parties do not negate the access between the spouses or establish non-access. Likewise, infidelity on the wife's part does not, by itself, displace the presumption of legitimacy if the husband had access. The focus remains on the child's birth, while the time of conception is relevant only to determine whether access between the spouses existed.

This Court has consistently held that DNA testing cannot be ordered as a matter of course and must be subject to stringent safeguards to protect the dignity of individuals and the legitimacy of children born during the wedlock. The power to direct such tests must be exercised with utmost circumspection and only when the interests of justice imperatively demand such an intrusive procedure. Courts must remain vigilant against fishing inquiries masquerading as legitimate requests for scientific evidence, ensuring the sanctity of family relationships is not compromised by speculative or exploratory investigations.

The foundational parameters governing such directions were established in Goutam Kundu (supra) wherein this Court laid down the following parameters :

"26. From the above discussion it emerges—

(1) that courts in India cannot order blood test as a matter of course;
(2) wherever applications are made for such prayers in order to have roving inquiry, the prayer for blood test cannot be entertained.
(3) There must be a strong prima facie case in that the husband must establish non-access in order to dispel the presumption arising under Section 112 of the Evidence Act.
(4) The court must carefully examine as to what would be the consequence of ordering the blood test; whether it will have the effect of branding a child as a bastard and the mother as an unchaste woman.
(5) No one can be compelled to give sample of blood for analysis."

30) Following the principles laid down in Goutam Kundu (supra), the approach to ordering DNA tests has been further refined in subsequent decisions. In Sharda vs. Dharmpal, (2003) 4 SCC 493 it was observed:

"81. To sum up, our conclusions are:
1. A matrimonial court has the power to order a person to undergo medical test.
2. Passing of such an order by the court would not be in violation of the right to personal liberty under Article 21 of the Indian Constitution.
3. However, the court should exercise such a power if the applicant has a strong prima facie case and there is sufficient material before the court. If despite the order of the court, the respondent refuses to submit himself to medical examination, the court will be entitled to draw an adverse inference against him."

Thus, it is clear that the standard of proof required to displace the presumption under Section 112 of the Evidence Act must be higher than mere preponderance of probabilities, yet need not reach the exacting criminal standard of proof beyond reasonable doubt. The standard must be sufficiently rigorous to ensure that there existed no possibility of child being conceived through the husband. This intermediate threshold serves the twin objectives of preventing the illegitimization of the child on the strength of mere assertions or tilting of probabilities, while simultaneously guarding against weaponization of the statutory presumption to defeat the legitimate claims. The person seeking to rebut this presumption must, therefore, adduce strong, cogent and unambiguous evidence establishing non-access, failing which, the statutory presumption must prevail.

In such circumstances, the best interests of the child ought to have been a paramount consideration before any intrusive forensic procedure was contemplated. Judicial and ethical prudence both require that autonomy, dignity and emotional well- being of the individual, especially of a minor, be safeguarded. A direction for DNA testing without considering the ramifications causes risks inflicting an irreversible psychological and social harm.

A direction for DNA testing must have a direct and demonstrable nexus with the offences under investigation. In the absence of such nexus, compelling a person to undergo DNA profiling, amounts to unwarranted intrusion into bodily autonomy and privacy, contrary to the safeguards implicit in Articles 20(3) and 21 of Constitution of India.

2025 0 INSC 1302; 2025 0 Supreme(SC) 1903; Nandkumar @ Nandu Manilal Mudaliar Vs. State of Gujarat; Criminal Appeal No. 1266 of 2014; Decided On: 10-11-2025

In Chapter XVI of the Indian Penal Code, 1860, Section 299 defines 'culpable homicide'. 'Murder' is defined under Section 300, IPC. The exceptions are provided in Section 300, IPC as to under which circumstances the 'culpable homicide' would not become murder. Section 304, IPC deals with situations, where the 'culpable homicide' does not amount to murder. In other words, it would not fall within the definition of 'murder'. Section 300, IPC, although defines the offence which would become 'culpable homicide amounting to murder', it has, as stated above several exceptions.

Section 304, IPC has two parts namely; Section 304 Part I and Section 304 Part II. The distinction between these two Parts of Section 304, IPC is required to be considered having regard to the provisions of Sections 299 and 300, IPC. Whether the offender had intention to cause death or he had no such intention brings out the vital distinction.

In Kesar Singh & Anr. v. State of Haryana, (2008) 15 SCC 753 this Court observed thus,

> "The distinguishing feature is the mens rea. What is prerequisite in terms of clause (2) of Section 300 is the knowledge possessed by the offender in regard to the particular victim being in such a peculiar condition or state of health that the intentional harm caused to him is likely to be fatal. Intention to cause death is not an essential ingredient of clause (2). When there is an intention of causing a

> bodily injury coupled with knowledge of the offender as regards likelihood of such injury being sufficient to cause the death of a particular victim would be sufficient to bring the offence within the ambit of this clause." (Para 10)

For the above purpose, the exceptions contained in Section 300, IPC are taken into consideration. In the same judgment, the Court further explained the distinction between 'culpable homicide amounting to murder' and 'not amounting to murder', stating,

> "Culpable homicide is genus, murder is its specie. The culpable homicide, excluding the special characteristics of murder, would amount to culpable homicide not amounting to murder. The Code recognises three degrees of culpable homicide. When a culpable homicide is of the first degree, it comes within the purview of the definition of Section 300 and it will amount to murder. The second degree which becomes punishable in the first part of Section 304 is culpable homicide of the second degree. Then there is culpable homicide of third degree which is the least side of culpable homicide and the punishment provided for is also the lowest among the punishments for the three grades. It is punishable under the second part of Section 304." (Para 11)

In other words, where the two ingredients namely that the infliction of bodily injury on deceased was caused intentionally and secondly that it was sufficient to cause death in the ordinary course of nature, are satisfied, the offence would amount to murder. There may be circumstances which may emerge from the facts and evidence of a given case that the offence becomes 'culpable homicide not amounting to murder'.

2025 0 INSC 1316; 2025 0 Supreme(SC) 1930; Union of India Vs. Vigin K. Varghese; Criminal Appeal No. 4857 of 2025 (@ Special Leave Petition (Crl.) No(s). 7768 of 2025) With Criminal Appeal No. 4858 of 2025 (@ Special Leave Petition (Crl.) No(s). 11097 of 2025); 13-11-2025

At this stage, two features stand out. The High Court's conclusion that there is no material to show that the applicant had any knowledge of the cocaine in the consignment has been arrived at without discussion of the statements of the respondent and circumstances relied upon by the prosecution, including the assertion that the respondent had placed the orders for import, controlled the logistics chain, coordinated with the overseas supplier, and was present when the consignment was opened. The High Court has not

examined whether those circumstances, taken at face value for the limited purpose of bail, could prima facie indicate conscious control or involvement sufficient to attract the presumption of culpable mental state indicated under Section 35 of the NDPS Act.

The High Court then, on the strength of those premises, recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution's assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance.

This Court ordinarily shows deference to the discretion exercised by the High Court while considering the grant of bail. However, offences involving commercial quantity of narcotic drugs stand on a distinct statutory footing. Section 37 enacts a specific embargo on the grant of bail and obligates the Court to record satisfaction on the twin requirements noticed above, in addition to the ordinary tests under the Code of Criminal Procedure.

2025 0 INSC 1317; 2025 0 Supreme(SC) 1931; Dinesh Kumar Jaldhari Vs. State of Chhattisgarh; CRLA No. 4732 of 2025; 13-11-2025

It is well settled that the medical evidence will take a backseat and even if do not corroborate with the ocular evidence, where the ocular evidence is consistent and cogent, the later would be allowed to prevail.

The fact that the victim was in a frightened state upon seeing the accused is a pointer in itself. The whole sequence of events in course of recording of evidence of PW-1, was tale-telling. The shock related to the happening of the incident which continued with the victim post-incident made its statement in the trauma-filled behaviour of the victim who was a 4 year-old girl.

A vain attempt was made on behalf of the appellant to press the aspect that there was no suggestion of, much less evidence of penetration in the sexual assault by the appellant and therefore the conviction and sentence was not justified. The Court is not impressed with this submission, given the facts and evidence on record.

The conviction of the appellant recorded by the trial court and affirmed by the High Court is resultantly upheld.

2025 0 INSC 1318; 2025 0 Supreme(SC) 1932; Govind Vs. State of Haryana; Criminal Appeal No. 5641 of 2024; Decided On: 14-11-2025

As per Section 25 of the Evidence Act, the confession given in the Police custody, cannot be proved against a person accused of an offence unless it is given in the immediate presence of the Magistrate. However, Section 27 deals with how much of the information as received from the accused, in Police custody may be proved. The said Section is relevant, therefore, reproduced below:

> **27. How much of information received from accused may be proved** - Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police-officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.
>
> On a glance of the language of the said section, which starts with the expression "provided that", it is apparent that this Section is an exception to the preceding Sections 25 and 26. The language further indicates that when any fact is deposed to as discovered in consequence of information received from a person who is in custody of the Police in connection of an offence, it must relate distinctly to the fact so discovered. For relevancy, the "facts thereby discovered" is preceded with the words "so much of such information, whether it amounts to confession or not as relates distinctly". Special emphasis must be given to the word 'distinctly'. The word "distinctly" has its own importance which is a derivative of the word 'distinct'. As per Concise Oxford English Dictionary[4] [Concise Oxford English Dictionary (10th Edition, Revised in 2002, Edited by Judy Pearsall)] it means recognizable, different in nature, individual or separate, readily distinguishable by the senses. As per Advance Law Lexicon[5] [P. Ramanatha Aiyar, Advanced Law Lexicon (3rd Edition, 2005)] "distinctly" means clearly, explicitly, definitely, precisely, unmistakably, in a distinct manner. Therefore, "distinctly", as used in Section 27, is meant to exclude certain language and to limit and confine the information which may be proved within definite limits and not necessarily to include everything which may relate to that information. The said word "distinctly" indicates directly, indubitably, strictly and unmistakably, apparently, used in Section 27 to limit and define the scope of probable information. Therefore, only that much

information as is clearly connected with the fact discovered can be treated as relevant under the phrase 'facts discovered'.

In the present case, the alleged recovery was made from a place accessible to other family members, hence, the extent to which such recovery can be relied upon to establish the appellant's guilt requires careful scrutiny in light of judicial precedents.

After the recovery, the pistol and cartridges were kept in the Malkhana, but the record does not indicate on which date these were handed over to PW-6 Baljeet Singh for deposit to the Forensic Science Laboratory (FSL) and the same article was sent for forensic examination. The chain of recovery linking the seizure, storage, and deposit of the material exhibits thus remains incomplete and was not duly proved. Though the FSL report indicates that the pistol and cartridges recovered correlate with the bullets found in the body of the deceased, such evidence by itself is not sufficient to establish the appellant's guilt in the absence of any proof that the recovered pistol was indeed used in the commission of the offence. Furthermore, the alleged motive, as projected by the prosecution, primarily pertains to the co-accused persons, who have either not been chargesheeted or have been acquitted by the Trial Court. The purported motive attributed to the appellant is founded merely on a speculative quid pro quo arrangement with the acquitted co-accused and lacks support from any credible evidence.

2025 0 INSC 1322; 2025 0 Supreme(SC) 1939; Raj Kumar @ Bheema Vs. State of NCT of Delhi; Criminal Appeal No(s). 4895 of 2025 (Arising out of SLP (Crl.) No (s). 697 of 2024); 17-11-2025

Based upon the testimony, it is clear that the witness Smt. Indra Prabha Gulati (PW-18) had shifted to the United States of America immediately after the incident, and her statement came to be recorded through video conferencing on 8th May, 2017, i.e., after a gap of eight and a half years from the occurrence.

Therefore, we hereby clarify and direct that in every case where, it is proposed to record the statement of a witness over video conferencing and any previous written statement of such witness or a matter in writing is available and the party concerned is desirous of confronting the witness with such previous statement/matter in writing, the trial Court shall ensure that a copy of the statement/document is transmitted to the witness through electronic transmission mode and the procedure provided under Section 147 and Section 148 of the Bharatiya Sakshya Adhiniyam (corresponding Section 144 and Section 145 of the Evidence Act) is followed in the letter and spirit, so as to safeguard the fairness and integrity of the trial.

2025 0 INSC 1323; 2025 0 Supreme(SC) 1940; Prashant Prakash Ratnaparki and Others Vs. The State of Maharashtra and Another; Criminal Appeal No. 4896 of 2025 [Arising Out of SLP (Crl.) No. 2628 of 2025]; Decided On: 17-11-2025

Once the High Court exercised its inherent jurisdiction to quash the FIR with respect to the offences punishable under Sections 115(2), 351(2), 351(3) and 352 of the BNS [Sections 326, 506 and 504 of the IPC], on the basis of the voluntary affidavit of respondent No. 2-complainant, there was no justification whatsoever to sustain the same FIR for the offence punishable under Section 310(2) of the BNS [Section 395 of the IPC]. The factual matrix forming the basis of all the offences is inseparable and arises from a single transaction. The compromise that was accepted as genuine and sufficient to quash the other offences equally dilutes the foundation of the charge of dacoity, which rests on the same set of allegations and circumstances.

In this background, we are of the considered view that the continued partial prosecution of the appellants for the offence of dacoity punishable under Section 310(2) of the BNS [Section 395 of the IPC] in connection with FIR C.R. No. 270 of 2024 is unjustified and deserves to be quashed.

2025 0 INSC 1326; 2025 0 Supreme(SC) 1943; Confederation of Real Estate Developers of India (CREDAI) Vs. Vanashakti and Another; Review Petition (C) No. 3002 of 2025, Diary No. 41929 of 2025, Writ Petition (C) No. 1394 of 2023; Decided On : 18-11-2025

In summation, what is binding in a judgment is the principle upon which the case is decided. The enunciation of the reason or principle on which the question before a court is decided is alone binding as a precedent. The final outcome or decision is binding between the parties only but it is the abstract ratio decidendi ascertained on a consideration of the judgment in relation to the subject matter of the decision which alone has the force of law and constitutes a binding precedent under Article 141 of the Constitution of India. To be precise, it is the rule deductible from the application of the law to the facts and circumstances of the case which constitutes its ratio decidendi. Not everything said in the judgment or any observation made by the judge, can be said to be binding. Thus, ratio decidendi of a case is the rule of law expressly or impliedly treated by the judge as a necessary step in reaching his conclusion, having regard to the line of reasoning adopted by him. It is the ratio which is binding on subsequent Benches, coordinate or smaller. The conclusion does not operate as a ratio decidendi.

The principle of per incuriam would be attracted only when a decision is rendered in ignorance of some statutory provision(s) or a precedent binding on the court. Ordinarily, a ruling of a coordinate Bench is binding on subsequent coordinate Benches or on Benches of lesser strength. However, there is an exception to this rule. A decision which is rendered per incuriam has no precedential value. Such a decision would not be binding as a judicial precedent. A coordinate Bench can disagree with it and decline to follow it. The per incuriam rule is applicable to the ratio decidendi only and not to obiter dicta. The subsequent decision shall be declared per incuriam only if there exists a conflict in the ratio decidendi of the pertinent judgments.

https://indiankanoon.org/doc/33316997/; Guruvendapalli Nagaraju vs State Of AP., on 3 November, 2025; CRLA 1438/2018

The evidence of an expert is a rather weak type of evidence, and normally, the courts do not generally consider it as offering „conclusive" proof. It is not safe to rely upon the same without seeking independent and reliable corroboration.

Thus, it is clear that the deceased died in the house of the accused. The accused must explain the circumstances, under Sec 106 of the Indian Evidence Act, as to whether the death is suicide or a homicide. Of course, in Section 313 Cr.P.C examination, the accused gave his version regarding the bleeding, calling for an ambulance etc., The accused cannot be convicted on his failure to explain the circumstances under Section 106 Indian Evidence Act. It is only an additional circumstance if the other links in the chain are proved beyond a reasonable doubt.

Regarding false explanation or non-explanation of the accused when he was examined under Section 313 Cr.P.C examination, the Hon"ble Apex Court in Sharad Birdhichand Sarda Vs. State of Maharastra4, held that it can only be used as an additional circumstance when the prosecution has proved a chain of circumstances leading to no other conclusion than guilt of the accused. However, it cannot be used as a link to complete the chain.

https://indiankanoon.org/doc/166072686/;Mannarapu Hareesh vs The State Of Andhra Pradesh; CRLP No.11054 of 2025 Date:03.11.2025

directed the Investigating Officer to comply with Section 35(3) of 'the BNSS'/41-A of 'the Cr.P.C.,' and to strictly follow the directions issued in the cases of Arnesh Kumar and Md. Asfak Alam for the offences punishable under Sections 137(2), 115(2), 118(1), 308(5), 351(2) read with 3(5) of the Bharatiya Nyay Sanhita, 2023.

{ 41A CrPC/35(3) BNSS notice ordered to be served on the accused alleged to have committed offences punishable upto 10 years}

https://indiankanoon.org/doc/54387781/;Poladi Abhirath Abhi, vs The State Of Telangana, on 3 November, 2025; Crl.P.No.14214_2025

In the said Crl.P.No.3773 of 2025, the learned Single Judge of this Court relied upon the decisions of the Hon'ble Apex Court in the case of Central Bureau of Investigation v. Akhilesh Singh 1 and also relying on the decisions of the Hon'ble High Court of Karnataka at Bengaluru in case of Mohammed Ilias v. State of Karnataka 2 and opined that since the Trial Court acquitted the other accused, if the petitioner is subjected to second round of trial, the evidence to be produced against him cannot be different from the one that was produced by the prosecution in the earlier case. With the said observation, the Single Judge has allowed the petition filed by the petitioner/accused No.2.

2025 0 INSC 1339; 2025 0 Supreme(SC) 1957; Robert Lalchungnunga Chongthu @ R L Chongthu Vs. State of Bihar; Criminal Appeal No. 4970 of 2025 (Arising out of SLP(Crl.) No. 10130 of 2025); 20-11-2025

Before parting with this matter, we deem it fit to issue the following directions:

(i) In view of Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762- See para 49, it can be seen that the 'leave of the court' to file a supplementary chargesheet, is a part of Section 173(8) CrPC. That being the position, in our considered view, the Court is not rendered functus officio having granted such permission. **Since the further investigation is being made with the leave of the Court, judicial stewardship/control thereof, is a function which the court must perform.**

(ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. **If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished.**

The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial

as being important for the accused, victim and the society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgment, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. **If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered.**

(iv) Reasons are not only important in the judicial sphere, but they are equally essential in administrative matters particularly in matters such as sanction for they open the gateway to greater consequences. Application of mind by the authorities granting or denying sanction must be easily visible including consideration of the evidence placed before it in arriving at the conclusion.

2025 0 INSC 1350; 2025 0 Supreme(SC) 1968; Inder Chand Bagri Vs Jagadish Prasad Bagri & Another; Criminal Appeal No. 5000 of 2025 (Arising out of Special Leave Petition (Crl.) No.4939 of 2018); 24-11-2025

This Court in Delhi Race Club (1940) Limited vs. State of Uttar Pradesh, (2024) 10 SCC 690 observed that there is a distinction between criminal breach of trust and cheating. For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriated the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot

coexist simultaneously in the same set of facts as they are antithetical to each other.

It is a trite law that every act of breach of trust may not result in a penal offence unless there is evidence of a manipulating act of fraudulent misappropriation of a property entrusted to him. In the case of criminal breach of trust, if a person comes into possession of the property and receives it legally, but illegally retains it or converts it to its own use against the terms of contract, then the question whether such retention is with dishonest intention or not and whether such retention involves criminal breach of trust or only civil liability would depend upon the facts and circumstances of the case.

The complainant/respondent No.1 has an alternative remedy of filing a civil suit to set aside the sale deed dated 20.06.2011 and claim damages for the alleged violation of his contractual rights which he is already pursuing vide Title Suit No.160 of 2012 against the appellant-accused which is currently pending adjudication and hence the route through criminal proceedings, when no ingredient of offence is made out, cannot be permitted. Criminal law ought not to become a platform for initiation of vindictive proceedings to settle personal scores and vendettas. The appellant-accused therefore, in our view, could not be attributed any mens rea and therefore, the allegations levelled by the prosecution against the appellant-accused are unsustainable.

At this juncture, we find it apposite to mention the observations of this Court in Vishal Noble Singh vs. State of Uttar Pradesh, 2024 SCC OnLine SC 1680 wherein it was observed that in recent years the machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. We say so for the reason that while the complainant/respondent No.1 has made grave allegations against the appellant herein, he has failed to justify the same before this Court. Such actions would create significant divisions and distrust among people, while also placing an unnecessary strain on the judicial system, particularly criminal courts.

2025 0 INSC 1351; 2025 0 Supreme(SC) 1969; Samadhan S/O Sitatram Manmothe Vs State Of Maharasthra & Another; CRLA No.5001 of 2025 (Arising out of Special Leave Petition (Crl.) No.6906 of 2025);24-11-2025

We find that the present case is not a case where the appellant lured respondent No.2 solely for physical pleasures and then vanished. The

relationship continued for a period of three long years, which is a considerable period of time. They remained close and emotionally involved. In such cases, physical intimacy that occurred during the course of a functioning relationship cannot be retrospectively branded as instances of offence of rape merely because the relationship failed to culminate in marriage.

This Court is conscious of the societal context in which, in a country such as ours, the institution of marriage holds deep social and cultural significance. It is, therefore, not uncommon for a woman to repose complete faith in her partner and to consent to physical intimacy on the assurance that such a relationship would culminate in a lawful and socially recognised marriage. In such circumstances, the promise of marriage becomes the very foundation of her consent, rendering it conditional rather than absolute. It is, thus, conceivable that such consent may stand vitiated where it is established that the promise of marriage was illusory, made in bad faith, and with no genuine intention of fulfilment, solely to exploit the woman. The law must remain sensitive to such genuine cases where trust has been breached and dignity violated, lest the protective scope of Section 376 of the IPC be reduced to a mere formality for those truly aggrieved. At the same time, the invocation of this principle must rest upon credible evidence and concrete facts, and not on unsubstantiated allegations or moral conjecture.

Ganga Singh vs. State of Madhya Pradesh, (2013) 7 SCC 278, wherein this Court had stated that unless there was a specific defence of a consensual relationship, such a defence cannot be inferred.

https://indiankanoon.org/doc/148602679/; Mr. Masanpally Meheresh vs The State Of Telangana on 11 November, 2025; CRIMINAL PETITION No. 219 of 2021

In Kahkashan Kausar supra, the Hon'ble Supreme Court reiterated its concern regarding the growing misuse of Section 498-A IPC. Referring to Geeta Mehrotra v. State of U.P. 3, and G.V. Rao v. (2012) 10 SCC 741 L.H.V. Prasad4, the Hon'ble Supreme Court observed that matrimonial disputes often lead to indiscriminate roping in of family members of the husband, including those who could have otherwise mediated reconciliation. It was emphasised that courts should exercise caution and not encourage such litigation. The Court further held that false or omnibus allegations made in matrimonial disputes, if unchecked, amount to misuse of the legal process, and that proceedings against relatives and in-laws should not be continued when no prima facie case is made out against them.

11. In Preeti Gupta supra, the Hon'ble Supreme Court observed that many complaints under Section 498-A IPC are lodged in the heat of the moment over trivial matters and sometimes from oblique motives, though the rise in genuine dowry-harassment cases remains a grave concern. The Court underscored the professional and social responsibility of the Bar to avoid endorsing exaggerated or frivolous versions of incidents, to strive for amicable resolution, and to prevent multiplication of litigation arising from a single dispute. Emphasizing the fundamental object of justice to ascertain truth, punish the guilty and protect the innocent, the Hon'ble Supreme Court warned that matrimonial complaints often pose acute evidentiary difficulties. It advised courts to exercise great care and circumspection, especially where omnibus allegations implicate distant or rarely-present relatives, (2000) 3 SCC 693 and to treat such allegations as requiring close scrutiny before permitting criminal process to proceed.

12. The principles laid down by the Hon'ble Apex Court in Kahkashan Kausar supra, and Preeti Gupta supra, are applicable to the facts and circumstances of the case on hand on ground that the allegations made by respondent No.2 against the petitioner are general, vague and lacking in specific particulars regarding any act of cruelty or demand for dowry, especially the complaint was lodged subsequent to receiving legal notice from the petitioner seeking her consent for dissolution of the marriage by mutual consent. Moreover, similar allegations are levelled against the petitioner's parents have already been quashed by this Court in Crl.P.No.218 of 2021, which was attained finality. In such circumstances, this Court is of the considered view that continuation of the proceedings against the petitioner would amount to abuse of the process of law.

https://indiankanoon.org/doc/110749811/; Gollapalli Simon / Salman Raju vs The State Of Andhra Pradesh; CRLRC NO: 1255 of 2025 11.11.2025

A Criminal Appeal could not be dismissed for default, even if the appellants/accused were absent and there was no representation. The learned Appellate Court was left with the option of hearing the appeal on merits by appointing a legal aid counsel for the appellants. Dismissing a Criminal Appeal for default is not contemplated under any of the provisions of the Code of Criminal Procedure. The Hon'ble Apex Court, in categorical terms, has held that a Criminal Appeal cannot be dismissed for default like a Civil Appeal under Order 41 rule 17 of the Code of Civil Procedure (for brevity 'the C.P.C').

https://indiankanoon.org/doc/155339226/:Shaik Majeed Mujahid, vs The State Of Telangana; CRLP No.14601 of 2025 Date:11.11.2025

Having heard both sides and perused the material on record, it is evident that the proceedings against the petitioner for the offence under Section 188 of IPC have been initiated basing on the complaint made by the de facto complainant, who is a Police Officer, but not on the basis of complaint in writing of the public servant concerned, as is required under Section 195(1)(a) of Cr.P.C.

ETD,J Crl.P.No.14601_2025 Therefore, the proceedings against the petitioner for the offence under Section 188 of IPC are liable to be quashed. Insofar as the other offences i.e., Sections 353 and 285 of IPC and Section 51(b) of the Disaster Management Act are concerned, as per the judgment of Hon'ble Supreme Court in Hemareddy's case (supra), it is clear that if the offences form part of the same transaction of the offences contemplated under Section 195 of Cr.P.C., it is not possible to split up and hold the prosecution of the petitioner. Hence, the FIR culminating in taking cognizance of the aforesaid offences against the petitioner stands vitiated and the continuation of criminal proceedings against the petitioner amounts to abuse of process of law.

{ it appears that it was not brought to the notice of the Hon'ble Court, that the case under 188 IPC and Sec 353 IPC were completely different in the present case, as the facts mentioned in the said judgment itself shows that the case is registered for the offences punishable under Sections 188, 353 and 285 of IPC and Section 51(b) of Disaster Management Act, 2005.

"When the complainant stopped the accused and asked to show his vehicle documents and any pass to move in the lock down time, the accused did not show any valid documents pertaining to the said vehicle. When the complainant asked the accused to park the vehicle beside the road, the accused refused her words and started arguing with her in aggression, enraged on her by throwing his motorcycle on the road by using criminal force and tried to set ablaze to his motorcycle by opening the petrol cap which would cause endanger to human life and also obstructed the complainant in performing her legitimate duties."

Further as per the GO issued under Section 60, by Telangana Government, Sub-Inspector of Police is the competent person to file complaint under the Disaster Management Act}

https://indiankanoon.org/doc/29014858/; Shahnawaz vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE NO: 1246/2025 11.11.2025
As per Jigar @ Jimmy Pravinchandra Adatiya v. State of Gujarat 2022 Supreme (SC) 973, failure to procure the presence of the Accused either physically or virtually before the Court and failure to inform him that the application made by the Public Prosecutor for the extension of time is being considered not a mere procedural irregularity, it is a gross illegality that violates the fundamental right of the Accused guaranteed under Article 21 of the Constitution of India.

https://indiankanoon.org/doc/12834873/;Pachipala Ss Jayanth Krishna, vs The State Of Telangana; CRIMINAL PETITION Nos.13970, 13979, 13985 & 13986 of 2025 Date: 11.11.2025
the petitioner, who is arrayed as accused in Crime No.101, 99, 102, 98 of 2025,
the offences alleged against the petitioner are under Sections 61(2), 316(2), 318(4), 111, 335, 336 and 340 of the Bharatiya Nyaya Sanhita (BNS) and Sections 39(1) and 40 of the Surrogacy (Regulation) Act, 2021.
Though the offence under Section 111 of BNS is invoked against the petitioner, admittedly, no charge sheet has been filed showing the petitioner as an accused. As such, at this stage, it cannot be said that Section 111 of BNS is prima facie attracted to the petitioner.
Having regard to the nature of the allegations, the stage of investigation, and the fact that the remaining offences are punishable with less than seven (7) years, this Court deems it and batch fit to direct the Investigating Officer to follow the due procedure as contemplated under Section 35(3) of the BNSS (corresponding to Section 41-A of Cr.P.C) and the guidelines laid down by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar
{Sec 35(3) BNSS notice ordered to be served on an Accused involved in multiple Cases}

https://indiankanoon.org/doc/110340129/; Akula Sudharani vs The State Of Telangana on 12 November, 2025; CRIMINAL PETITION No. 5163 OF 2025
Here, it is apt to refer to the judgment of the Hon'ble Apex Court in Naresh Aneja v. State of U.P. 2025 INSC 19, wherein it was held that 'it is well-settled that when considering an application under Section 482 Cr.P.C., the Court cannot conduct a mini trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some

substance in the allegations made which could meet the threshold of statutory language'. It is also to be seen the Hon'ble Supreme Court in catena of judgments has consistently held that at the time of examining the prayer for quashing the criminal proceedings, the correctness or otherwise of the allegations made in the complaint cannot be examined on the touchstone of the probable defence that the accused may raise to stave off the prosecution and any such misadventure by the Courts resulting in proceedings being quashed would be set aside.

https://indiankanoon.org/doc/195576251/; Sri. Chinna Bandyala Bal Reddy vs The State Of Telangana on 12 November, 2025; CRIMINAL PETITION Nos.7410, 7476 and 8989 of 2023

It further noted that earlier writ proceedings had conclusively recognized the petitioners' lawful possession, and since criminal trespass under Sections 441 and 447 IPC requires the complainant to be in actual possession, the basic ingredients of trespass and mischief were absent. Consequently, the dependent allegations under Sections 448, 506, and 143 IPC also could not survive, and continuation of the criminal case was held to be an abuse of process.

https://indiankanoon.org/doc/114575876/; Thota Guravaiah vs The State Of Andhra Pradesh; CRLP NO: 10769 OF 2025 12.11.2025

If a charge sheet is filed before the expiry of the statutory period for the purpose of defeating the right to default bail during the pendency of investigation, it amounts to a violation of Article 21 of the Constitution of India, as the right conferred under Section 167(2) of the Cr.P.C. is not merely a statutory right. However, the Judgment of the Hon'ble Apex Court in Ritu Chhabaria v. Union of India was later considered by a larger Full Bench of the Hon'ble Supreme Court in Director of Enforcement vs Manpreet Singh Talwar, wherein it is clarified that the order passed in the Ritu Chhabaria vs. Union of India and others supra shall not preclude any trial Court or the High Court from considering an application for grant of default bail under Section 167 of the Code of Criminal Procedure, 1973 independent of and without relying on the Judgment dated 26.04.2023.

https://indiankanoon.org/doc/45516893/; APHC010309332018; Pujali Durga Devi And Another vs State Of AP; Criminal Appeal No.1802 of 2018: 13.11.2025 (DB)

As already pointed out, P.W.1 has specifically admitted that the police have obtained the thumb impression of the deceased on the blank white paper

and thereafter prepared Ex.P1 statement. As such, we are not inclined to place any reliance on Ex.P1. So far as Ex.P9 is concerned, the deceased has given inconsistent versions in the said statement as to who set fire to her. As such, the said dying declaration-Ex.P9 does not inspire confidence. Therefore, we are of the considered opinion that the Court below erred in convicting and sentencing A1 and A2 for the charged offence, as indicated supra, and the same is liable to be set aside.

https://indiankanoon.org/doc/171421027/; APHC010364352014; Telugu Nagaraju vs State Of A.P. CRIMINAL REVISION CASE No.1370 of 2014 13.11.2025;

In the case of the prosecution, it has been proved that the injured (PW.1) has sustained grievous hurt (fractured injury) by the attack of the accused to left forearm of the injured, which comes under the definition of grievous hurt. In this case, it further appears that the accused has used the instrument to cause grievous hurt upon PW.1 is a stick. Stick is not an instrument for "shooting, stabbing or cutting". The ingredients of Section 326 IPC substantially requires, the accused must assault PW.1 or cause hurt PW.1 by instrument for "shooting, stabbing and cutting". The prosecution case has proved the commission of injury to the PW.1 by accused through a stick. Hence, the ingredients of Section 326 IPC have not properly proved in this case.

https://indiankanoon.org/doc/144309696/; **Nallamothu Vijayasree, vs The State Of Telangana on 13 November, 2025; CRIMINAL PETITION No.14823 of 2025**

Sections 7 and 8 of the Essential Commodities Act contemplate that any person contravenes with the production, supply, distribution and trade of essential commodities or abetment in this regard, is punishable. As per the prosecution, the petitioner has procured PDS rice from the beneficiaries after supply from the dealer.

A Coordinate Bench of this Court in Crl.P.No.7227 of 2025 has considered the identical facts and observed that:-

"There is no averment indicating that the petitioners in any way deceptively induced the beneficiaries to part with the supplied PDS rice or the beneficiary entrusted the PDS rice purchased by them with the petitioners and they dishonestly misappropriated or converted to their own use or used it in violation of a lawful direction or contract. In the absence of essential factors, on the face of prosecution, this Court finds it to be a fit case to exercise the

jurisdiction under Section 528 of BNSS, 2023. Thus, continuance of proceedings against the petitioners is abuse of process of law."

https://indiankanoon.org/doc/98862312/; APHC010589472025; Mohammad Fayaz vs The State Of Andhra Pradesh; CRIMINAL PETITION No.11528 of 2025 Date:14.11.2025

Sec 41A CrPC/35(3) BNSS directed to be followed in a case punishable under Sections 3, 5, 8 read with 11(1) Andhra Pradesh Public Examinations (Prevention of Malpractices and Unfair Means) Act, 1997.

APHC01043698202; https://indiankanoon.org/doc/165285253/; State Of Andhra Pradesh vs Pellakuru Krishna Mohan Reddy on 19 November, 2025; Criminal Petition Nos.9363, 9364 and 9365 of 2025

a. **Whether an Accused is entitled to default bail under proviso to Section 187 (3)(ii) of BNSS when the chargesheet, though filed within the statutory period, is returned on certain defects, which are subsequently complied?**
   i. The indefeasible right of an accused to seek statutory bail under proviso to Section Section 187 (3)(ii) of BNSS, exhausts the moment a chargesheet in compliance to Section 193 (3) is filed within the statutory period.
   ii. The word “shall” used in Section 193(6) of BNSS is directory and not mandatory.
   iii. Nature and gravity of these defects are to be seen case to case basis.
   iv. Rectification of defects/compliance with objections will relate back to the date of filing as if the corrections are made at the time of filing the charge-sheet in the first instance.
b. **Whether mere seeking of permission for further investigation would make the investigation incomplete and consequently the chargesheet incomplete for the purposes of default bail under proviso to Section 187(3)(ii) of the BNSS?**
   i. Even after submission of police report under Section 193(3) on completion of investigation, the police has right for “further” investigation under Section 193(9) but not “fresh investigation” or “reinvestigation”.
   ii. Mere seeking of permission for further investigation would not lead to the right to statutory bail under proviso to Section 187(3)(ii) of the BNSS.

c. **Whether taking cognizance of the case is precondition for extending remand of an Accused after the filing of the charge sheet within the statutory period, and whether the Court's inability to take cognizance can be a ground for default bail?**
When a chargesheet is filed within the statutory period and in compliance to Section 193 (3) of the BNSS, merely because cognizance of the offence is not taken would not be a ground to grant statutory bail. Accused remains in custody of the Magistrate till cognizance is taken.

https://indiankanoon.org/doc/91333466/; Imran Mohammed vs The State Of Telangana on 20 November, 2025; CRIMINAL PETITION No.14127 OF 2025

In similar circumstances, a co-ordinate bench of this Court in Crl.P.No.4978 of 2025, dated 02.07.2025, held as under:

"15. As seen from the above, Section 436(1) Cr.P.C. stipulates that when a person/accused of a bailable offence is arrested or detained without any warrant and is prepared to furnish bail, he shall be released on bail. The language of the provision is mandatory and confers an absolute and indefeasible right to bail. The only discretion vested in the Court pertains to the amount of the bond or number of sureties; it does not extend to placing restrictions on personal liberty, such as confiscating or directing the deposit of a passport or imposing travel restrictions.

16. This statutory mandate was examined in depth by the Bombay High Court in Sultan Kamruddin Dharani v. Union of India (2008 SCC OnLine Bom 1347), wherein it was held that the Court cannot impose any conditions while enlarging a person on bail in a bailable offence which is not directly related to securing his appearance before the Court. In paragraph 19 of the judgment, the Court held that requiring the accused to surrender his passport or to seek permission before leaving India constitutes a restriction on liberty that defeats the absolute right to be set at liberty under Section 436(1) Cr.P.C. Such a condition is not a term as to bail, and hence ultra vires.

17. The Hon'ble Supreme Court in Suresh Nanda v. C.B.I. ((2008) 3 SCC 674), laid down the principle that impounding of a passport is a function exclusively conferred on the Passport Authority under Section 10(3) of the Passports Act, 1967, and cannot be assumed or exercised by a criminal Court under Section 104 of Cr.P.C. The Court clarified the legal distinction between seizing and impounding, holding that impounding implies retention for a continuing period and that such retention cannot be done by Courts or

police authorities without complying with the procedure established under the Passports Act.

18. Thus, the power to impound or retain a passport lies solely with the Passport Authority, and not with the criminal Courts, even if the passport is produced before them during proceedings. In the present case, it is not the case of the prosecution that any steps have been initiated under the Passports Act for impounding the passport of the petitioner. Instead, the trial Court imposed a blanket restriction through a bail condition, thereby exceeding its jurisdiction and infringing upon the personal liberty of the petitioner.

19. The Hon'ble Supreme Court in Talab Haji Hussain v. Madhukar Purshottam Mondkar (AIR 1958 SC 376), and later in State of Gujarat v. Salimbhai Abdulgaffar Shaikh ((2003) 8 SCC 50), reiterated that when the statute confers a right to bail in a bailable offence, no discretion vests with the Magistrate to refuse bail or to impose additional restrictions that are not statutorily prescribed.

20. Further, this Court notes that the trial Court imposed the said condition without recording any finding of flight risk or abscondence, and without invoking any provision of law authorizing the imposition of such terms. Even if such apprehensions existed, there are specific mechanisms available under law, such as:

• Section 439(2) Cr.P.C. - for cancellation of bail;

• Section 10(3)(e) of the Passports Act - for impounding by the Passport Authority;

The trial Court, however, did not resort to any of these, and instead attempted to indirectly achieve what the law does not permit directly.

21. In the present case, the conditions were imposed at the time of granting bail by the trial Court, wherein the petitioner was directed to deposit his passport and were restricted from travelling abroad. However, the observations made in the judgment in Jivrajbhai Ramjibhai Patel v. State of Gujarat (Special Criminal Application No.1415 of 2017) relied upon by the respondent pertain to situations arising during the course of trial, where, if the prosecution genuinely apprehends that the petitioner may not attend the Court proceedings, it may approach the trial Court seeking appropriate directions. In contrast, at the initial stage of grant of bail in a bailable offence, as per the settled principles of law, the trial Court cannot impose such restrictive conditions.

22. While the concern of securing the presence of the accused during trial is legitimate, it cannot override a statutory right nor authorize judicial overreach. The Court is bound by the constitutional guarantee under Article

21, which mandates that liberty can be curtailed only in accordance with procedure established by law. Imposing extra-statutory conditions in a bailable case, where no statutory discretion exists, is clearly a violation of that mandate."

By observing so, the learned Single Judge has allowed Crl.P.No.4978 of 2025 by setting aside the conditions imposed by the trial Court asking the petitioner therein to deposit his original passport.

https://indiankanoon.org/doc/160903771/; Dhanthuluru Krishna, Mangali Krishna vs The State Of Telangana on 20 November, 2025; CRIMINAL REVISION CASE No.1171 of 2016

The alleged occurrence of incident points out prima facie case against the petitioner. The truth or otherwise in the said allegations can be culled out only after a full-fledged trial. The de facto complainant does not know the names of the persons, who were present on the alleged two occasions, but he has mentioned in his complaint that 20 to 25 people participated in the incident and the same is supported by other witnesses. Thus, the statements of these witnesses need to be tested during the course of trial. Hence, the revisional court has rightly allowed the revision petition to continue the proceedings for the offence under Sections 506, 386 and 201 read with 34 IPC against the petitioner. There is no legal infirmity in the order passed by the revisional court in this regard and it needs no intervention by this Court. Therefore, the petition lacks merit and is liable to be dismissed.

https://indiankanoon.org/doc/62885691/; CRIMINAL REVISION CASE NO: 781, 948, 985 AND 1026 OF 2007 Date: 20.11.2025; Chilaparthi Rambabu And Another, vs The State Of A.P.

To substantiate the argument in this case, the defence has to prove that any of the Accused persons may have other antecedent or not connected with particular offence as alleged by the prosecution. I understand the submission of learned counsel for the Petitioners that the prosecution case has not clearly stated that which Accused person has committed which particular offence. The prosecution case has been duly supported by PWs 1 and 2 and also, PW-3 (Auto Driver). In the report of Test Identification Parade, except PW-5, all other Accused persons were identified. PW-2 as well as PW-1 has also narrated the presence of Accused persons in the said lorry. There is no iota of doubt to understand that all the Accused persons were involved in the offence. Considering the findings of the learned Courts below, it appears to me proper and legal on the basis of attending facts and circumstances of the

case. Accordingly, the point raised by learned counsel for the Petitioners appears to me meritless.
21. In this particular case, it has been argued that Test Identification Parade was done, the recovery was made from all the Accused persons and after commission of offence all the Accused persons were apprehended after some days, such delay not appears to me inordinate in attending facts and circumstances of the case.
22. It is true that the rope and cloths by which the PWs 1 and 2 were bound and gagged was not seized during the course of investigation in this case. The lacunae in the prosecution case in not seizing those materials is not so fatal itself to doubt the entire prosecution case. Moreover, the evidence of doctor i.e PW-7 has specifically stated that the injury may be inflicted injury that indicated that the injury itself was caused by the Accused on PWs 1 and 2. No incident was reported to the Police regarding self inflicted injury. There is no reason for PWs 1 and 2 to assail themselves to implicate all the Accused persons in this case of decoity. Furthermore, it is not difficult to fit 8 Accused persons including PWs 1 and 2 in the cabin of a lorry, rather there are no such positive suggestions from defence to the Investigating Officer during trial. Under the above observation, after considering the findings of the learned Trial Court as well as learned Appellate Court I find no justification to entertain the Criminal Revision.

https://indiankanoon.org/doc/147024308/; Gajula Siddhartha vs State Of Tamil Nadu And Another; CRIMINAL PETITION No.9540 OF 2025 Date: 24.11.2025

The merit the Court has to consider is that there must be substantial change in the circumstances. However, the same will depend on the reasons on which the earlier bail application was dismissed and the facts and circumstances of each case.
17. In a case even in respect of a charge altered from Section 302 IPC to Section 306 IPC, it was not considered as substantial change in the circumstances by the Division Bench of the Hon"ble High Court of Calcutta in a case between Bablu Sahu vs. State of West Bengal6. It was a case where an application was moved under Section 438 Cr.P.C. was earlier dismissed for the offences under Section 302 IPC and a successive application was moved on altering the Section from 302 IPC to 306 IPC.
18. In G.R. Ananda Babu vs. State of Tamil Nadu and another (1 supra), relied on by the learned Public Prosecutor, mere examination of certain other witnesses and arrest of other accused and their release on bail was not considered as a change in circumstances.

As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (Respondent 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.

https://indiankanoon.org/doc/87648539/; Dr. Athaluri Alias Pachipala Namratha, vs The State Of Telangana, on 24 November, 2025; Criminal Revision Case No. 849 of 2025

The record clearly indicates that the petitioner was already in judicial custody as of 27.07.2025, and that the subsequent offences stem from the same series of transactions/chain of events. Consequently, as the petitioner was in the custody by the date of registration of First Information Reports (FIRs), it was incumbent upon the investigating authorities to show the arrest and remand of the petitioner in all the connected cases from the respective dates of registration of the FIRs. Their omission to do so not only reflects a lack of due diligence and non-application of mind but also runs contrary to the settled position of law governing computation of the statutory period for the purpose of default bail. As observed above, it is a well-established principle, as enunciated by the Supreme Court in Rakesh Kumar Paul v. State of Assam [(2017) 15 SCC 67] and Bikramjit Singh v. State of Punjab [(2020) 10 SCC 616], that the right to statutory or default bail under Section 167(2) of the Code of Criminal Procedure (now Section 187(3) of the BNSS) is an indefeasible right accruing to the accused upon the expiry of the prescribed period of detention, if the charge sheet has not been filed. The computation of such period must necessarily commence from the date of the first remand or the initial custody, and not from any subsequent or artificially regularized date of arrest.

2025 0 INSC 1360; 2025 0 Supreme(SC) 1360; Sk. Md. Anisur Rahaman Vs. The State Of West Bengal & Anr.; Miscellaneous Application 2323 of 2025 Diary No.44979 of 2025 With Interlocutory Application Nos.197604 of 2025 & 227763 of 2025 In Criminal Appeal No.43 of 2025 With Afjal Ali Sha @ Abjal Shaukat Sha Vs. State Of West Bengal & Anr.; Miscellaneous Application Diary No.55130 of 2025 With Interlocutory Application No.244053 of 2025 In Criminal Appeal No.43 of 2025; Decided On : 26-11-2025

A plain reading of Section 321, CrPC leaves no room to doubt that it is the Public Prosecutor in-charge of the case who has to apply his mind independently and impartially to form a view for withdrawal from the prosecution with the consent of the court. The procedure followed in the case in hand was completely alien to the scheme of Section 321, CrPC as the decision to withdraw prosecution was taken at the level of the State Government and the Public Prosecutor was merely asked to act upon the said Government notification. The Link Judge also showed tearing hurry in accepting the application of the Public Prosecutor and permitting withdrawal from prosecution even before the date when the case was listed for prosecution evidence.

Though elementary, it requires restatement that it is fundamental to the rule of law to maintain the sanctity and finality of judicial verdicts. Judicial orders which determine issues arising between the parties to the lis bind them and its conclusive nature ensures resolution of disputes so that justice is served. The strength of judicial power lies less in the hope of perfection and more in the confidence that decisions, once made, are settled. As Justice Robert Jackson[19][Associate Justice of the U.S. Supreme Court in Brown v. Allen] famously said “We are not final because we are infallible, but we are infallible only because we are final”. By upholding the finality of verdicts, not only is endless litigation prevented but public confidence in the judiciary is also maintained.

In the recent past, we have rather painfully observed a growing trend in this Court (of which we too are an indispensable part) of verdicts pronounced by Judges, whether still in office or not and irrespective of the time lapse since pronounced, being overturned by succeeding benches or specially constituted benches at the behest of some party aggrieved by the verdicts prior in point of time. To us, the object of Article 141 of the Constitution seems to be this: the pronouncement of a verdict by a bench on a particular issue of law (arising out of the facts involved) should settle the controversy, being final, and has to be followed by all courts as law declared by the Supreme Court. However, if a verdict is allowed to be reopened because a later different view appears to be better, the very purpose of enacting Article 141 would stand defeated. The prospect of opening up a further round of challenge before a succeeding bench, hoping that a change in composition will yield a different outcome, would undermine this Court’s authority and the value of its pronouncements. A matter that is res integra may not be reopened or revisited or else consistency in legal interpretation could be compromised and the special authority that is invested in decisions of this Court, under Article 141, lost. The weight and influence of that special

authority depend on the credibility we, the Judges, give to it. As Judges of this Court, we are alive to the position that overturning a prior verdict by a later verdict does not necessarily mean that justice is better served.

We are pained to record that the comments made by the Sessions Court criticising the Special Public Prosecutor are wholly uncalled for, thoroughly unwarranted and absolutely unnecessary. In his anxiety to conclude the trial early, owing to the directions given by this Court on the transfer petition as well as the High Court while dismissing the applications for bail of Anisur, the Sessions Court perhaps omitted to bear in mind the antecedent facts relatable to progression of the trial. If indeed the Special Public Prosecutor by filing an application sought the indulgence of the Court to re-examine/examine witnesses, it was entirely within the jurisdiction of the Sessions Court to allow or reject such prayer. Indeed, the fact that the application of the prosecution has been partly allowed does suggest that the Sessions Court did not consider the attempt of the prosecution to be part of any dilatory tactics to unduly prolong the trial. Having regard thereto, the order is contradictory in the sense that on the one hand the application is partly allowed and, on the other, the Special Public Prosecutor is criticized for lack of vigilance and circumspection.

2025 0 INSC 1367; 2025 0 Supreme(SC) 1981; Yogendra Pal Singh Vs. Raghvendra Singh Alias Prince And Another; Criminal Appeal No. of 2025 (Arising out of SLP (Crl.) No. 8075 of 2025); 28-11-2025

25. This Court cannot lose sight of the fact that marriage, in its true essence, is a sacred and noble institution founded on mutual trust, companionship, and respect. However, in recent times, this pious bond has regrettably been reduced to a mere commercial transaction. The evil of dowry, though often sought to be camouflaged as gifts or voluntary offerings, has in reality become a means to display social status and to satiate material greed.

25.1. The social evil of dowry not only corrodes the sanctity of marriage but also perpetuates systemic oppression and subjugation of women. When such demands transgress the bounds of reason and culminate in cruelty – or worse, in the untimely death of a young bride – the offence transcends the private sphere of the family and assumes the character of a grave social crime. It ceases to remain a mere personal tragedy and becomes an affront to the collective conscience of society.

25.2. The phenomenon of dowry deaths represents one of the most abhorrent manifestations of this social malaise, where the life of a young woman is extinguished within her matrimonial home – not for any fault of her own, but solely to satisfy the insatiable greed of others. Such heinous

offences strike at the very root of human dignity and violate the constitutional guarantees of equality and life with dignity under Articles 14 and 21 of the Constitution of India. They corrode the moral fibre of the community, normalize violence against women, and erode the foundations of a civilized society.

25.3. In this backdrop, this Court is constrained to observe that judicial passivity or misplaced leniency in the face of such atrocities would only embolden perpetrators and undermine public confidence in the administration of justice. A firm and deterrent judicial response is, therefore, imperative – not only to uphold the majesty of law and do justice in the present case, but also to send an unequivocal message that neither law nor society will countenance barbarities born out of the evil of dowry.

https://indiankanoon.org/doc/23304018/;Darla Vineeth vs The State Of Andhra Pradesh on 4.11.2025; CrlP Nos.10314 & 10677 of 2025

Even assuming for a moment for argument sake, without admitting it as true, the Petitioners were taken into illegal custody on 29.08.2025 or on 30.08.2025, none of the relatives of the Petitioners have moved any petition(s) by way of writ of habeas corpus before this Court in violation to the instant case. Further, the Petitioners' relatives/kith and kin have also not approached the learned Jurisdictional Judicial Magistrate concerned for production of the Petitioners before the learned Judicial Magistrate by way of filing appropriate petition under the provisions of 'the BNSS' seeking their production from the alleged illegal custody of police. Be that as it may, the investigation is at progressive stage. Enlarging the Petitioners on bail at this juncture would not augur well to the progress of the investigation.

https://indiankanoon.org/doc/86800010/;Kasula Vidya Sagar vs The State Of Telangana on 10.11.2025; CRLP No.12500 of 2024

it is necessary to refer to the view taken by the Hon'ble Supreme Court while dealing with situations akin to that which arises in the present matter. In Mahmood Ali and others. v. State of U.P and others 2023 INSC 684, the Hon'ble Supreme Court has observed that when an accused comes before the Court invoking either the inherent powers under Section 482 of Cr.P.C. or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. Because once the complainant decides to proceed against the accused with

an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

https://indiankanoon.org/doc/5531970/; **Chennareddygari Raasekhar Reddy vs The State Of AP on 10.11.2025; CRLP No: 7715/2023**

As was held by the Hon'ble Supreme Court in Manik Taneja v. State of Karnataka (2015) 7 SCC 423, a bare reading of the definition of "criminal intimidation", punishable under Section 506 IPC would indicate that there must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do. In the present case, except the bald and omnibus allegations, there is no iota of material to connect Petitioner No.1/Accused No.2 with the offence under Section 506 IPC.

https://indiankanoon.org/doc/26470497/;Vanjivaka Sreenivasulu vs Orugunda Sudhakar 2 Others on 10.11.2025; CRLRC NO: 2468 OF 2014

It further appears that this is a Criminal Revision, which was filed by the father of the defacto complainant, who deposed as PW-1. The father of the defacto complainant cannot directly approach High Court against an order of acquittal, which is only available for victim under Section 372 of Cr.P.C, corresponding under Section 413 of Bharatiya Nagarik Suraksha Sanhita, 2023. Thus, the Petitioner has no right to file the Criminal Revision. Moreover, the merit suggests, there is no infirmity, illegality or impropriety in the Judgment passed by the learned Trial Court.

*{ **Sec 2(wa) "victim"** means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression **"victim" includes his or her guardian or legal heir;***

This judgment says father of the victim cannot be treated as Victim as defined in CrPC}

https://indiankanoon.org/doc/165070755/;Abddul Rehaman vs The State Of Telangana; CRLP No.14544 of 2025 Dt.10.11.2025

A Coordinate Bench of this Court in Crl.P.No.7227 of 2025 has considered the identical facts and observed that:-

"There is no averment indicating that the petitioners in any way deceptively induced the beneficiaries to part with the supplied PDS rice or the beneficiary entrusted the PDS rice purchased by them with the petitioners and they dishonestly misappropriated or converted to their own use or used it in violation of a lawful direction or contract. In the absence of essential factors, on the face of prosecution, this Court finds it to be a fit case to exercise the jurisdiction under Section 528 of BNSS, 2023. Thus, continuance of proceedings against the petitioners is abuse of process of law."

https://indiankanoon.org/doc/180751555/; Pirsingula Jay Chandar vs The State Of Telangana; TRANSFER CRIMINAL PETITION No.121/2023 AND CRIMINAL REVISION CASE No.729/2023 Date : 10.11.2025

it is noted that when witness expressed threat in the hands of petitioner/accused, the trial Court cancelled the bail of petitioner under the witness protection act, whereas, it is imperative to note that there is no such provision under the said act to cancel the bail of accused and the purpose of the said act is to protect the witness strictly as per the provisions enshrined therein.

https://indiankanoon.org/doc/161953002/;Smt. Avula Kalpana And Another vs The State Of Telangana And Another on 18 November, 2025; CRIMINAL PETITION No.6988 OF 2020

In Abhishek v. State of Madhya Pradesh (2023) 16 SCC 666, the Hon'ble Supreme Court observed that in matrimonial disputes it is common for a wife to implicate not only the husband but also his relatives, often through general and omnibus allegations lacking any specific instances of cruelty. Referring to Kahkashan Kausar v. State of Bihar (2022) 6 SCC 599 and earlier judgments, the Court reiterated its concern regarding the misuse of Section 498-A IPC by levelling vague and sweeping accusations against in-laws without attributing concrete acts of harassment, cautioning that permitting such prosecutions to proceed would amount to an abuse of the legal process and unnecessarily subject innocent family members to the trauma of a criminal trial. The Hon'ble Supreme court also referred Preeti Gupta v. State

of Jharkhand (2010) 7 SCC 667, emphasising the need for courts to carefully scrutinize complaints under Section 498-A, particularly where distant or non-resident relatives are implicated, and to approach such allegations with prudence in light of the realities of matrimonial discord.
It is very much relevant to mention that in Kailashben Mahendrabhai Patel v. State of Maharashtra 2024 SCC OnLine SC 2621, the Hon'ble Supreme Court held that vague, general, and omnibus allegations without specific particulars as to date, time, or overt acts attributed to each accused cannot form the basis of prosecution under Section 498A of I.P.C. The Court observed that when the complaint does not specify any distinct or identifiable role of the in-laws and merely makes sweeping allegations against them, continuation of such criminal proceedings would amount to an abuse of the process of law. It was further held that to attract the ingredients of cruelty under Section 498A, there must be clear and specific instances of harassment or unlawful demand, and not general assertions arising merely from the existence of a matrimonial relationship and further held that criminal proceedings cannot be allowed to continue on the basis of vague and unsubstantiated allegations lacking specific material against the in-laws.

https://indiankanoon.org/doc/196387235/;Mohd.Ahteshamuddin , Asif And Others vs The State Of Telangana.,Rep.,Pp And ... on 18 November, 2025; CRIMINAL PETITION No.14109 of 2015
In Vikram Bakshi v. R.P. Khosla 2025 SCC OnLine SC 1783 , the Hon'ble Supreme Court reiterated that under Section 362 of Cr.P.C, 1973, a criminal court, including a Magistrate under Section 6 of Cr.P.C, 1973, has no authority to alter or review its judgment once it has been signed, except for the correction of a clerical or arithmetical error. The Hon'ble Supreme Court, however, clarified that this limitation does not prevent the rectification of a procedural or typographical mistake, which is a mechanical or inadvertent error committed by the court itself, not involving the court's reasoning or discretion, where the order as recorded does not truly reflect what was intended or supported by the record. Such correction does not amount to a review on merits but only ensures that the judicial record speaks the truth.

https://indiankanoon.org/doc/135082159/;Mohammad M. Khalid, Hyd vs P.P., Hyd And Ano; CRIMINAL PETITION No.6378 of 2015: 18.11.2025
sofar as the contention raised by the learned Senior Counsel for the petitioners that the nature of allegations is civil in nature and civil cases are pending between the parties and therefore, initiation of the criminal proceedings is the clear abuse of process of law, is concerned, there are

specific allegations levelled against the petitioners that there is a dishonest intention on their part from the date of inception. It is trite law that mere pendency of the civil cases is not a ground to seek quashing of the crime, especially allegations made in the complaint about dishonest intention and mischief.

https://indiankanoon.org/doc/14749259/; M/S. Sannverse Railtech Pvt., Ltd. vs The State Of Telangana on 18 November, 2025; CRIMINAL PETITION No.8840 of 2025

It is pertinent to be observed in this regard that the date of offence is 09.08.2023 and the complaint is filed on 09.01.2025. Since the date of offence is prior to the enactment of BNSS, thus, it was filed under the provisions of IPC and therefore, the procedure that has to be applied falls under Cr.P.C. Somehow, the police have interpreted the sections in terms of BNS in the FIR but, there is no error committed by the Officer while passing the cognizance order under Section 156(3) Cr.P.C. since the offences are under the provisions IPC. Therefore, that is not a ground to quash the proceedings. **{Against Sec 531 BNSS}**

Another ground raised by the learned counsel for the petitioners is that there are no specific allegations against the petitioners. But, the specific allegation against the petitioners is that second MOU dated 09.08.2023 has been forged and created by them. Another ground raised by the learned counsel that there is absence of criminal intent and to cloth the commercial dispute into criminal dispute, the present complaint is lodged, is also untenable, because the element of forgery is the primary allegation and hence, initiation of criminal proceedings would not amount to abuse of process of law in this case. Hence, there are no grounds agitated by the learned counsel for the petitioners to interfere with the process and to quash the proceedings.

NOSTALGIA

378 CrPC

On a threadbare perusal of the three-Judge Bench judgment in Lalu Prasad Yadav and Anr. ((2010) 5 SCC 1 (Three- Judge Bench decision).), we find that this Court extensively considered and discussed the provisions of law involved in the matter i.e., Sections 417 of the Code of Criminal Procedure, 1898/Section 378 of the CrPC, 1973. The Bench has elaborately drawn distinction in the two enabling provisions i.e., 378(1) and 378(2) of the CrPC in the following manner:

"30. Section 378 is divided into six sub-sections. Sub-section (1) provides that the State Government may direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any court other than the High Court or an order of acquittal passed by the Court of Session in revision. It opens with the words "save as otherwise provided in sub- section (2)" followed by the words "and subject to the provisions of sub-sections (3) and (5)".

31. Sub-section (2) refers to two classes of cases, namely, (i) those cases where the offence has been investigated by the Delhi Special Police Establishment constituted under the 1946 Act, and (ii) those cases where the offence has been investigated by any other agency empowered to make investigation into an offence under any Central Act other than the 1973 Code and provides that the Central Government may also direct the Public Prosecutor to present an appeal to the High Court from an order of acquittal. Such an appeal by the Central Government in the aforesaid two types of cases is subject to the provisions contained in sub- section (3).

xxx

35. We have surveyed Section 378 in its entirety to have a complete conspectus of the provision. The opening words-"save as otherwise provided in sub- section (2)"-are in the nature of exception intended to exclude the classes of cases mentioned in sub- section (2) out of operation of the body of sub-section (1). These words have no other meaning in the context but to qualify the operation of sub-section (1) and take out of its purview two types of cases referred to in sub-section (2), namely, (i) the cases in which offence has been investigated by the Delhi Special Police Establishment constituted under the 1946 Act, and (ii) the cases in which the offence has been investigated by any other agency empowered to make investigation into an offence under any Central Act other than the 1973 Code. By construing Section 378 in a manner that permits appeal from an order of acquittal by the State Government in every case, except two classes of cases mentioned in sub-section (2), full effect would be given to the exception (clause) articulated in the opening words.

36. As noticed above, the words-"save as otherwise provided in sub - section (2)"-were added in the 1973 Code; Section 417 of the 1898 Code did not have these words. It is a familiar rule of construction that all

changes in the wording and phrasing may be presumed to have been deliberate and with the purpose to limit, qualify or enlarge the pre - existing law as the changes of the words employ. Any construction that makes the exception (clause) with which the section opens unnecessary and redundant should be avoided."

304(I) & 304(II)

In Virsa Singh v. State of Punjab, AIR 1958 SC 465 and further in Shankar Narayan Bhadolkar v. State of Maharashtra, 2004 (3) Supreme 652 this Court stated that divided into two Parts, Section 304, IPC deals with the situations where 'culpable homicide' would not be a murder. The conceptualisation of the 'culpable homicide not amounting to murder' were explained in the following way, as quoted in para 4 of the Kesar Singh1,

> "If an injury is inflicted with the knowledge and intention that it is likely to cause death, but with no intention to cause death the offence would fall within the definition of Section 304 Part I, however, if there is no intention to cause such an injury, but there is knowledge that such an injury can cause death, the offence would fall within the definition of Section 304 Part II. Thus, is intention. If intention to cause such an injury as is likely to cause death, is established, the offence would fall under Part I but where no such intention is established and only knowledge that the injury is likely to cause death, it would fall under Part II."

313 Examination

The Hon‟ble Apex Court in Manu Sharma Vs. State (NCT of Delhi) AIR 2011 SC (CRIMINAL) 1296, held that the answers given by the accused to the questions put under Section 313 of the Code are not, per se, evidence because, firstly, it is not on oath and, secondly, the other party i.e. the prosecution, does not get an opportunity to cross-examine the accused.

False Promise to Marry

in the case of Mahesh Damu Khare vs. State of Maharashtra, (2024) 11 SCC 398, ("Mahesh Damu") wherein the following observations were made:

"27. In our view, if a man is accused of having sexual relationship by making a false promise of marriage and if he is to be held criminally liable, any such physical relationship must be traceable directly to the false promise made and not qualified

by other circumstances or consideration. A woman may have reasons to have physical relationship other than the promise of marriage made by the man, such as personal liking for the male partner without insisting upon formal marital ties.
28. Thus, in a situation where physical relationship is maintained for a prolonged period knowingly by the woman, it cannot be said with certainty that the said physical relationship was purely because of the alleged promise made by the appellant to marry her. Thus, unless it can be shown that the physical relationship was purely because of the promise of marriage, thereby having a direct nexus with the physical relationship without being influenced by any other consideration, it cannot be said that there was vitiation of consent under misconception of fact."
In Prashant vs. State of NCT of Delhi, (2025) 5 SCC 764, this Court speaking through one of us (Nagarathna, J.) observed that a mere break-up of a relationship between a consenting couple cannot result in the initiation of criminal proceedings. What was a consensual relationship between the parties at the initial stages cannot be given a colour of criminality when the said relationship does not fructify into a marriage.
this Court in Rajnish Singh vs. State of Uttar Pradesh, (2025) 4 SCC 197, whereby it was held that when a woman who willingly engages in a long-term sexual relationship with a man, fully aware of its nature and without any cogent evidence to show that such relationship was induced by misconception of fact or false promise of marriage made in bad faith from the inception, the man cannot be held guilty of rape under Section 376 of the IPC.

Non-Receipt of Advocate Fee not a ground, not to proceed with the case by an Advocate

The Hon'ble Apex Court in Khaili v. State of U.P at para No.1 it is held as under:
1. "...But even though the fees and expenses were not paid, the Advocate should not, in our opinion, have refused to argue the case. It must be remembered by every advocate that he owes a duty to the court, particularly in a criminal case involving the liberty of the citizen, and even if he has not been paid his fees or expenses, he must argue the case and assist the court in reaching the correct decision. We can appreciate a situation where an advocate may be unable to argue the case in the absence of instructions from the client, but non-receipt of fees and expenses can never be a ground for refusing to argue the case. The learned Advocate in the present case, however, refused to argue the case and consequently the learned Judge went through the record of the case and decided the appeal. Now one thing is clear that howsoever diligent the learned Judge might have been

and however careful and anxious to protect the interests of the appellants, **his effort could not take the place of an argument by an advocate appearing on behalf of the appellants.** We think that in a case such as this, what the learned Judge should have done was to appoint an advocate amicus curiae and then proceed to dispose of the appeal on merits".

DYING DECLARATION

A three-judge bench of the Hon‟ble Apex Court in Irfan @ Naka Vs State of Uttar Pradesh AIR 2023 SC 4129 = 2023 INSC 758, extensively considered the theory regarding the acceptability of a dying declaration. In that case, the dying declaration was video-graphed and the CD was exhibited in evidence. The Hon‟ble Apex Court concluded that the dying declarations do not inspire the confidence of the Court, as also the oral evidence of P.W.2 and P.W.4 therein.

The Hon‟ble Apex Court in Muthu Kutty v. State, (2005) 9 SCC 113 : 2005 SCC (Cri) 1202, observed as follows:

“15. Though a dying declaration is entitled to great weight, it is worthwhile to note that the accused has no power of crossexamination. Such a power is essential for eliciting the truth as an obligation of oath could be. This is the reason the court also insists that the dying declaration should be of such a nature as to inspire full confidence of the court in its correctness. The court has to be on guard that the statement of the deceased was not as a result of either tutoring, or prompting or a product of imagination. The court must be further satisfied that the deceased was in a fit state of mind after a clear opportunity to observe and identify the assailant. Once the court is satisfied that the declaration was true and voluntary, undoubtedly, it can base its conviction without any further corroboration. It cannot be laid down as an absolute rule of law that the dying declaration cannot form the sole basis of conviction unless it is corroborated. The rule requiring corroboration is merely a rule of prudence. This Court has laid down in several judgments the principles governing dying declaration, which could be summed up as under as indicated in Paniben v. State of Gujarat [(1992) 2 SCC 474 : 1992 SCC (Cri) 403 : AIR 1992 SC 1817] : (SCC pp. 480-81, paras 18-19)

(i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration. (See Munnu Raja v. State of M.P. [(1976) 3 SCC 104 : 1976 SCC (Cri) 376 : (1976) 2 SCR 764])

(ii) If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration. (See State of U.P. v. Ram Sagar Yadav [(1985) 1 SCC 552 : 1985 SCC (Cri) 127 : AIR 1985 SC 416] and

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Ramawati Devi v. State of Bihar [(1983) 1 SCC 211 : 1983 SCC (Cri) 169 : AIR 1983 SC 164] .)

(iii) The Court has to scrutinise the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased had an opportunity to observe and identify the assailants and was in a fit state to make the declaration. (See K. Ramachandra Reddy v. Public Prosecutor [(1976) 3 SCC 618: 1976 SCC (Cri) 473 : AIR 1976 SC 1994] .)

(iv) Where dying declaration is suspicious, it should not be acted upon without corroborative evidence. (See Rasheed Beg v. State of M.P. [(1974) 4 SCC 264 : 1974 SCC (Cri) 426])

(v) Where the deceased was unconscious and could never make any dying declaration the evidence with regard to it is to be rejected. (See Kake Singh v. State of M.P. [1981 Supp SCC 25 : 1981 SCC (Cri) 645 : AIR 1982 SC 1021])

(vi) A dying declaration which suffers from infirmity cannot form the basis of conviction. (See Ram Manorath v. State of U.P. [(1981) 2 SCC 654 : 1981 SCC (Cri) 581])

(vii) Merely because a dying declaration does not contain the details as to the occurrence, it is not to be rejected. (See State of Maharashtra v. Krishnamurti Laxmipati Naidu [1980 Supp SCC 455 : 1981 SCC (Cri) 364 : AIR 1981 SC 617] .)

(viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth. (See Surajdeo Ojha v. State of Bihar [1980 Supp SCC 769 : 1979 SCC (Cri) 519 : AIR 1979 SC 1505] .)

(ix) Normally the Court in order to satisfy whether deceased was in a fit mental condition to make the dying declaration look up to the medical opinion. But where the eyewitness said that the deceased was in a fit and conscious state to make the dying declaration, the medical opinion cannot prevail. (See Nanhau Ram v. State of M.P. [1988 Supp SCC 152 : 1988 SCC (Cri) 342 : AIR 1988 SC 912])

(x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon. (See State of U.P. v. Madan Mohan [(1989) 3 SCC 390 : 1989 SCC (Cri) 585 : AIR 1989 SC 1519] .)

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(xi) Where there are more than one statement in the nature of dying declaration, one first in point of time must be preferred. Of course, if the plurality of dying declaration could be held to be trustworthy and reliable, it has to be accepted. (See Mohanlal Gangaram Gehani v. State of Maharashtra [(1982) 1 SCC 700 : 1982 SCC (Cri) 334 : AIR 1982 SC 839] .)"

The Hon"ble Apex Court in Nallapati Sivaiah v. SDO (2007) 15 SCC 465 : (2010) 3 SCC (Cri) 560, while explaining the principles of dying declarations upon which its admissibility is founded

observed as follows:

"25. The court has to consider each case in the circumstances of the case. What value should be given to a dying declaration is left to court, which on assessment of the circumstances and the evidence and materials on record, will come to a conclusion about the truth or otherwise of the version, be it written, oral, verbal or by sign or by gestures."

Cancellation of Bail

10.1. In R. Rathinam v. State by DSP, (2000) 2 SCC 391 this Court has categorically held that the power under Section 439(2) Cr.P.C. to cancel bail may be invoked not only at the instance of the State but also by any aggrieved party.

10.2. Similarly, in Brij Nandan Jaiswal v. Munna @ Munna Jaiswal and another, Criminal Appeal No. 2087 of 2008 decided on 19.12.2008 : (2008) 8 Supreme 612 this Court observed:

"7. It is now a settled law that complainant can always question the order granting bail if the said bail is not validly passed. It is not as if once a bail is granted by any court, the only way is to get it cancelled on account of its misuse. The bail order can be tested on merits also. In our opinion, therefore, the complainant could question the merits of the order granting bail."

10.3. Applying the above legal position to the present case, the appellant, being the complainant and father of the deceased, has a direct and substantial interest in seeking cancellation of bail. Accordingly, the present case is clearly maintainable before this Court.

11. The law relating to cancellation of bail is well settled. Recently, in State of Karnataka v. Sri Darshan, etc., 2025 INSC 979 : 2025 0 Supreme(SC) 1201 this Court comprehensively reviewed the principles governing annulment and cancellation of bail. The Court distinguished between annulment of bail due to legal infirmity in the order, and cancellation of bail arising from post-bail misconduct or supervening circumstances. It is well established that bail granted without due application of

mind to relevant factors – such as the gravity of the offence, prima facie evidence, or the antecedents of the accused – may be annulled. Courts must consider the totality of circumstances, balancing the presumption of innocence against the seriousness of the crime, societal interest, and risk of the misuse of liberty. For ready reference, the relevant paragraphs are extracted below:

> "15. The statutory framework governing cancellation of bail is well-settled. Section 439(2) of the Criminal Procedure Code, 1973 empowers the High Court or the Court of Sessions to direct the re-arrest of an accused who has been released on bail, if such direction is deemed "necessary". Similarly, Section 437(5) enables a Magistrate to cancel bail granted under Section 437(1) or (2). These provisions underscore the legislative intent that the power to grant bail is not absolute but is always subject to judicial reconsideration in light of emerging facts or legal infirmities in the original order.
>
> 16. It is equally well established that the considerations for grant of bail and for its cancellation are not identical. While the grant of bail involves a preventive evaluation of the likelihood of misuse of liberty, the cancellation of bail entails a review of the prior decision – either on account of supervening circumstances or because the original order was legally flawed. As laid down in State (Delhi Administration) v. Sanjay Gandhi, (1978) 2 SCC 411 "Rejection of bail when bail is applied for, is one thing; cancellation of bail already granted is quite another". This principle reflects a recognition of the sanctity of liberty once granted, and the requirement of compelling justification for its withdrawal.
>
> 17. However, it is equally well recognized that bail granted without due application of mind to relevant factors – such as the gravity of the offence, the strength of the evidence, or the conduct and antecedents of the accused – may be cancelled. Even in the absence of subsequent misconduct, a bail order that is perverse, unjustified, or legally untenable is vulnerable to interference. In Dolat Ram v State of Haryana, (1995) 1 SCC 349 this Court held that "where a bail order is passed in disregard of material facts or in an arbitrary manner, it can be set aside".
>
> 18. Let us now examine the jurisprudence on when bail may be annulled or cancelled. Two distinct categories have emerged in this regard:
>
> (A) Annulment of Bail due to legal infirmity in the order; and
>
> (B) Cancellation of Bail, i.e., revocation of bail due to post-grant misconduct or supervening circumstances.
>
> **(A) Annulment of bail orders**

18.1. This refers to the appellate or revisional power to set aside a bail order that is perverse, unjustified, or passed in violation of settled legal principles. It is concerned with defects existing at the time the bail was granted, without reference to subsequent conduct.

18.2. In Prahlad Singh Bhati v. NCT of Delhi, (2001) 4 SCC 280 this court laid down guiding principles:

"(a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

18.3. In Puran v. Rambilas and another, (2001) 6 SCC 338 it was held that a bail order can be set aside even in the absence of post-bail misconduct if it is found to be unjustified, illegal, or perverse.

18.4. Similarly, in Dr. Narendra K. Amin v. State of Gujarat and another, 2008 (6) SCALE 415 a three-Judge Bench held that consideration of irrelevant materials renders the bail order vulnerable and liable to be set aside.

18.5. In Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 this Court held that where the High Court grants bail mechanically and without application of mind to material factors such as the gravity of the offence or antecedents of the accused, such an order must be set aside.

18.6. In Prakash Kadam and others v. Ramprasad Viswanath Gupta and another, (2011) 6 SCC 189 this Court distinguished between cancellation of bail by the same court and annulment by an appellate / revisional court. It observed:

"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. Moreover, the above principle applies when the same court which granted bail is approached for cancelling the bail. It will not apply when the order granting bail is appealed against before an appellate/Revisional Court.
19. ….. There are several other factors also which may be seen while deciding to cancel the bail."
18.7. In Neeru Yadav v. State of UP, (2014) 16 SCC 508 this court annulled a bail order where the High Court had ignored the criminal antecedents of the accused and relied mechanically on parity. It held that consideration of irrelevant factors and omission of relevant considerations renders the order perverse. As the court noted:
"15. …. It is clear as a cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."
It further clarified:
"18. Before parting with the case, we may repeat with profit that it is not an appeal for cancellation of bail as the cancellation is not sought because of supervening circumstances. The annulment of the order passed by the High Court is sought as many relevant factors have not been taken into consideration which includes the criminal antecedents of the accused and that makes the order a deviant one. Therefore, the inevitable result is the lancination of the impugned order."
18.8. In Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 this Court reiterated that while no exhaustive list can be laid down, courts must always consider the totality of circumstances, including the seriousness of the offence, prima facie evidence, and potential for interference with the trial.
18.9. In State of Kerala v. Mahesh, AIR 2021 SC 2071 it was observed that even under Article 136, where interference with bail orders is rare, this Court will exercise its powers if the bail order is found to be lacking application of mind or based on irrelevant considerations.
….

18.15. Thus, it is clear that while cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. The distinction between annulment of bail orders due to perversity and cancellation for post-bail misconduct must be clearly understood and applied, ensuring a careful, calibrated, and constitutionally sound approach to the administration of criminal justice.

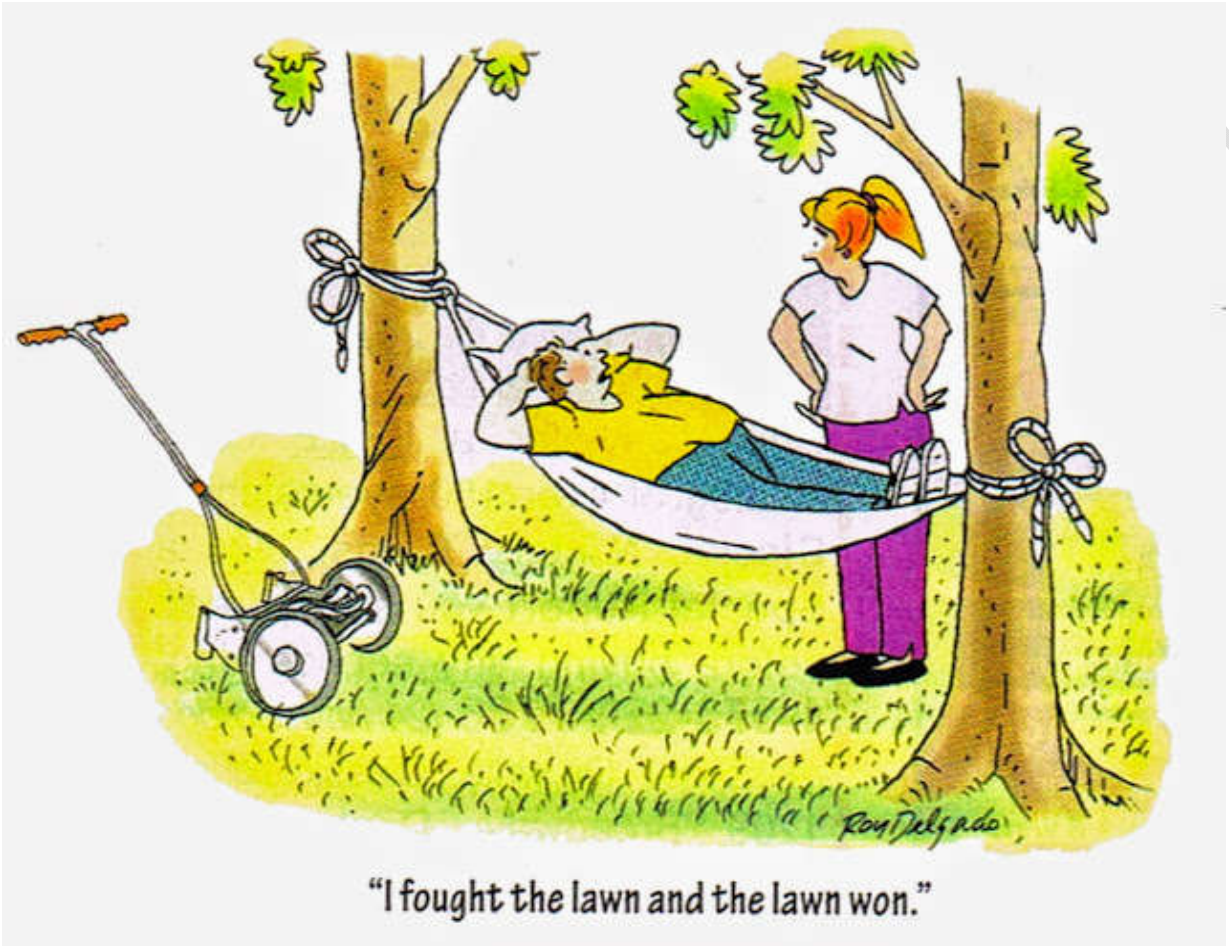
19. At this juncture, it is apposite to refer to the decision of this Bench in Pinki v. State of Uttar Pradesh and another, 2025 INSC 482 wherein, the bail granted to the accused therein was cancelled, after a detailed consideration of the facts and the gravity of the offence, namely, child trafficking as well as the legal principles. The Court underscored that while personal liberty is a cherished constitutional value, it is not absolute. Liberty must yield where it poses a threat to the collective interest of society. No individual can claim a liberty that endangers the life or liberty of others, as the rational collective cannot tolerate anti-social or anti-collective conduct. Emphasizing that bail jurisprudence is inherently fact-specific, the Court reiterated that each bail application must be decided on its own merits, in light of the well settled on its own merits, in light of the well-settled parameters governing grant or denial of bail…."

NEWS

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- **APHC-** High Court of Andhra Pradesh - Orders dated 22.09.2025 and 24.09.2025 in Writ Petition (Criminal) No. 169 of 2025 of the Hon'ble Supreme Court of India Directions to ensure that the dates when (i) the judgment is reserved, (ii) the judgment is pronounced, and (iii) the judgment is uploaded on the website of the High Court of Andhra Pradesh, are mentioned in the judgment and certified copy of the judgment as well - Circular - Reg.

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