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Let all good things come to me in all directions

षड् दोषाः पुरुषेणेह हातव्या भूतिमिच्छता !
निद्रा तद्रा भयं क्रोधः आलस्यं दीर्घसूत्रता !!

हिन्दी अर्थ : किसी व्यक्ति के बर्बाद होने के 6 लक्षण होते हैं – नींद,
गुस्सा, भय, तन्द्रा, आलस्य और काम को टालने की आदत.

CITATIONS

2026 0 INSC 685; 2026 0 Supreme(SC) 759; State of Maharashtra Vs. Monika Kiran Suryawanshi & Ors.; Criminal Appeal No(s). 2282-2284 of 2011 With Criminal Appeal No(s). 2286-2288 of 2011; 13-07-2026

On critical assessment of evidence, the High Court identified massive lapses in the handling of the seized physical evidence. The alleged articles seized from the house of accused no. 1 and at her behest were not sealed at the spot. High Court was insisted in relying on - Ashraf Hussain Shah v. State of Maharashtra, 1996 SCC OnLine Bom 683, wherein paragraph 14 clearly states that the prosecution must not only prove that the articles were sealed upon seizure, but must also lead link evidence to prove they were kept in a sealed condition until they reached the Chemical Analyzer. This strict procedural requirement is mandated to completely eliminate the suspicion that blood might have been planted on the articles subsequent to recovery. In the absence of seals, the Chemical Analyzer (CA) reports (Exhibits 50 and 56) connecting the blood group 'A' to the grinding stone and clothes become highly doubtful and cannot be construed as incriminating evidence. Useful reference can be made to the judgment of the High Court in para no. 17 of Tulshiram Bhanudas Kambale v. State of Maharashtra, 1999 SCC OnLine Bom 227, a recovery made under Section 27 of the Indian Evidence Act, 1872 without affixing lac seals holds absolutely no evidentiary value.

29. This court in the case Salim Akhtar alias Mota v. State of Uttar Pradesh, [\(2003\) 5 SCC 499](#), in support of the proposition held that if an article is not sealed, it raises doubt about factum of recovery.

2026 0 INSC 686; 2026 0 Supreme(SC) 760; The State of Jharkhand Vs. Jagdish Lakra; Criminal Appeal No. 3131 of 2026 (@ Special Leave Petition (Crl.) No. 4978 of 2024); Decided On : 13-07-2026

If it is admitted that the incriminating material was kept in the house due to grave fear and or threat of life, then certainly, it cannot be said that such possession is a conscious possession and such coercive possession or possession under threat of life cannot be a sole criteria to accept the prosecution case and to record the finding of the guilt against the respondent. The High Court was also justified in placing reliance on the

judgment in the matter of Francis Xavier Salemao vs. State Through Public Prosecutor as reported in 2007 SCC online Bom 1261, wherein it was held:

"that the possession of firearm must have an element of consciousness or knowledge of that possession and where he is not in actual physical possession, he has nonetheless a power or control over that weapon so that his possession thereof continues despite physical possession being in someone else. In any disputed question of possession specific facts admitted or proved will alone establish the existence of the factual relation of control or the dominion of the person over it necessary to determine whether that person was not in possession of the thing in question"

<https://indiankanoon.org/doc/154782836/>; **Jalli Shiva Kumar vs The State Of State Of Telangana on 13 July, 2026; CRLP No. 9286/2026**

It is relevant to mention that in [Satbir Singh v. State of Haryana and others](#) 1, the Hon'ble Supreme Court held that the power under [Section 311](#) Cr.P.C. is very wide and is intended to enable the Court to arrive at the truth and render a just decision. The Court observed that a witness may be recalled at any stage of the trial if such recall is essential for the just decision of the case and when the party seeking recall did not have an earlier opportunity to elicit relevant facts. It was further held that recall should not be refused on technical grounds when such examination would assist the Court in proper adjudication of the matter and when no prejudice would be caused to the opposite party, who would still have the opportunity to cross-examine the witness. Accordingly, the Hon'ble Supreme Court set aside the orders of the courts below and allowed the recall of the witness under [Section 311](#) Cr.P.C. for further examination.

<https://indiankanoon.org/doc/63159424/>; **Panuganti Phani Raja Satish vs State Of Andhra Pradesh; APHC010437412019; CRLRC NO: 1341/2019 Date: 13.07.2026**

the Hon'ble Apex Court in [Sethuraman v. Rajamanickam](#)1, [Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.](#) 2, Girish Kumar (2009) 5 SCC 153 (2001) 7 SCC 401 [Suneja v. CBI](#)3, [Amar Nath v. State of Haryana](#)4, (2017) 14 SCC 809 (1977) 4 SCC 137 , the Hon'ble Apex Court held that receiving of documents, summoning of the witnesses are all interlocutory in nature and against which no revision case is maintainable.

<https://indiankanoon.org/doc/99597540/>; **Banoth Sudheer Singh vs The State Of Telangana on 13 July, 2026; Crl.P.No.10352 OF 2026**

A perusal of the material available on record prima facie discloses that the bank account maintained by the petitioner- company had received a substantial portion of the proceeds alleged to have been generated through the commission of the subject cybercrime. The investigation further indicates that the amounts so credited were subsequently withdrawn from the said account. At this stage of investigation, these circumstances constitute prima facie material connecting the petitioner's company with the financial trail of the alleged offence. Whether such transactions were undertaken with the requisite criminal intent or whether the petitioner is able to satisfactorily account for the receipt and subsequent withdrawal of the said amounts are matters to be established during the course of investigation and, if necessary, at trial. At the stage of consideration of an application seeking anticipatory bail, the Court is only required to examine whether the material placed before it discloses a prima facie case warranting denial or grant of the extraordinary relief of anticipatory bail.

9. It is a settled principle of law that the power to grant anticipatory bail is an extraordinary discretionary remedy intended to safeguard the fundamental right to personal liberty. Nevertheless, such discretion is neither absolute nor unqualified and must be exercised judiciously, having regard to the facts and circumstances of each case, the nature and gravity of the accusation, the role attributed to the accused, the likelihood of the accused fleeing from justice, the possibility of influencing witnesses or tampering with evidence, and the requirement of custodial interrogation.

In the light of the aforesaid legal principles, and having regard to the nature and gravity of the allegations, the specific role attributed to the petitioner-company as the recipient of a substantial portion of the alleged proceeds of crime, the prima facie material indicating that the said amounts were subsequently withdrawn from its bank account, and the categorical stand of the investigating agency that custodial interrogation of the petitioner is necessary to trace the money trail, identify the ultimate beneficiaries of the proceeds of crime, and ascertain the involvement of the other accused persons, this Court is of the considered opinion that the petitioner has failed to make out a case warranting the exercise of the extraordinary discretionary jurisdiction for grant of anticipatory bail.

<https://indiankanoon.org/doc/56422912/>; **Dasharathi Hrudai Kumar vs The State Of Telangana on 14 July, 2026; CRLP No.10375/2026**

The principal grievance of the petitioner is that, notwithstanding the issuance of a notice under [Section 41-A](#) Cr.P.C. and his continued cooperation with the investigation, the police may nevertheless arrest him. This apprehension, however, does not appear to be supported by any objective material presently available on record.

8. It is pertinent to note that the issuance of a notice under [Section 41-A](#) Cr.P.C. itself signifies that the Investigating Officer has, at that stage, considered the arrest of the accused to be unnecessary, subject, of course, to the accused continuing to cooperate with the investigation. The object of introducing [Section 41-A](#) Cr.P.C. is to ensure that arrest is not resorted to mechanically or routinely in cases where the presence of the accused can be secured by issuance of a notice. The provision seeks to balance the liberty of the individual with the legitimate requirements of investigation.

It is equally well settled that if, after issuance of a notice under [Section 41-A](#) Cr.P.C., the Investigating Officer subsequently forms an opinion that the arrest of the accused has become necessary, such arrest cannot be effected arbitrarily or mechanically and any consequential action must strictly conform to the procedure established by law. The safeguards laid down by the Hon'ble Supreme Court in [Arnesh Kumar v. State of Bihar](#) (supra) continue to govern the exercise of the power of arrest.

<https://indiankanoon.org/doc/75471400/>; **Rajitha Guguloth vs The State Of Telangana on 14 July, 2026; CRLP No.10735 of 2026**

Initially Crime No.63 of 2026 was registered on 14.06.2026 for the offences punishable under Sections 118(1), 115(2) and 292 read with 3(5) of the BNS. The said offences are punishable with imprisonment of less than seven years. It is brought to the notice of the Court that basing on the medical report, the offence under Section 118(1) of the BNS was altered to Section 118(2) of the BNS.

Taking into consideration the peculiar facts and circumstances of the case, this Court is of the prima facie view that the ingredients of the offence punishable under Section 118(2) of the BNS may not attract against the petitioner and the other offences are punishable with imprisonment of less than seven years.

{at the stage of Bail, it was decided that the provision of law 118(2) BNS does not apply to petitioner. The said case is also registered under 3(5) BNS}

<https://indiankanoon.org/doc/154916204/>; **Mrs. Tasneem Humaira Fatima vs The State Of Telangana on 14 July, 2026; CRIMINAL PETITION No.10977 of 2026**

Learned counsel for the petitioner submitted that the petitioner is the owner of a vehicle, namely, Maruthi Breeza Car, bearing Registration No.TS-13-EV-3017, which was seized by the Police, Attapur Police Station, Cyberabad, in Crime No.45 of 2026 for the offences punishable under Sections 8(c) r/w. 21(c) read with 22(b) of the [Narcotic Drugs and](#)

Psychotropic Substances Act, 1985 (for short, 'NDPS Act'). He further submitted that the petitioner is the mother of accused No.2 and accused No.2 has never involved in the transportation of the alleged contraband in the subject vehicle but the police illegally registered the case against the accused No.2 and thereby seized the vehicle of the petitioner. He further submitted that the petitioner had approached the learned I Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar by filing an application vide CrI.M.P.No.145 of 2026 in Crime No.45 of 2026, seeking interim custody of the subject vehicle, and the said Court had dismissed the petition vide its order dated 06.05.2026, on the ground that the petitioner has to approach the Drug Disposal Committee and that the said Court is not having jurisdiction. Though the learned trial Court is having jurisdiction, the learned trial Court, without deciding the application on merits, returned the same, and the same is contrary to the principle laid down by the Hon'ble Supreme Court in *Denash v. State of Tamil Nadu* 2025 LawSuit (SC) 1411.

The Hon'ble Supreme Court, in *Denash's* case (supra), held that the Special Courts under the NDPS Act retain the jurisdiction to grant interim custody of the seized vehicle, which was involved under the provisions of the NDPS Act. The learned trial Court, without following the principle laid down by the Hon'ble Apex Court (supra), mechanically dismissed the application. Hence, this Court is of the considered view that the learned trial Court ought to have considered the said application filed by the petitioner and decided the matter in accordance with law.

{The Hon'ble Apex Court in *Denash* case, which followed the Bishwajit Dey v. State of Assam 2025 INSC 32, clearly stated three scenarios and held that only when the owner of the vehicle bonafidely did not know about the transportation of the drug, then interim custody may be granted. In the said *Denash* case, the driver and khalasis were involved in the offence, unlike in the present case, A2 is the son of the petitioner}

<https://indiankanoon.org/doc/177666212/>; APHC010322402026;
Pachikura Lakshmana Rao vs The State Of Andhra Pradesh;
CRIMINAL PETITION NO: 5169 of 2026 Date: 08.07.2026

Having regard to the nature and gravity of the allegations, the colossal quantity of contraband allegedly involved, the criminal antecedent of the petitioner, the stage of the trial, and the embargo contained under Section 37 of 'the NDPS Act', this Court is not satisfied that there are reasonable grounds for believing that the petitioner is not guilty of the alleged offence or that he is not likely to commit any offence while on bail.

10. The contention regarding non-drawing of samples at the time of seizure, by itself, does not entitle the petitioner to bail in view of the law laid down by the Hon'ble Supreme Court in [Mohanlal](#) supra. Accordingly, the petitioner has failed to satisfy the twin conditions under [Section 37](#) of 'the [NDPS Act](#)'.

In [Union of India v. Ram Samujh](#) 2 , the Hon'ble Supreme Court at Paragraph No.7 observed that Narcotic offences have a grave and far-reaching impact on society, destroying numerous lives. The [Court further held](#) that drug traffickers pose a continuing threat to society and, therefore, the statutory restrictions must be strictly enforced.

14. In [Durand Didier v. State \(UT of Goa\)](#) 3, the Hon'ble Apex Court at Paragraph No.24, observed that illicit trafficking of Narcotic drugs has become a serious social menace, particularly affecting the youth. The Court further noted that, in view of its devastating impact on society, Parliament enacted stringent provisions under 'the [NDPS Act](#)' to effectively combat the menace.

15. The Hon'ble Apex Court in [State of Kerala v. Rajesh](#)4, at Paragraph Nos.8, 19, 20 and 21, held that bail under 'the [NDPS Act](#)' can be granted only upon strict compliance with the mandatory conditions prescribed under [Section 37](#). The Court further observed that 'reasonable grounds' require substantial material showing that the accused is not guilty, and recording such a finding is a sine qua non for grant of bail.

the request of the Petitioner cannot be considered at this juncture, inasmuch as there are no changes in the circumstances and investigation is still at crucial stage. There are no merits in the case for grant of bail to the Petitioner. Hence, this Criminal Petition is liable to be dismissed.

<https://indiankanoon.org/doc/184550321/>; **APHC010310502026;**
Shaik Muhammad Ali vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4929 of 2026 08.07.2026

On perusal of the record, the Petitioner without approaching the learned Sessions Judge at the first instance seeking pre-arrest bail and has directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in [Mohammed Rasal.C v. State of Kerala](#)1 and [Jagdeo Prasad v. State of Bihar](#) and others2.

4. The Hon'ble Apex Court in Mohammed Rasal. [C](#) supra wherein at paragraph Nos.7, 8 and 9 it was held as follows:-

"7. The Sessions Judge exercises powers under [Section 438](#) Cr.P.C in relation to all cases registered with the police stations in the particular District. This area-wise distribution of work would make it much more convenient and facilitate expeditious disposal, if the application for pre-arrest bail is first filed before the Sessions Court which would have a direct

and first-hand assistance of the concerned Public Prosecutor appointed for that particular District. The Sessions Court would also have an immediate access to the Case Diary thereby facilitating a better appreciation of facts of the case.

8. We further feel that if the practice of entertaining the applications for pre-arrest bail directly in the High Court is encouraged, and the parties concerned are not relegated to first approach the Sessions Court concerned, the High Court would be flooded with a spate of pre-arrest bail applications thereby creating a chaotic situation. We say so, because if the parties are required to approach the Sessions Court concerned for seeking remedy of pre-arrest bail, there is a strong probability that significant number of applications would be allowed at that level only thereby acting as a filtration process before the process reaches the High Court.

9. It is trite that in most of the States, there is a consistent practice requiring the litigant concerned to first approach the Sessions Court for seeking relief of pre-arrest bail and only in the event of denial of such relief, the litigant would be granted access to approach the High Court for seeking such relief. This is, of course, subject to just exceptions and the High Court, for reasons to be recorded, may entertain an application for pre-arrest bail directly in special/ extra- ordinary circumstances."

5. The Hon'ble Apex Court in [Jagdeo Prasad](#) supra at para No. 6 as under: "6. However, before parting, we do wish to express our sincere concern with the haste at which the High Court has dealt with this matter. While the scheme of [Criminal Procedure Code](#), 1973 (now Bharatiya Nagarik Suraksha Sanhita, 2023) provides concurrent jurisdiction to the High Court and Sessions Court for entertaining applications for anticipatory bail, this Court has time and again observed that High Court should always encourage exhausting an alternative/concurrent remedy before directly interfering itself. This approach balances the interests of all the stakeholders, first by giving the aggrieved party a round of challenge before the High Court. Second, this approach provides the High Court an opportunity to assess the judicial perspective so applied by the Sessions Court, in concurrent jurisdiction, instead of independently applying its mind from the first go. Further, the High Court fails to record any reason for directly granting anticipatory bail without impleading the appellant-complainant as a party."

6. Albeit this Court has got concurrent jurisdiction under [Section 482](#) of 'the BNSS.', such discretionary relief would only be granted, when the Petitioner establishes a special case or extra ordinary circumstance. As seen from the averments, the Petitioner neither established a special case nor extra-ordinary circumstance. However, in view of the orders passed in [Mohammed Rasal.C and Jagdeo Prasad](#) supra, this Court is not

inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioner, as he has not approached the learned Sessions Judge concerned at first instance.

<https://indiankanoon.org/doc/93289227/>; APHC01046038202; Dunga Kumari vs The State Of Andhra Pradesh And Others on 8 July, 2026; WP NO: 23639 of 2025

In [Champion R. Sangma](#) (supra), it was recorded that the appellant therein (detenu) was under incarceration as he was implicated in as many as 8 cases and he was in jail and he was not yet granted bail. It was held that it was for the respondents therein (the detaining authority) to satisfy the Court as to whether the triple requirements as postulated stood satisfied. Those requirements were not satisfied. There, though the detention order and even the grounds of detention recorded the factum of the detenu being in custody, no satisfaction was recorded by the detaining authority that there was reliable material before the authority on the basis of which the detaining authority had reasons to believe that there was real possibility of release on bail of the detenu. The detention order was silent on that aspect of possibility of indulging in activity if the detenu was granted bail. So, the Hon'ble Apex Court held that the detention order suffered from material illegality which vitiated the order of detention.

In view of the statutory provision of [Section 6](#) of PIT NDPS Act, the Order of Detention passed under [Section 3 \(1\)](#) of PIT NDPS Act 1988 when passed on two or more grounds, such Order of Detention shall be deemed to have been passed separately on each of such grounds. In the present case, the impugned Order of Detention has been passed on six grounds i.e., two or more grounds. Such Order of Detention shall be deemed to have been passed separately on each of such grounds from Ground Nos.1 to 6. So, even if it be taken that the Order cannot be sustained on Ground No.6, for non-consideration of three requirements with respect to the detenu being in judicial custody, it cannot be held that the detaining authority had not satisfied on the other grounds, only because of no satisfaction recorded relating to Ground No.6. It shall be deemed that the State Government or the detaining authority had made the Order of Detention after being satisfied on the remaining grounds.

<https://indiankanoon.org/doc/154753826/>; Kandela Gangamma vs State Of Telangana on 9 July, 2026; WP 14643_2023

Having heard the submissions of the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents, and upon perusal of the record, this Court is of the opinion that the authority is empowered to issue warrant under [Section](#)

[122\(1\)\(b\)](#) of Cr.P.C only after passing reasoned orders under [Section 117\(1\)](#) of Cr.P.C. Further, mere arraignment in an offence cannot be taken to be a conviction whereby it could be said that the petitioner had committed a breach of the bond furnished by him for maintaining good behavior and the respondent authorities cannot exercise the powers under [Section 122\(1\)\(b\)](#) of Cr.P.C. for detaining the petitioner in prison for violation of the alleged breach of bond. Therefore, unless the petitioner has been held guilty of any offence or being convicted by the competent **criminal** Courts, the respondent authorities are not having power to hold that mere involvement in a crime would itself constitute breach of bond furnished by the petitioner.

<https://indiankanoon.org/doc/91232168/>; **Mathankumar Anthonisamy vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE NOs: 768 and 747 of 2026; 10.07.2026**

As seen from the impugned order passed by the learned Trial Court extending the remand period beyond 250 days, the learned Public Prosecutor has not applied his independent mind while filing the application. The learned Public Prosecutor has not filed any report as envisaged under [Section 36A\(4\)](#) proviso of 'the [NDPS Act](#)'. The petition filed by the learned Public Prosecutor does not disclose whether he was satisfied with the progress of the investigation or whether he had considered the entire material of investigation for grant of further time to complete the investigation.

<https://indiankanoon.org/doc/142267523/>; **Lamnnasingi Siva vs The State Of Andhra Pradesh; CRLRC NO: 767 of 2026 Dated: 10.07.2026**

As seen from the impugned order passed by the learned Trial Court extending the remand period beyond 260 days, the learned Public Prosecutor has not applied his independent mind while filing the application. The learned Public Prosecutor has not filed any report as envisaged under [Section 36A\(4\)](#) proviso of 'the [NDPS Act](#)'. The petition filed by the learned Public Prosecutor does not disclose whether he was satisfied with the progress of the investigation or whether he had considered the entire material of investigation for grant of further time to complete the investigation.

<https://indiankanoon.org/doc/98788776/>; **Polumatta Prakash Raj Kumar vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 5334 of 2026 Date: 10.07.2026**

5. On perusal of the record, the allegation against the Petitioner is that he supplied 25 kilograms of ganja, which is a commercial quantity. The learned counsel for the Petitioner submits that, apart from the confession

of Accused No.1, there is no other material to incriminate the Petitioner. The investigation reveals that Accused Nos.1, 2, 5 and 6 assisted the Petitioner through Accused No.3 in the supply of 25 kilograms of ganja. So far, only five witnesses have been examined, and the contraband seized was found to be in twelve packets.

6. The Hon'ble Apex Court in [Dinesh Chander v. State of Haryana](#) 1 , issued directions to the accused therein to surrender before the learned Trial Court.

7. The Hon'ble Apex Court in [Satpal Singh v. State of Punjab](#) 2 , at paragraph Nos.14 & 15, held as under:

14. Be that as it may, the order dated 21-9-2017 [[Beant Singh v. State of Punjab](#), 2017 SCC OnLine P&H 3801] passed by the High Court does not show that there is any reference to [Section 37](#) of the NDPS Act. The quantity is reportedly commercial. In the facts and circumstances of the case, the High Court could not have and should not have passed the order under Section 438 or 439 [CrPC](#) without reference to [Section 37](#) of the NDPS Act and without entering a finding on the required level of satisfaction in case the Court was otherwise inclined to grant the bail. Such a satisfaction having not being entered, the order dated 21-9-2017 [[Beant Singh v. State of Punjab](#), 2017 SCC OnLine P&H 3801] is only to be set aside and we do so.

15. Consequently, the order dated 31-10-2017 passed by the Sessions Court is also set aside. All the three accused in both these appeals are directed to surrender before the trial court. However, we make it clear that they are free to apply for regular bail, in which case, the Sessions Court will consider the matter on the merits of the application. Before parting with the judgment, we also painfully note that even in the inquiry conducted pursuant to the orders passed by this Court, there was no reference to the regular bail granted to Beant Singh and Gurwinder Singh and that too, on production of an interim order passed by the High Court. Had the same been noticed, the State would have certainly taken steps much earlier. This is once again to remind Special Leave to Appeal (Criminal) No.9540 of 2025, dated 07.07.2025.

(2018) 13 SCC 813 the police and the prosecutor that they need to show due diligence and vigilance while dealing with the cases under the [NDPS Act](#)."

8. The High Court of Rajasthan in [Prabhulal & Anr. v. State of Rajasthan](#)3, at paragraph No.6 held as under:

"6. On the other hand, Mr. V.S. Gujar and Mr. Suresh Pareek have vehemently contended that in view of stringent provisions of [Section 37 \(1\)](#) of the N.D.P.S. Act, petitioners are not entitled to get bail even under Section 439, Cr. P.C. and there is hardly any ground to grant them anticipatory bail in such cases. Learned counsel further contended that

petitioners are avoiding their arrest and there is sufficient material to establish their involvement in the crime. It was also contended that the bail application under Section 439, Cr. P.C. of co-accused Ram Kumar to whom the contraband articles were to be delivered, as well as the application of co-accused Bharat Singh were rejected by this Court on 15.12.94 and 15.7.94, respectively. In 1994 (3) W.L.C. ([Raj.] 622, while considering the scope of anticipatory bail in a case registered under the [N.D.P.S. Act](#), it was observed by me, as under:-

"The object and reason behind passing the amendments was to make stringent provisions of bail as it was thought that such powers should not be used to defeat the object of the Act and a technical plea should not be a ground for under-serving liberty under the Act. The non-obstante clause in [Section 37 \(1\)](#) of the Act makes it clear that the accused of an offence under the Act is to be severally dealt with and that he should not be allowed to be released on bail unless the conditions contained in [Section 37](#) are satisfied. Though the Act specifically does not prohibit the grant of anticipatory bail under Section 438, Cr. P.C., but the legislative intent can be gathered from [Section 37](#) of the Act which restricts the bail even after the arrest of the offender.

[The Narcotic Drug and Psychotropic Substances Act, 1985](#) is a special enactment and was enacted with a view to making stringent provisions for the control and regulation of operation relating to narcotic drugs and psychotropic substances. The underlying object of the Act and the stringent provisions of bail introduced by Act No. 2 of 1989 make it clear that anticipatory bail should not be granted in such cases unless the Court is satisfied that the investigating agency was abusing the provisions of the Act with malafide object to arrest any person. In such cases, the law should be allowed to have its own course."

[Section 25](#) of the Act provides punishment to the owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance to be used for the commission by any other person of an offence punishable under any provision of this Act."

9. Further the Hon'ble Apex Court in [Anarul SK v. State of West Bengal](#) in Crl.A.No.12621 of 2024 dated 19.09.2024 at para No.4 observed that the grant of anticipatory bail in cases involving Narcotic Drugs and Psychotropic Substances (NDPS) is a very serious issue and directed the State to consider as to whether it proposes to file an application for the cancellation of bail granted to the other accused.

10. Therefore, request for grant of pre-arrest bail to the Petitioner/Accused No.7 does not appear to be convincing or reasonable. Furthermore, importantly grant of pre-arrest bail to the Petitioner, is neither a license for commission of serious offence nor a shield or protection for having

committed grave offences, as per the decisions of the Hon'ble Apex Court in [Gurbaksh Singh Sibbia v. State of Punjab](#)⁴ and [Sushila Aggarwal v. State \(NCT of Delhi\)](#)⁵. There are no merits in the petition. The Petitioner/Accused No.7 is disentitled for grant of pre-arrest bail. Hence, the Criminal Petition is devoid of merit and is liable to be dismissed.

<https://indiankanoon.org/doc/176767387/>; **Mohammed Inzemam vs The State Of Telangana on 10 July, 2026; CRLP No.10680 Of 2026**

Having considered the rival submissions made by the respective parties and upon perusal of the e-Court proceedings dated 16.06.2026, placed by the learned Additional Public Prosecutor, it reveals that on 16.06.2026, the parties were absent and there was no representation. In view of the same, the trial Court issued NBW against the petitioners and posted the matter to 25.07.2026. Hence, this Court is of the considered view that the petitioner have suppressed the fact of issuance of NBWs against them and approached this Court with unclean hands, and the petitioners are not entitled to seek equitable relief as conferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and this Court is not inclined to grant any order in the present **criminal** petitions.

2026 0 INSC 721; 2026 0 Supreme(SC) 795; Piyush Shyamdasani Vs. State of Uttar Pradesh; Criminal Appeal No(s). 3866 of 2025 with Criminal Appeal No(S).of 2026 [Arising out of SLP(Criminal) No. 12964 of 2025] Criminal Appeal No(S).of 2026 [Arising out of SLP(Criminal) No. 19093 of 2025], Criminal Appeal No(S).of 2026 [Arising out of SLP(Criminal) No. 2043 of 2026]: 20-07-2026

The call detail records further amplify the incriminating previous conduct of A1 on the date of incident. The records reveal that A1 was in constant touch with A2, A3 and A5 before the incident. Further, A3, A4 and A5 were in constant touch with each other. The prosecution has relied upon a chart prepared on the basis of the call detail records of the accused persons and it indicates that all the accused persons were in contact with each other. Even without this chart, the call records are quite clear. To add to it, the location data of the mobile numbers used by the accused persons reveals that all the accused persons were present around the restaurant at the time of the incident. Furthermore, the location of A3 to A6 was also traceable at the same spot where the deceased was found in the Honda Accord car at around 12:05 AM after the incident. In such circumstances, the courts have drawn a reasonable inference that the accused persons were acting in a coordinated manner and had an overwhelming nexus with the offence.

At this point, it is important to underscore that on the basis of above evidence, the prosecution managed to bring home a strong incriminating

connection between the accused persons and it was for the accused persons only to explain their connection. However, instead of offering any plausible explanation, the accused persons attempted to deny their connection. The failure of the accused persons to explain any circumstance, which could only be explained from the personal knowledge of the accused persons, leads to a direct adverse inference against them. The law is quite settled. This failure on the part of the accused persons has been noted by the courts and thus, both the courts have rightly appreciated the evidence on conspiracy.

The appellants herein seek to question the findings on the ground that the mobile numbers reflected in the call detail records did not belong to the accused persons. This, in fact, is another incriminating circumstance because the numbers did not belong to the accused persons, but they were found running in the mobile devices recovered from the possession or at the instance of the accused persons. Thus, they were using fake numbers to conceal their identities and to evade surveillance. Notably, A1 was admittedly using two numbers - one registered in his own name and one in the name of his employee (a worker in his factory). Both the numbers were mentioned by him in his original complaint after the incident. The number used by A4 was found running in the mobile phone recovered from him, and the number used by A5 was installed in his phone, which was left by him at his home when he fled away after the incident. When called by the investigators, the call was picked up by the mother of A5 and she disclosed that it was used by A5 only. Again, no rebuttal has been advanced to dispute these facts.

The call details reveal that the accused persons were in constant touch with each other using these numbers, irrespective of the persons in whose names the numbers were officially registered. The evidence on record has indicated sufficient nexus between the numbers reflected in the call detail records and the accused persons. If there was any discrepancy in this evidence, the accused persons could have led counter evidence to that effect. However, they failed to rebut this crucial technical evidence. The Court cannot set aside consistent evidentiary findings on bare assertions, without any cogent evidence to support the assertions.

The subsequent conduct of the accused persons, especially A1, was even more incriminating. It has been proved beyond doubt that after the incident, A1 lodged a false complaint of abduction by alleging that his car was hit from the front, he was dragged out of the car and was beaten up. Subsequent investigation revealed that neither the car suffered any damage nor did A1 suffer a single injury and in fact, apprehending that this fact would appear in his medical examination, he abruptly left the hospital when he was taken for medical examination. It is highly unnatural, and even abhorrent, to believe that a husband who is put in a situation like

the present one, would come out untouched and without a sign of protest. Moreover, it is even more questionable that after the abduction of his wife in the middle of the night, the husband would wait for one hour to make his first approach to the police. Evidently, the delay in reporting was meant to ensure that A3 to A6 were able to achieve the object without any premature police intervention. Every single circumstance concerning the previous and subsequent conduct of A1 is not only relevant but is also fully incriminating. The evidence regarding his subsequent conduct has been rightly appreciated by both the courts and this Court has no reason to question the analysis.

Further nexus between the accused persons and the alleged offences emanated from the recoveries made from the accused persons. Such recoveries included the recovery of blood-stained articles and key from the Honda Accord car at the instance of A4 and A5; clothes worn by the appellants on the date of incident; four knives including the knife used for the commission of the offence at the instance of A4 and A5; jewellery items belonging to the deceased at the instance of A4 and A5, and mobile phones used for conspiring with each other. All these recoveries were based on the exclusive disclosures of the accused persons and thus, the recoveries were admissible under Section 27 of Evidence Act. As regards the knife used in the commission of offence, two things need to be noted. Firstly, the prosecution has proved that the knife was used in the commission of the offence as the nature of injuries substantially corresponded with the knife in question. Secondly, it has also been proved that the knife was purchased by A1 and A3 from Rev Moti Mall. The CCTV footage of the mall as well as the invoices exhibited by the prosecution constitute clinching evidence in this regard. Apart from a bare submission that A1 was not identifiable in the footage recovered from the mall, no counter evidence has been produced by the appellants to question this evidence. The consistent view taken by the courts cannot be disturbed by this Court on bare submissions. Moreover, the invoices corroborated the footage.

Having said so, it is important to note that the role of motive in a criminal trial is limited. A complete absence of motive may operate as a factor in favour of the accused in the peculiar facts of a case, however, such is not the case here. The position of law in this regard is succinctly captured by this Court in *Vaibhav v. State of Maharashtra*, [2025 INSC 800](#). The relevant extract thereof reads as:

“23. We may now come to the next aspect of the case i.e. absence of motive and consequence thereof. 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.”

Notably, a legal submission has been advanced on behalf of the appellants that since, there are more than five accused persons in the case, Section 34 IPC was wrongly invoked by the court and instead, Section 141 IPC was attracted. The submission is liable to be rejected at the outset. For, the actual act of commission of murder was committed by the assembly comprising of A3 to A6 only i.e. four persons. In order to invoke the provision for unlawful assembly, it is necessary that five or more persons physically participate in the commission of the offence. Here, the active participation of A1 was behind the scenes and he was not a part of the assembly that actually committed the offences after abduction. Therefore, Section 34 has been rightly invoked as it requires mere active participation, even if behind the scenes, and not physical presence. Suffice to note that the submission is based on an erroneous understanding of law.

2026 0 INSC 724; 2026 0 Supreme(SC) 798; Prabhakar Yeshwant Masram And Another Vs. Sou Tula Namdeorao Jaipurkar And Another; Criminal Appeal No.1365 of 2015; Decided On : 21-07-2026

From the aforesaid provisions, it becomes clear that what is punishable is the giving of ‘false evidence’ under Section 193 or making of a ‘false statement’ under Section 199. What is thus required at the stage of directing initiation of proceedings for an offence punishable under the said provisions is a prima facie case of having given ‘false evidence’ or making a ‘false statement’ in a declaration which by law is receivable as evidence. As noted above, the Court for the purposes of directing the filing of a complaint recorded its prima facie satisfaction that ‘wrong statements’ had been made in the memorandum of appeal and the application for stay preferred by the defendant that was filed through his learned counsel. The order dated 19.01.2006 directing lodging of a complaint does not record any prima facie satisfaction that ‘false statement’ had been made in the aforesaid proceedings. There is a material difference between making a ‘wrong statement’ and ‘false statement’ in the context of Sections 199 and 200 of the Penal Code. A ‘wrong statement’ of fact may not always have the character of a ‘false statement’. While making of a ‘wrong statement’ may not fall within the ambit of Sections 199 and 200 of the Penal Code,

a 'false statement' would qualify as relevant material for being considered as an offence under the said provisions. The threshold for initiating action for an offence punishable under Sections 199 and 200 of the Penal Code is the making of a 'false statement' and not the making of a 'wrong statement'. It is so because a 'false statement' denotes a deliberate intention in making such statement; in other words, it is a wrongful or erroneous statement made intentionally to gain an undue advantage. Thus, the basic premise on which the Court proceeded to direct a complaint to be filed is erroneous and it does not satisfy the necessary threshold. It is, therefore, clear that no prima facie satisfaction was recorded by the Court that 'false statements' were made by the defendant and his learned counsel in the memorandum of appeal and in the application for stay, warranting initiation of proceedings for the offence punishable under Sections 193, 199 and 200 of the Penal Code.

12. It is also pertinent to note that the Court failed to record its satisfaction that it was expedient in the interest of justice that an inquiry should be made into the alleged offence in view of such statements. Without recording any satisfaction that it was indeed expedient in the interest of justice to hold an enquiry, such a direction was issued. Section 340 (1) of the Cr.P.C. mandates that a Court before directing an inquiry to be made into any offence referred to in Section 195 (1) (b) of the Penal Code, it should form an opinion that it is expedient in the interests of justice that such inquiry is in fact necessary. This would indicate that on the mere making of a 'wrong statement', an inquiry cannot be ordered. The forming of an opinion by the Court that holding of an inquiry is in fact expedient in the interests of justice is also a must. Ordering an inquiry without formation of any opinion as required by Section 340 (1) of the Cr.P.C. would render the order bad in law being not in accordance with the mandate of Section 340 (1). We may in this regard refer to the observations of this Court in *Santokh Singh Vs. Izhar Hussain and another*, 1973 INSC 96 as under :
“...Every incorrect or false statement does not make it incumbent on the court to order prosecution. The court has to exercise judicial discretion in the light of all the relevant circumstances when it determines the question of expediency. The court orders prosecution in the larger interest of the administration of justice and not to gratify feelings of personal revenge or vindictiveness or to serve the ends of a private party. Too frequent prosecutions for such offences tend to defeat its very object. It is only in glaring cases of deliberate falsehood where conviction is highly likely, that the court should direct prosecution...”

Thus, on both counts the Court fell into error in directing initiation of criminal proceedings.

Before parting, it may be noted that the Constitution Bench in *Iqbal Singh Marwah and another* (supra) was of the view that a direction for filing of a

complaint normally ought not to be made during the pendency of the substantive proceedings before the Court but only when the proceedings conclude and the final judgment is rendered. The object is clear inasmuch as the main proceedings ought to be proceeded with and decided instead of diverting them with the aid of Section 340 of the Cr.P.C. It is noticed that at times, the aid of Section 340 of the Cr.P.C. is sought to be taken merely to delay the adjudication of the substantive proceedings, as also in the present case. The dictum of the Constitution Bench, thus, ought to be borne in mind by the Courts.

2026 0 INSC 727; 2026 0 Supreme(SC) 801; Standard Chartered Bank & Anr. Vs. Enforcement Officer Ministry of Home Affairs & Anr.; Criminal Appeal Nos. 2142-2143 of 2013; Decided On : 21-07-2026

This Court further held that the nomenclature under which a petition is filed is wholly immaterial, and that in order to do substantive justice, the High Court can always treat and convert a petition filed under Section 482 CrPC as one under Section 397 CrPC, and vice versa..

The law on the interplay between Section 397 and Section 482 of the CrPC, respectively, as laid down in the decisions discussed above, is well settled and admits of little ambiguity. The availability of an alternative remedy of revision under Section 397 of the CrPC does not, by itself, operate as a bar to the exercise of the inherent jurisdiction of the High Court under Section 482 of the CrPC. The two provisions operate in distinct spheres, and the mere existence of a revisional remedy cannot be treated as ousting the jurisdiction preserved under Section 482, which is available wherever there is an abuse of the process of the court or where the ends of justice so require, the only limitation upon its exercise being one of self-restraint. Nor is the nomenclature of a petition determinative, and a High Court, in order to do substantive justice, may treat a petition filed under Section 482 as one under Section 397, and vice versa, rather than non-suited a party on a hyper-technical ground of maintainability. Thus, the availability of the remedy of revision under Section 397 of the CrPC could not have been made the threshold on which the maintainability of the appellants' applications under Section 482 was to be tested. We are of the opinion that the High Court erred in treating the availability of the remedy of revision under Section 397 of the CrPC as the threshold for examining the maintainability of the appellants' applications under Section 482 of the CrPC.

2026 0 INSC 728; 2026 0 Supreme(SC) 802; X Vs State of Bihar & Anr.; Criminal Appeal No. 3299 of 2026 [Arising out of SLP (Crl.) No. 5633 of 2026]; Decided On : 21-07-2026

a. Social Background Report

75. Section 13(1)(ii) of the JJ Act stipulates that the probation officer, or where a probation officer is not available, the Child Welfare Police Officer (CWPO), record information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board. Rule 8(5) of the Model Rules also state that the officer recording the information would gather information regarding the social background of the child, and the circumstances of his apprehension. This is referred to as the Social Background Report (SBR).

b. Social Investigation Report

76. Where the Board does not exercise its powers under Rule 10(1)(i) of the Model Rules to dispose of the case, it is empowered to direct a social investigation. The Social Investigation Report (SIR) contains information pertaining to the circumstances in which the alleged offence was committed, the child's economic, social, psycho-social and other relevant factors, and the recommendation thereon. Rules 10(9) and 11(2), respectively, clearly mandate that before passing any order, the Board takes the findings of the SIR into consideration.

In *Child in Conflict with Law* (supra) the Gujarat High Court listed factors, other than those written in the SBR or SIR, to be considered during the course of preliminary assessment. The overarching idea flowing across the factors remain that an overall assessment, more particularly, the past conduct, of the child should be undertaken. The Court further noted that while dealing with an appeal, the Appellate Court may call for assistance by expert and are not bound by the report of the expert placed before the JJ Board. The relevant observations read thus:-

“99. The children are treated as an adult offenders because of offence category. Thus, the provisions of the section invoked, would also require consideration during the course of preliminary assessment alongwith, the record and previous history of the child in the present jurisdiction or other jurisdiction including:

- (i) the number and nature of the previous cases of the child with the Board;
- (ii) The number and nature of prior period of probation;
- (iii) the number and nature of prior commitments to child correctional centers;
- (iv) the number and nature of previous residential and community - based treatments;
- (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and;
- (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;
- (vii) Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;
- (viii) The degree of intellectual disability or mental illness;

- (ix) The juvenile's school record and education;
- (x) The juvenile's mental and emotional maturity; and
- (xi) The juvenile's physical condition and physical maturity.

xxx

103. Here, in the impugned order, the Children's Court has placed reliance on the reports placed before the J.J. Board. The Children's Court while dealing in appeal under section 101(2) of the J.J. Act, can independently deal with the case of child by taking assistance of experienced psychologists and medical specialists other than those, whose assistance, has been obtained by the Board in passing the order under the section 15 of the J.J. Act. The appeal provision makes, thus, clear that the Sessions Judge are not bound by the report of the psychologist or medical specialists obtained by the Board and can independently call for assistance of experienced psychologists and medical specialists, to deal with the order passed under Section 15 of preliminary assessment by the Board."

(Emphasis supplied)

In the present case, the JJ Board arrived at the conclusion solely on the basis of expert opinion obtained in accordance with proviso to Section 15(1). The majority opinion of the JJ Board makes no mention whatsoever of the SIR or the SBR. It erred in failing to consider the SIR and the SBR, more particularly, the antecedents and recommendations made by the Probation Officer and the CWPO, respectively. We underscore or rather emphasize that the SIR and the SBR reports are not supplementary material, they constitute pertinent inputs for the preliminary assessment and must be accorded due weight alongside the expert opinion.

A conspectus of our discussion in the aforesaid section is as follows:-

- i. The offence punishable under Section 302 of the IPC, which prescribes punishment of "death or imprisonment for life", carries life imprisonment as its minimum punishment. It would therefore be categorized as a "heinous offence".
- ii. The power vested in the Sessions Court as an appellate court is to be exercised having regard to the object of the statute, the provision concerned, and upon an examination of the totality of facts. The Sessions Court may exercise its power under Section 101(2) of the JJ Act where the circumstances occasion the necessity of assistance from an expert.
- iii. For the JJ Board to arrive at its conclusion at the end of the preliminary assessment, it is not bound by any opinion or recommendation and must independently apply its mind to all the material available to it. In order to arrive at a conclusion, it must assess all the material together, keeping in mind the four parameters stipulated under Section 15 of the JJ Act.

2026 0 INSC 729; 2026 0 Supreme(SC) 803; Mehboob Shah Vs. State Of Madhya Pradesh; Criminal Appeal No(s). 3305-3306 of 2026 (Arising out of SLP(Crl.) No(s). 5946-5947 of 2026); 21-07-2026

The first submission advanced on behalf of the appellant is that the case of the prosecution is doubtful since the independent witnesses to the seizure have turned hostile; therefore, the conviction could not have been based solely on the testimony of the police officials. It is well settled that the testimony of official witnesses cannot be disregarded or distrusted merely on account of their official status or for want of corroboration by independent witnesses. Examination of independent witnesses is not an indispensable requirement and their non-support or absence is not necessarily fatal to the prosecution's case. A conviction may be based on the testimony of official witnesses, provided such testimony is found to be reliable and trustworthy. [See: Rizwan Khan v. State of Chhattisgarh, [\(2020\) 9 SCC 627](#)]

The next contention of the appellant pertains to the alleged non-compliance of Section 50 of the NDPS Act. We find the same to be devoid of merit. Section 50 of the NDPS Act confers upon an accused a valuable right to have his personal search conducted before a Gazetted Officer or a Magistrate, if he so requires. Such right is sacrosanct and indefeasible which cannot be disregarded by the prosecution except at its own peril. [See: State of Punjab v. Baldev Singh, [\(1999\) 6 SCC 172](#)] The protection under Section 50 is confined to cases where the recovery is sought to be effected through the personal search of the accused. It has no application where the search is of an article, such as a bag, container, suitcase or any other object, which the accused may be carrying. [See: State of H.P. v. Pawan Kumar, [\(2005\) 4 SCC 350](#) and Ranjan Kumar Chadha v. State of H.P. 2023 SCC OnLine SC 1262]

The appellant has further contended that there has been non-compliance with Section 52A of the NDPS Act, inasmuch as the representative samples were not drawn in the presence of a Magistrate. We are unable to accept the said submission. It is well settled that mere delayed compliance or non-compliance of the procedure envisaged under Section 52A does not, by itself, entitle the accused to claim acquittal in the trial, when sufficient material is collected by the Investigating Officer to establish that the search and seizure of the contraband was conducted in accordance with the mandatory provisions of the NDPS Act. Where non-compliance of Section 52A of the NDPS Act is alleged, the prosecution must prove either substantial compliance with the mandate of Section 52A of the NDPS Act or satisfy the Court that such non-compliance has not affected its case against the accused. [See: Bharat Aambale v. State of Chhattisgarh, [\(2025\) 8 SCC 452](#)] The ambit and scope of the aforesaid section has been discussed in detail by a co-ordinate Bench of this Court

in *Narcotics Control Bureau v. Kashif*, [\(2024\) 11 SCC 372](#), wherein it was held as under:

“42. Significantly, the authorised officer can make the application under sub-section (2) of Section 52-A for three purposes — (a) for certifying the correctness of the inventory prepared by him; or (b) taking in presence of such Magistrate, photographs of the seized drugs, substances and conveyances and certifying such photographs as true; or (c) allowing to draw representative samples of such drugs or substances, in the presence of such Magistrate, and certifying the correctness of any list of samples so drawn. The use of the conjunction “OR” made in between the three purposes mentioned therein, itself makes it explicitly clear that the purposes for which the application could be made under sub-section (2) are alternative and not cumulative in nature. Such provision specifying multiple alternative purposes could not be construed as a mandatory provision much less its non-compliance fatal to the case of prosecution.

43. Though it is true that the inventory certified, photographs taken and the list of samples drawn under sub-section (2) has to be treated by the court as primary evidence in view of sub-section (3), nonetheless the documents like panchnama, seizure memo, arrest memo, etc. prepared by the investigating officer on the spot or during the course of investigation are also primary evidence within the meaning of Section 62 of the Evidence Act, carrying the same evidentiary value as any other primary evidence. Such primary evidence with regard to search and seizure of the contraband substance could not be overlooked merely because some lapse or non-compliance is found of Section 52-A of the Act.

... ..

45. None of the provisions in the Act prohibits sample to be taken on the spot at the time of seizure, much less Section 52-A of the said Act. On the contrary, as per the procedure laid down in the Standing Orders and notifications issued by the NCB and the Central Government before and after the insertion of Section 52-A till the 2022 Rules were framed, the officer concerned was required to take samples of the seized contraband substances on the spot of recovery in duplicate in the presence of the panch witnesses and the person in whose possession the drug or substance recovered, by drawing a panchnama. It was only with regard to the remnant substance, the procedure for disposal of the said substance was required to be followed as prescribed in Section 52-A.

... ..

50. The upshot of the above discussion may be summarised as under:

... ..

50.3. The purpose of insertion of Section 52-A laying down the procedure for disposal of seized narcotic drugs and psychotropic substances, was to

ensure the early disposal of the seized contraband drugs and substances. It was inserted in 1989 as one of the measures to implement and to give effect to the International Conventions on the narcotic drugs and psychotropic substances.

50.4. Sub-section (2) of Section 52-A lays down the procedure as contemplated in sub-section (1) thereof, and any lapse or delayed compliance thereof would be merely a procedural irregularity which would neither entitle the accused to be released on bail nor would vitiate the trial on that ground alone.

50.5. Any procedural irregularity or illegality found to have been committed in conducting the search and seizure during the course of investigation or thereafter, would by itself not make the entire evidence collected during the course of investigation, inadmissible. The court would have to consider all the circumstances and find out whether any serious prejudice has been caused to the accused.

50.6. Any lapse or delay in compliance with Section 52-A by itself would neither vitiate the trial nor would entitle the accused to be released on bail. The court will have to consider other circumstances and the other primary evidence collected during the course of investigation, as also the statutory presumption permissible under Section 54 of the NDPS Act.”

15. It is undisputed that the samples were drawn by PW-9 himself at the time of seizure and not in the presence of a Magistrate. However, the appellant has failed to demonstrate that such non-compliance has caused him any serious prejudice. It is pertinent to note that the NDPS Act, as it then stood, did not prohibit drawing of samples at the spot of seizure. As noticed above, the requirement under Section 52A is procedural in nature. The documents like panchnama, seizure memo, arrest memo, etc., prepared by the Investigating Officer on the spot or during the course of investigation constitute primary evidence, with regard to search and seizure of the contraband, which cannot be overlooked merely because of some lapse or non-compliance is found with Section 52A of the Act. [See: Kashif (supra)]

2026 0 INSC 720; 2026 0 Supreme(SC) 794; Ehsaan Vs State of National Capital Territory Of Delhi; Criminal Appeal No. 3267 of 2026 (Arising out of SLP(Crl.) No. 3407 of 2026) Decided On : 20-07-2026

When a sentence is imposed on an offender, it is done so with tri-fold purpose i.e. punitive, deterrent and protective. The overall objective is to rid the society of criminal proclivity. The same is done by ensuring that the sentence imposed is proportional to the offence or in other words not overly influenced by the possibility of reformation and instead, striking a judicious balance between the interest of the victim, society and the accused, after following the due process of law. We have considered a

number of other judgments also inter-alia *Allauddin Mian v. State of Bihar*, [\(1989\) 3 SCC 5](#); *Navas v. State of Kerala*, [\(2024\) 14 SCC 82](#); *Sevaka Perumal v. State of T.N.*, [\(1991\) 3 SCC 471](#); and *Parsuram v. State of M.P.*, [\(2019\) 8 SCC 382](#). The following aspects reveal themselves when viewed from the lens of imposition of sentence. It must:

- (a) Be in accordance with the nature and gravity of the crime;
- (b) Adequately protect the interest of the society;
- (c) Take into account the deterrent purpose of punishment;
- (d) Consider the motive behind the crime, if any;
- (e) Give due weight to the conduct of the accused;
- (f) Examine whether the crime in question was pre-meditated or not;
- (g) Keep in view the age of the accused and whether he has engaged in any similar offence in past for which he has been duly convicted;
- (h) Account for the number of victims of the offence;
- (i) Not consider the religion, race, caste or creed of the offender as a factor;
- (j) Consider the possibility of reformation of the accused. It is the duty of the State to establish that the same does not exist; and
- (k) The abuse of trust or misuse of personal relationship, if any.

The facets identified by us above are illustrative and not exhaustive. A holistic view of the entire case must be taken in the attending facts of each case. Considering all these factors among others, the foremost duty of the Court is to assess the evidence in a given case; imposing just and adequate punishment upon the accused.

It also must be observed that the offence under which the appellant-convict has been sentenced, Section 376D IPC was substituted by way of the 2013 Criminal Law Amendment being Act 13 of 2013 which was brought in the aftermath of the horrifying Nirbhaya incident that took place on the streets of the capital. There it has been made clear that for this offence, minimum sentence is of twenty years, and the maximum is that has been imposed upon the appellant-convict i.e., life imprisonment for the remainder of natural life. It appears quite plainly that considering the nature of the offence, the Legislature first made it an independent offence and then also provided for a minimum punishment. The Court, therefore, has no other alternative and must, upon convicting, impose at least the minimum sentence. The judicial discretion in reducing the same by recording 'adequate and special reasons' which was given in proviso to the unamended Section 376 has been taken away. This indicates legislative recognition of the seriousness of the offence which the Courts must abide by.

Rutvij Bhagat Singh Wakhare Vs The State Of Maharashtra & Ors.;
Writ Petition (Crl.) No. 127 of 2026; Decided On : 24-07-2026

A conspectus of the decisions referred to above makes it clear, inter alia, that registration of multiple FIRs is impermissible if they relate to the same incident or form part of the same transaction. However, where the subsequent FIR relates to a distinct offence/incident or a separate transaction, its registration cannot be faulted. The meaning of what constitutes 'same transaction' or 'distinct offence' has been succinctly explained by this Court in *State (NCT of Delhi) v. Khimji Bhai Jadeja*, 2026 SCC OnLine SC 19, wherein the Court laid down triple tests, though not to be applied cumulatively, to decide whether separate actions can be treated as part of the 'same transaction' – (i) unity of purpose and design; (ii) proximity of time and place; and (iii) continuity of action. The relevant part thereof is reproduced hereunder:

“10. In *Banwarilal Jhunhunwala v. Union of India*, this Court dealt with the question as to what is meant by 'every distinct offence'. It was held that 'distinct' meant 'not identical' and two offences would be distinct if they are not, in any way, inter-related. It was further held that if there is some inter-relation, there would be no distinctness and it would depend upon the circumstances of the case in which the offences were committed whether there be separate charges for those offences or not.

11. In *Cheemalapati Ganeswara Rao* (supra), a 3-Judge Bench of this Court observed that, what is to be ascertained under Section 235(1) of the Code of Criminal Procedure, 1898 (equivalent to Section 218(1) CrPC), was whether the offences arise out of acts so connected together as to form the same transaction. It was noted that 'same transaction' is not defined anywhere in the 1898 Code and it was held that whether transactions can be regarded as the same transaction would necessarily depend upon the particular facts of each case. The Bench noted that the general thought is that, where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of acts, it may be possible to infer that they form part of the same transaction. The Bench, however, cautioned that it is not necessary that every one of these elements should co-exist for transactions to be regarded as the same transaction ... Noting that a transaction may consist of an isolated act or a series of acts, the Bench held that such series of acts must, of necessity, be connected with one another and if some of them stand out independently, they would not form part of the same transaction but would constitute a different transaction. It was concluded that the 'same transaction' means a transaction consisting either of a single act or of a series of connected acts.

12. In *State of Jharkhand through SP, Central Bureau of Investigation v. Lalu Prasad Yadav alias Lalu Prasad*, this Court observed that even if the modus operandi is the same, it would not make it a single offence when

the offences are separate. This Court held that, if a conspiracy is furthered into several distinct offences, there have to be separate trials. ...

... ..

20. As already noted hereinabove, precedential law has laid down triple tests, though not to be applied cumulatively, to decide when separate actions can be treated as part of the 'same transaction' - 1) unity of purpose and design; 2) proximity of time and place; and 3) continuity of action. These tests may be applied to ascertain whether a series of acts form part of the same transaction or not. ... If, however, it is concluded that there are several transactions and distinct offences in relation to different victims, there have to be separate trials for each offence, subject to Section 219 CrPC/Section 242 BNSS, which allows the Trial Court to try three/five offences of the same kind committed within a year. Once all the incidents are taken to be part of the same transaction and amalgamated into one FIR, the punishment would follow accordingly as per law."

(emphasis supplied)

Keeping in view the above exposition of law, we are unable to grant the relief of clubbing and consolidation of the subject FIRs, as sought in prayer (c) of the writ petition. In the present case, each of the subject FIRs has been lodged by a different complainant who was allegedly induced to part with money on different occasions but with no live link or connectivity of transactions inter se different set of persons. The mere fact that a part of the defrauded amounts is alleged to have been transferred in the bank account of petitioner's proprietary concern does not, by itself, establish that all the incidents form part of the same transaction. Though the alleged modus operandi appears to be similar, the victims, the amounts involved, the transactions complained of and the consequences suffered are distinct. Prima facie, therefore, the subject FIRs relate to separate transactions disclosing distinct offences and cannot be said to arise out of the same transaction.

We are also mindful of the fact that the investigation is still in its nascent stage. Cyber frauds of the present nature are often executed through complex technological means involving multiple bank accounts, fictitious identities and digital networks operating across different jurisdictions. Investigation into such offences, as rightly contended by the learned counsel(s) for the respondent States, necessarily requires detailed forensic examination of electronic evidence, analysis of banking transactions and tracing of money trails so as to identify the people involved. Given that the investigating agencies are yet to ascertain the complete flow of funds and unravel the entire chain of events, a direction for a composite investigation may impede a fair and effective investigation. Several cyber frauds are now on the rise and the offence,

considering its gravity and implications cannot be taken lightly. More so, when the victims of crime largely hailing from the rural areas, unaware and ignorant of the process and the mechanism adopted by the criminals are allured to overcome their poverty.

<https://indiankanoon.org/doc/139476509/>; **Mohammed Abdullah vs State Of Telangana on 20 July, 2026; CRLP No.11113 of 2026**

It is very much relevant to mention here that the Hon'ble Supreme Court in [Raj Kishore Jha v. State of Bihar](#) 1, held as under:

19. Before we part with the case, we feel it necessary to indicate that non-reasoned conclusions by appellate Courts are not appropriate, more so, when views of the lower Court are differed from. In case of concurrence, the need to again repeat reasons may not be there. It is not so in case of reversal.

Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless.

10. In State of Pubjab v. Bhag Singh², the Hon'ble Supreme Court held as under:

6. Even in respect of administrative orders, Lord Denning, M.R. in Breen v. Amalgamated Engg., Union (1971) 1 ALL ER 1148: (1971) 2 QB 175: (1971) 2 WLR 742 (CA) observed: "The giving of reasons is one of the fundamentals of good administration." In Alexander Machinery (Dudley) Ltd., vs. Crabtree [1974 ICR 120 (NIRC)] it was observed: "Failure to give reasons amounts to denial of justice. Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at." Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the courts to perform their (2003) 11 SCC 519 (2004) 1 SCC 547 appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order The made, in other words, a speaking-out.

"inscrutable face of the sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance.

11. Similarly, in [State of Rajasthan v. Rajendra Prasad Jain](#) 3, the Hon'ble Apex Court held that reason is the heartbeat of every conclusion, and without the same it becomes lifeless.

12. It is relevant to mention that the learned trial Court ought to have give reasons while deciding the interlocutory application. In the case on hand,

the learned trial Court, without assigning any reasons and without application of mind, passed a cryptic order, and the same is contrary to the settled principles of law laid down by the Hon'ble Apex Court (supra).

<https://indiankanoon.org/doc/140243929/>; **APHC010180222024**;
Nekkanti Kiranmai vs The State Of Andhra Pradesh on 20 July, 2026;
CRLRC NO: 392/2024

The Hon'ble Apex Court in Sethuraman v. Rajamanickam², Bhaskar Industries Ltd. v. Bhiwani Denim & Apparels Ltd.³, Girish Kumar Suneja 'the Cr.P.C.' (2009) 5 SCC 153 (2001) 7 SCC 401 v. CBI⁴, Amar Nath v. State of Haryana⁵, held that receiving of documents, summoning of the witnesses are all interlocutory in nature and against which no revision case is maintainable.

<https://indiankanoon.org/doc/34521087/>; **APHC010300522026**;
Okadadam Lalitha Kumari vs The State Of Andhra Pradesh on 21 July, 2026; **CRLRC NO: 722/2026**

In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in Zeba Khan v. State of U.P.⁴, wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of prima facie material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

Section 36-A(4) of 'the NDPS Act.' embodies a special statutory scheme, permitting extension of the period of investigation beyond 180 days only upon the independent report of the Public Prosecutor. This safeguard ensures that the liberty of the accused is not curtailed at the whims of the investigating agency but only after objective scrutiny by an independent statutory authority. In the present case, the Incharge Additional Public Prosecutor had examined the seizure proceedings, FIR, case diaries, remand reports, statements of witnesses, and progress reports, and upon such assessment, recorded his satisfaction that substantial progress had been achieved and further investigation was indispensable. Thus, the statutory requirement was duly complied with.

13. The investigation was still in progress and several crucial aspects remained incomplete. These included obtaining call data records,

verifying the source and supply chain of the contraband, tracing absconding accused, collecting inter-state and inter-agency information, and examining additional witnesses. The contraband seized was 74 kilograms of ganja, a commercial quantity under 'the [NDPS Act.](#),' and the larger conspiracy behind its transportation was yet to be unearthed. Unless the remand was extended, the investigation would be seriously prejudiced and the truth behind the offence would remain concealed.

14. It is emphasized that the Public Prosecutor had not acted as a mere forwarding agency but had independently scrutinized the material and applied his mind, as mandated in [Hitendra Vishnu Thakur](#) supra. The report disclosed specific reasons and progress warranting extension, thereby satisfying the twin conditions under [Section 36-A\(4\)](#) of 'the [NDPS Act.](#)' The precedents relied upon by the Petitioner arose in different factual contexts and did not apply to the present case where the Public Prosecutor's report was substantive and reasoned.

15. It is observed that the learned Trial Court had carefully considered the report of the Public Prosecutor, the counters filed by the accused, and the material on record before arriving at its conclusion. The learned Trial Court had assigned cogent reasons for extending the remand, and its order reflected due application of judicial discretion. It is also observed that the Petitioner had criminal antecedents, having been involved in similar offences in 2017, which further justified the cautious approach adopted by the learned Trial Court in refusing bail and extending custody.

16. In [Hitendra Vishnu Thakur](#) supra it is held that Public Prosecutor's independent report mandatory; Investigating Officer application alone insufficient. In [Sanjay Dutt v. State](#)⁵, it is held that accused must be produced when extension is considered. In [Sanjay Kumar Kedia v. Narcotics Control](#) (1994) 5 SCC 410 Bureau⁶ and [Hitendra](#) supra applies to [Section 36A\(4\)](#) of 'the [NDPS Act.](#),' and Public Prosecutor cannot act as post office. In [M. Ravindran v. Directorate of Revenue Intelligence](#)⁷, it is held that invalid extension leads to enforceable right of default bail. In [Jigar v. State of Gujarat](#)⁸, reaffirms independent Public Prosecutor report, application of mind, and notice/production requirements.

17. Thus, the Hon'ble Supreme Court has consistently held that an application by the Investigating Officer is not the statutory application contemplated by the proviso to [Section 36A\(4\)](#) of 'the [NDPS Act.](#)' Even though the Investigating Officer has not submitted a proposal to the Public Prosecutor, the Court can extend time only on the report of the Public Prosecutor which independently scrutinized the material and record regarding the progress of investigation and specific reasons for detention beyond 180 days.

18. Finally, this Court reiterates the jurisprudential thrust of [Section 36-A\(4\)](#) of 'the [NDPS Act.](#),' that while investigation must ordinarily be

completed within the statutory period, extension of time is permissible only upon a reasoned report of the Public Prosecutor, reflecting independent application of mind and compelling grounds. In the present case, those conditions were satisfied, and the learned Trial Court rightly extended the remand up to 250 days. The impugned order did not suffer from arbitrariness or illegality, but was a lawful exercise safeguarding the interests of justice.

<https://indiankanoon.org/doc/87271426/>; **Kondakuiyal Sundari Bhai And 4 Others vs The State Of Telangana And Another on 21 July, 2026; CRLP No 10211 OF 2022**

The Supreme Court has consistently held that the offence of criminal intimidation is not made out merely because harsh or objectionable words are uttered. The prosecution must establish a real threat intended to cause alarm in the mind of the complainant. In [Manik Taneja v. State of Karnataka](#), (2015) 7 SCC 423, the Hon'ble Supreme Court observed that the intention to cause alarm is an indispensable ingredient of the offence under [Section 503](#) IPC and that, in the absence of such intention, the offence under [Section 506](#) IPC cannot be sustained. Similarly, in [Vikram Johar v. State of Uttar Pradesh](#), (2019) 14 SCC 207, the Supreme Court reiterated that mere expression of words, absent any intention to cause alarm or compel the complainant to act in a particular manner, would not attract the offence of criminal intimidation.

<https://indiankanoon.org/doc/179121197/>; **APHC010596692015; Chekuri Ashok Varma vs Kosireddi Veerabhadrrao on 21 July, 2026; CRLRC NO: 152/2015**

In the context of contracts, the distinction between mere breach of contract and cheating would depend upon the fraudulent inducement and mens rea. The mere inability of the accused to return the undertaking amount cannot give rise to a criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction as mens rea is the crux of the offence.

In a number of Judgments, the Hon'ble Apex Court has pointed out a clear distinction between a civil wrong in the form of breach of contract, non-payment of money or disregard to and violation of the contractual terms; and a criminal offence under [Section 420](#) of IPC. Even if all the facts in the complaint and material placed before this Court taken on their face value, no such dishonest representation or inducement could be found or inferred. The ingredients to allege the offence are neither stated nor can be inferred. A request was made to the police to recover an amount which was agreed by accused Nos.1 to 3 and thereafter, accused Nos.1 to 3

have executed undertaking letters agreeing to repay the amount of Rs.5,10,000/- to the complainant. The only recourse open to the complainant is to file a suit, seeking recovery of the said amount. Initiation of the criminal process for oblique purposes is bad in law and amounts to abuse of process of law.

<https://indiankanoon.org/doc/103533321/>; Smt. D. Anasuya @ Seethakka vs The State Of Telangana on 21 July, 2026; CRIMINAL PETITION No.9833 of 2026

'Complaint' is defined under [Section 2\(d\)](#) of Cr.P.C, which excludes the final report or a charge sheet being filed by the Police.

{ (d) complaint means any allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person, whether known or unknown, has committed an offence, but does not include a police report.

Explanation.--A report made by a police officer in a case which discloses, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report is made shall be deemed to be the complainant;}

<https://indiankanoon.org/doc/26120153/>; APHC010312602026; S Lakshmi vs The State Of Andhra Pradesh; CRIMINAL PETITION No.4999 of 2026 Date: 21.07.2026;

The offence alleged is punishable under [Section 7 \(1\)](#) of the Essential Commodities Act, 1955. Truth or otherwise of the allegations has to be decided during the course of investigation and trial. Admittedly, petitioner herein is the owner of the subject vehicle. If the vehicle is exposed to sun or air keeping in police station or court premises, unused, there is every possibility of the same getting damaged. Therefore, in the interest of justice, the vehicle can be ordered to be given for the interim custody of the petitioner, however, by imposing certain conditions.

6. Learned counsel for the petitioner relies on a decision of the Division Bench of this Court in the case of [Naganath Vs. State of Andhra Pradesh2](#) , observed as follows:

"Having regard to the usage of the word, „driver" or „person-in-charge of the vehicle", the Government Pleader tried to contend that even for release of the vehicle, the owner or the person claiming release of the vehicle has to pay penalty equal to the market value of the mineral along with seigniorage fee prevalent at that time. On a reading of the above Rule, there is nothing to indicate, the vehicle cannot be released, unless the penalty and seigniorage fee is paid. All that the rule states is that the penalty equal to market value of the mineral seized along with seigniorage

fee prevalent at that time can be ordered to be paid at the time of interception of the vehicle, if driver or person-in-charge of the vehicle fails to produce a valid permit. But, nowhere the Rule postulates that the vehicle cannot be released, unless the same is paid."

{It Appears that the following was not brought to the notice of the Hon'ble Court- Essential Commodities Act – Sec 6A. Confiscation of essential commodity.—

(1)Where any essential commodity is seized in pursuance of an order made under section 3 in relation thereto, a report of such seizure shall, without unreasonable delay, be made to the Collector of the district or the Presidency town in which such essential commodity is seized and whether or not a prosecution is instituted for the contravention of such order, the Collector may, if he thinks it expedient so to do, direct the essential commodity so seized to be produced for inspection before him, and if he is satisfied that there has been a contravention of the order may order confiscation of—

(a)the essential commodity so seized;

(b)any package, covering or receptacle in which such essential commodity is found; and

(c)any animal, vehicle, vessel or other conveyance used in carrying such essential commodity:

Provided that without prejudice to any action which may be taken under any other provision of this Act, no foodgrains or edible oilseeds in pursuance of an order made under section 3 in relation thereto from a producer shall, if the seized foodgrains or edible oilseeds have been produced by him, be confiscated under this section:

Provided further that in the case of any animal, vehicle, vessel or other conveyance used for the carriage of goods or passengers for hire, the owner of such animal, vehicle, vessel or other conveyance shall be given an option to pay, in lieu of its confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such animal, vehicle, vessel or other conveyance.}

<https://indiankanoon.org/doc/48577500/>;

APHC010124652019;

Koremerla Ravindra vs State Of Ap; Crl.R.C.No.467 of 2019; 22.07.2026

The material on record discloses that criminal cases in Crime Nos.120 of 2018, 149 of 2018 and 178 of 2016 were, in fact, pending between the parties. Even before this Court, neither the learned counsel for the Petitioner nor the learned counsel for Respondent No.2 could state whether those criminal cases have since been concluded. The learned

Trial Court rightly observed that, as on the date of passing the impugned order, the said criminal cases were admittedly pending before the competent Courts.

In the present case, the representation was addressed to the Regional Manager of the Bank regarding the pendency of criminal cases against the Petitioner and his family members. Such a representation, based on existing facts and addressed to a competent authority, cannot, by itself, be treated as constituting the offence of defamation. The learned Trial Court rightly concluded that no prima facie case under Sections 499 and 500 of 'the I.P.C.' was made out. The impugned order does not suffer from any illegality, material irregularity, or perversity warranting interference in the exercise of revisional jurisdiction.

<https://indiankanoon.org/doc/116781586/>; **APHC010386502019; A Sudhakar Reddy vs Shaik Chota Babu Alias Babu Shaik on 22 July, 2026; CRLRC NO: 1221/2019**

On a perusal of the docket proceedings, it is evident that, from 25.05.2018 onwards, the case had been repeatedly adjourned for execution of the Non-Bailable Warrant (NBW) issued against the accused. Even on 25.09.2019, the case was posted for execution of the NBW. In such circumstances, there was no justification for the learned Trial Court to dismiss the complaint for non-prosecution merely on account of the absence of the complainant or his counsel. When the accused had not yet been secured and the matter was pending only for execution of the NBW, the learned Trial Court ought to have awaited the execution of the warrant instead of dismissing the complaint in haste.

<https://indiankanoon.org/doc/38017306/>; **G. Achutham Reddy vs The State Of Telangana on 22 July, 2026; CRLP No.9613 of 2026**

Further, having regard to the judgment and decree dated 14.02.2023 passed in O.S.No.39 of 2016, petitioner No.1 has been recognized as a co-sharer in the subject property. In such circumstances, it cannot be said that petitioner No.1 had committed criminal trespass into the said property. Consequently, this Court is of the considered view that no case is made out against the petitioners warranting the continuation of the criminal proceedings. Therefore, the continuation of the criminal proceedings against the petitioners is nothing but abuse of process of law.

<https://indiankanoon.org/doc/168594817/>; **APHC010357292026; Konda Durga Prasad @ Koda vs The State Of Andhra Pradesh; CRLP NO: 5767/2026: 22.07.2026 ;**

According to the complaint, on 13.09.2025 at about 1:15 a.m., while the de facto complainant was returning home and stopped for tea, six persons arrived in a white-coloured Duster car, got down from the vehicle, and assaulted him with sticks and cement bricks, causing bleeding injuries to his head and chin. Though the English translation of the complaint differs to some extent from the original Telugu version, the Telugu complaint specifically mentions the names of Chinna Budda, Mark, Kappu Reddy, and three other persons as the assailants. Thus, the de facto complainant had identified three of the assailants by name. It is true that the name of the present Petitioner does not find place in the FIR. However, the allegation is that six persons participated in the assault. In such circumstances, the Investigating Officer is under a legal obligation to conduct a Test Identification Parade through the jurisdictional Magistrate to enable the de facto complainant to identify the remaining suspects, including the present Petitioner. Until such identification is carried out, the role of the Petitioner cannot be conclusively ruled out.

10. Having regard to the nature of the allegations, the requirement of conducting a Test Identification Parade, and the specific overt acts attributed to the Petitioner in the course of investigation, this Court is not inclined to entertain the request for grant of anticipatory bail at this stage. In view of the specific allegations and overt acts attributed to the Petitioner/Accused No.1, this Court is not inclined to grant pre-arrest bail as it would amount to granting protection or shield to the persons against whom specific allegations are levelled, as per the judgments of the Hon'ble Apex Court in [Gurbaksh Singh Sibbia v. State of Punjab](#) 1 and [Sushila Aggarwal v. State \(NCT of Delhi\)](#) 2. Hence, the Criminal Petition is dismissed.

<https://indiankanoon.org/doc/165910706/>; **Andekar Kumara Swamy vs The State Of Telangana on 22 July, 2026; CRLP No.11368 OF 2026**

Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, especially the averments made in the complaint which specifically reveals that respondent No.2 made allegations against the petitioners that they forcibly entered into the house of respondent No.2 on 07.07.2026 at 23:30 hours and had forcibly took respondent No.2 without his consent into the car and assaulted him with fists, kicks and snatched away his gold ornaments by using abusive language and also obtained the signatures on blank papers and promissory note by threatening him with knife and again dropping him at Nagole Police Station at 21:00 hours. The said allegations prima facie attract the ingredients for the offences under Sections 308(2) and 137(2) of the BNS. Insofar as the contention raised by the learned counsel for the petitioners that respondent No.2 filed the present complaint by giving a

criminal colour to settle the civil disputes pending between petitioner No.1 and respondent No.1 and his wife in O.S.No.214 of 2025, on the file of the learned XV Additional District and Sessions Judge, Ibrahimpatnam, is not tenable under law on the ground that the **pendency of the civil suit is not a bar to prosecute the penal proceedings**. There are specific allegations levelled against the petitioners about coercion, kidnapping and other allegations. The allegations levelled in the complaint prima facie disclose a cognizable offence. The same will have to be revealed during the course of investigation, especially even according to the Additional Public Prosecutor, the investigation is at threshold.

<https://indiankanoon.org/doc/61604418/>; **Lakshmi Narayana Tripuramallu vs Union Of India on 23 July, 2026; W.P.No.4839 of 2026**

As stated supra, the order passed by the trial Court allowing the petition filed for discharge was challenged by the State by filing Criminal Revision Case and a coordinate bench of this Court granted interim suspension of the order impugned in the said Crl.R.C.No.383 of 2022. By granting an interim suspension of the trial court's discharge order, this Court effectively revived the charges against the accused. For all practical purposes and procedural matters, the petitioner continues to hold the status of an accused, and the original criminal case remains actively pending before the court. Therefore, the order passed by a coordinate bench of this Court granting interim suspension freezes the trial court's discharge order. As a result, the pre-discharge status quo is restored, meaning the criminal proceedings are live and continuing against the petitioner.

<https://indiankanoon.org/doc/141413434/>; **Ch. Kranthi vs The State Of Telangana on 23 July, 2026; CRLRC No.173 of 2026**

A perusal of the impugned order shows that the trial Court allowed the petition only by observing that P.Ws.1 and 2 had implicated accused Nos.3 to 6 in their evidence. Except making such a general observation, the trial Court has not discussed the nature of the evidence, nor has it recorded any satisfaction that the evidence is so strong and cogent as to warrant summoning the petitioners under [Section 319](#) Cr.P.C. It is well settled that the power under [Section 319](#) Cr.P.C. is an extraordinary and discretionary power which has to be exercised sparingly and only when the evidence available during trial is much stronger than a mere prima facie case.

Merely because the names of the petitioners have been referred to in the deposition of P.Ws.1 and 2, without any specific and cogent evidence showing their active involvement, the same cannot form the basis for invoking the extraordinary jurisdiction under [Section 319](#) Cr.P.C. The trial

Court has also failed to assign adequate reasons as to how the evidence on record satisfies the higher degree of satisfaction required for summoning additional accused. Therefore, this Court is of the considered opinion that the impugned order suffers from material irregularity and improper exercise of jurisdiction and is liable to be set aside.

<https://indiankanoon.org/doc/83223765/>; **Bonala Venkateswar vs The State Of Telangana on 23 July, 2026; CRLRC No.292 of 2026**

In the light of the submissions made by the learned counsel on either side and upon perusal of the material available on record, it appears that the amount in question was frozen during the course of investigation under [Section 102](#) Cr.P.C. and the de facto complainant sought interim custody by filing a petition under [Section 457](#) Cr.P.C. The learned Magistrate, after issuing notice and noticing the absence of any objection from the petitioner before the trial Court, exercised the discretionary power by directing release of the amount subject to stringent conditions, namely execution of a personal bond and an undertaking to produce the amount as and when required during the pendency of the proceedings. The order neither finally adjudicates the entitlement over the amount nor causes irreversible prejudice to the petitioner, as the rights of the parties are left open to be determined during the trial. The conditions imposed by the trial Court sufficiently safeguard the interest of the petitioner as well as the prosecution.

<https://indiankanoon.org/doc/107625094/>; **Srei Equipment Finance Limited vs The State Of Telangana on 24 July, 2026; CRIMINAL PETITION Nos. 5805 and 6481 of 2026**

An FIR is not expected to be an exhaustive account of every minute detail of the alleged offence; it is sufficient if it sets out the basic facts disclosing the commission of a cognizable offence. Ordinarily, the investigating agency must be permitted to conduct a fair and complete investigation, and the High Court should not undertake a mini trial by examining the merits of the allegations or the defence of the accused. It is equally well settled that the concept of locus standi is generally foreign to criminal law, and any person may set the criminal law in motion unless a statute expressly provides otherwise. Furthermore, where the allegations involve forgery, fraud, fabrication of documents, or criminal breach of trust, and the disputed documents or signatures are yet to undergo forensic or handwriting examination, the High Court ought not to quash the proceedings on the basis of disputed documents or defence material, as their authenticity and evidentiary value are matters to be determined during investigation.

<https://indiankanoon.org/doc/68853139/>; **Smt. Sujatha vs State Of Telangana on 24 July, 2026; CRIMINAL PETITION No. 5097 OF 2024**

Equally well settled is the principle that, in matrimonial disputes, where there has been an increasing tendency to implicate every member of the husband's family, criminal prosecution cannot be permitted to continue against the relatives merely on account of their relationship with the husband unless the complaint discloses specific allegations constituting the NTR,J ingredients of the offences alleged. In [Geeta Mehrotra and Another v. State of Uttar Pradesh and Another](#), (2012) 10 SCC 741, the Hon'ble Supreme Court held that a casual reference to the names of family members, without specific allegations, is insufficient to prosecute them. Likewise, in [Preeti Gupta and Another v. State of Jharkhand and Another](#), (2010) 7 SCC 667, the Hon'ble Supreme Court cautioned the Courts against permitting criminal prosecution on the basis of exaggerated versions and omnibus allegations in matrimonial disputes. More recently, in [Kahkashan Kausar @ Sonam and Others v. State of Bihar and Others](#), (2022) 6 SCC 599, the Hon'ble Supreme Court reiterated that the relatives of the husband cannot be compelled to undergo a criminal trial on the basis of vague and general allegations, and that specific instances disclosing their active involvement are indispensable. The same principle was reiterated in *K. Subba Rao* (supra), wherein the proceedings against the relatives of the husband were quashed on the ground that the allegations were general in nature and lacked material particulars. Similarly, in [Abhishek](#) (supra), the Hon'ble Supreme Court observed that implicating every member of the matrimonial family without attributing specific overt acts constitutes an abuse of the criminal process.

A mere allegation that all the accused demanded additional dowry and abused the de facto complainant, without attributing any distinct or specific role to each of the petitioners, cannot constitute a sufficient basis to compel them to undergo a criminal trial, as has consistently been held by the Hon'ble Supreme Court.

<https://indiankanoon.org/doc/76117861/>; **APHC010364652026; Adhikari Kalyani vs The State Of Andhra Pradesh; CRIMINAL PETITION Nos:5889, 5891, 5892 & 5893 of 2026 Date: 24.07.2026**

The High Court of Allahabad, in [Mukesh Bansal v. State of U.P.1](#) at paragraph Nos.48 and 49, held as under:

"48. Thus assessing the totality of the circumstances, object and the allegation of misuse of this piece of legislation in a shape of [Section 498A](#) IPC, the Court is proposing the safeguards after taking the guidance

from the judgment of Hon'ble the Apex Court in the case of Social Action Forum for Manav Adhikar v. Union of India (Supra) keeping in view the growing tendency in the masses to nail the husband and all family members by a general and sweeping allegations.

49. Thus, It is directed that:--

(i) No arrest or police action to nab the named accused persons shall be made after lodging of the FIR or complaints without concluding the "Cooling-Period" which is two months from the lodging of the FIR or the complaint. During this "Cooling-Period", the matter would be immediately referred to Family Welfare Committee(hereinafter referred to as FWC) in the each district.

(ii) Only those cases which would be transmitted to FWC in which [Section 498-A](#) IPC along with, no injury 307 and other sections of the [IPC](#) in which the imprisonment is less than 10 years.

(iii) After lodging of the complaint or the FIR, no action should take place without concluding the "Cooling-Period" of two months. During this "Cooling-Period", the matter may be referred to Family Welfare Committee in each districts.

(iv) Every district shall have at least one or more FWC (depending upon the geographical size and population of that district constituted under the District Legal Aid Services Authority) comprising of at least THREE MEMBERS. Its constitution and function shall be reviewed periodically by the District & Sessions Judge/Principal Judge, Family Court of that District, who shall be the Chairperson or Co-chairperson of that district at Legal Service Authority.

(v) The said FWC shall comprise of the following members:--

(a) a young mediator from the Mediation Centre of the district or young advocate having the practices up to five years or senior most student of Vth year, Government Law College or the State University or N.L.U.s. having good academic track record and who is public spirited young man, OR;

(b) well acclaimed and recognized social worker of that district having clean antecedant, OR;

(c) retired judicial officers residing in or nearby district, who can devote time for the object of the proceeding OR;

(d) educated wives of senior judicial or administrative officers of the district.

(vi) The member of the FWC shall never be called as a witness.

(vii) Every complaint or application under [Section 498A](#) IPC and other allied sections mentioned above, be immediately referred to Family Welfare Committee by the concerned Magistrate. After receiving the said complaint or FIR, the Committee shall summon the contesting parties along with their four senior elderly persons to have personal interaction

and would try to settle down the issue/misgivings between them within a period of two months from its lodging.

The contesting parties are obliged to appear before the Committee with their four elderly persons (maximum) to have a serious deliberation between them with the aid of members of the Committee.

(viii) The Committee after having proper deliberations, would prepare a vivid report and would refer to the concerned Magistrate/police authorities to whom such complaints are being lodged after expiry of two months by inserting all factual aspects and their opinion in the matter.

(ix) Continue deliberation before the Committee, the police officers shall themselves to avoid any arrest or any coercive action pursuant to the applications or complaint against the named accused persons. However, the Investigating Officer shall continue to have a peripheral investigation into the matter namely preparing a medical report, injury report, the statements of witnesses.

(x) The said report given by the Committee shall be under the consideration of I.O. or the Magistrate on its own merit and thereafter suitable action should be taken by them as per the provision of [Code of Criminal Procedure](#) after expiry of the "Cooling-Period" of two months.

(xi) Legal Services Aid Committee shall impart such basic training as may be considered necessary to the members of Family Welfare Committee from time to time(not more than one week).

(xii) Since, this is noble work to cure abrasions in the society where tempos of the contesting parties are very high that they would melow down the heat between them and try to resolve the misgivings and misunderstanding between them. Since, this is a job for public at large, social work, they are acting on a pro bono basis or basic minimum honorarium as fixed by the District & Sessions Judge of every district.

(xiii) The investigation of such FIRs or complaint containing [Section 498A](#) IPC and other allied sections as mentioned above, shall be investigated by dynamic Investigating Officers whose integrity is certified after specialized training not less than one week to handle and investigate such matrimonial cases with utmost sincerity and transparency.

(xiv) When settlement is reached between the parties, it would be open for the District & Sessions Judge and other senior judicial officers nominated by him in the district to dispose of the proceedings including closing of the criminal case."

<https://indiankanoon.org/doc/52320151/>; Pilli Rama Raju vs The State Of Telangana; CRLP No.12368 of 2025 Date: 24.07.2026

Reverting to the facts of the case on hand, a perusal of [Section 188](#) of IPC makes clear that to take cognizance there should be a written complaint and such complaint should be filed either by the officer issuing such

promulgation order or the officer above his rank. Further, [Section 2 \(d\)](#) of Cr.P.C., defines complaint as allegations made orally or in writing to the Magistrate with a view to the Magistrate taking action on such complaint, the Magistrate can take cognizance under [Section 190 \(1\)\(a\)](#) of Cr.P.C.. Thereafter, the procedure prescribed under [Section 200](#) of Cr.P.C has to be followed. Therefore, the first information report, charge sheet and the order taking cognizance on such charge sheet are without jurisdiction.

10. Further, it is significant to note the judgement of the Honourable Supreme Court in [State of Karnataka v. Hermareddy](#) 1, 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"

(Emphasis supplied)

<https://indiankanoon.org/doc/185207838/>; **CRLRC/833/2026 on 24 July, 2026**

Considering the facts and circumstances of the case and in view of the law laid down by the Hon'ble Supreme Court in [Anand Kumar Mohatta v. State \(NCT of Delhi\)](#)1, [Amresh Tiwari v. Lalta Prasad Dubey](#)2, [Ram Sumer Puri Mahant v. State of U.P.](#)3 and [Jhummal v. State of M.P.](#)4, wherein it was observed that when a civil litigation relating to the possession of the property is pending before a competent Civil Court, there is ordinarily no justification for initiating parallel proceedings under Section 145 of 'the Cr.P.C.,'/[Section 164](#) of 'the BNSS', since the decision of the Civil Court on the question of possession is binding and the parties should work out their remedies before the Civil Court.

<https://indiankanoon.org/doc/120415862/>; **APHC010338532026; Kiran Alias M Kiran vs The State Of Andhra Pradesh; CRLP NO: 5408 of 2026; 27.07.2026**

In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in [G.R. Ananda Babu v. State of Tamil Nadu](#)1, wherein at paragraph No. 6, it was held as under:

6.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.

9. Thus, in [G.R.Ananda Babu](#) supra, it was held that successive anticipatory bail applications are not maintainable when the accused is absconding and not cooperating with the investigation. A mere change in circumstances is not a valid ground once an earlier application has been rejected by a reasoned order. The order passed by the learned coordinate Bench of this Court is also a speaking order answering all the contentions raised by the learned counsel for the petitioners.

10. However, the learned counsel for the petitioners relied upon the judgment of the Hon'ble Supreme Court in [Kalyan Chandra Sarkar v. Rajesh Ranjan](#) 2 , wherein it was held that a second anticipatory bail application is maintainable if there is a change in the factual situation or in law warranting interference with the earlier view, or where the earlier findings have become obsolete.

<https://indiankanoon.org/doc/168198908/>; **Maddi Arjun Goud vs The State Of Telangana on 27 July, 2026; CRLP No.11164 of 2026**

Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that neither in the complaint nor in the final report any allegations have been made against the petitioner, except that his name is shown at Serial No.9 in the final report as an accused. Even according to the prosecution, no contraband was seized from the possession of the petitioner to attract the essential ingredients of the offences under [Sections 8\(c\)](#) read with 20(b)(ii)(A), 22(c), 27, 27A, and 29 of the [NDPS Act, 1985](#). Hence, continuation of proceedings against the petitioner is clear abuse of process of law.

{It appears that the rigors of Section 37 NDPS Act are applicable to the case, has not been brought to the notice of the Hon'ble Court}

TGHC: H v. W [Civil Revision Petition Nos. 247 and 253 of 2025]; 18.06.2026

With regard to the recordings of conversations between the parties, the trial Court rightly held that recording calls without the consent of the other party constitutes a breach of privacy and the right to privacy guaranteed under Article 21 of the Constitution of India. Therefore, in the absence of consent, such recordings cannot be admitted in evidence.

{Applicable to Matrimonial Offences only}

TGHC: CIVIL REVISION PETITION No.3890 of 2024; 13th DAY OF JULY, 2026; Md. Khalid Vs Mohammed Khaja Aijaz Ali.

The last objection and the substantial objection is whether a certificate from an official person is required for receiving the emails and WhatsApp chats between the parties. Section 65B (4) of the Evidence Act clearly gives alternative course of action for receiving the documents. One is certificate from the official person and the other is the manager, who is in-charge of activities of the object. In the instant case, the claim made by the petitioner is that the emails and WhatsApp messages originated from his Blackberry mobile. Therefore, the options available for the petitioner for receiving the evidence was either to produce the blackberry itself or to produce a certificate certified by him about the origination of the electronic messages and chats from his blackberry instrument, to the best of his knowledge. The petitioner has followed the second option available i.e. filing his own certificate, to the best of his knowledge, about said WhatsApp chats and emails originating from the blackberry owned by him and managed by him on a daily basis. Therefore, this Court is of the considered opinion that there was an error in application of the legal ratio laid down in Arjun Panditrao Khotkar (supra) by the learned trial Court resulting in erroneous dismissal of the interlocutory application filed to receive the emails and WhatsApp messages between the petitioner, respondent, respondent's tax consultant and respondent's son.

2026 0 INSC 668; 2026 0 Supreme(SC) 740; Pooja Ramesh Singh Vs. Jammu And Kashmir Bank Ltd. & Anr.; Civil Appeal No. 11950 of 2025; Decided On : 02-07-2026

It is necessary for Courts to adopt a zero-tolerance mode for producing, citing or using AI-generated precedents without verification. It is a misconduct on the part of an advocate to cite such judgments without verification. Equally, it is a serious lapse if a judge relies on such a fake or hallucinated AI-generated material as precedents in support of the determination. We have no hesitation in declaring that such a decision is no decision in the eyes of the law, irrespective of whether such material had a direct or indirect bearing on the decision-making. Such decisions are to be set aside even if an iota of fake or hallucinated material enters the decision-making process, as it would violate the sanctity of adjudication. It is absolutely necessary to maintain integrity in decision-making, and we reiterate and declare zero tolerance for the Bar as well as the Bench to cite, refer to, or rely on such material. It is also clarified that our judgment shall have no bearing on the rightful use of AI, but on the presentation or reliance on fake or hallucinated material as if it were a court precedent.

Judicial process and the judgment under challenge are tainted by the usage of materials which are said to be precedents, but in reality, they are unreal, fake, and do not exist at all. A decision of a Court or an adjudicating authority based on material which is fake and hallucinated is no decision at all, and it amounts to subversion of the rule of law. Such a decision is unsustainable and has to be set aside at the earliest⁷ [A prominent law firm of UK Pinsent Masons LLP utilised an internal artificial intelligence program carelessly during a block transfer application. In that instance, a junior associate accepted a completely fabricated statutory quote generated by the software without verifying it against authoritative legal texts, a critical error that went entirely unnoticed by the supervising partners. When the High Court questioned the non-existent text, the firm compounded the issue by submitting a subsequent letter containing an unconvincing, misleading explanation engineered by the software to mask the initial hallucination. Although the presiding judge ultimately desisted from instituting formal contempt of court proceedings due to a lack of deliberate dishonest intent, *Anthony Malcolm Cork & Anor v. Mark Smith*, [2026] EWHC 1199 (Ch), the reckless oversight wasted judicial resources, prompted a public admonishment from the bench, and forced the clients to transfer their matter to new legal representatives. Eventually, Pinsent also referred itself to the SRA for a formal investigation by the regulatory body- 'Pinsents' botched AI use sparks dependency alarm' (Law Society Gazette, 2026)].

2026 0 INSC 666; 2026 0 Supreme(SC) 738; Shaurya Sunil Kumar Singh Vs. Central Bureau of Investigation; Criminal Appeal No. 3094 of 2026 (@ Special Leave Petition (Crl.) No. 4333 of 2026); 01-07-2026
On a conjoint reading of the above sections, we come to the following conclusions:

- (a) The section(s) governing default bail, i.e., Section 167(2) of the CrPC and Section 187(3) of the BNSS are substantially identical. They only differ in phraseology; however, the import thereof remains the same;
 - (b) When it comes to filing a police report, under Section 173 of the CrPC and Section 193 of the BNSS, the form thereof remains substantially same. An addition is Section 193(8) of the BNSS, whereby the investigating officer is required to file additional copies of the report, for supply to the accused; and
 - (c) For supply of the police report and other documents to the accused, a timeline has been instituted of fourteen days from the date of production or appearance of the accused under Section 230 of the BNSS.
- the non-filing of additional copies of the charge-sheet under Section 193(8) would not vitiate the chargesheet/police report itself. As was the case under the erstwhile CrPC, the position under BNSS is to remain that

the right to default bail arises when the chargesheet is not filed within a period of sixty or ninety days, as applicable. Once the chargesheet is filed, in compliance with the form prescribed under Section 193(3) BNSS, within the aforesaid period, the right to default bail ceases. Non-compliance with Section 193(8) of the BNSS cannot be construed to give the same result as Section 187(3) of the BNSS.

<https://indiankanoon.org/doc/176729948/>; **APHC010312132026; Sinderi Jakrayya Alias Janu vs The State Of Andhra Pradesh on 1 July, 2026; Crl.R.C.No.625 of 2026**

As seen from the impugned order passed by the learned Trial Court extending the remand period beyond 180 days, the learned Public Prosecutor has not applied his independent mind while filing the application. The learned Public Prosecutor has not filed any report as envisaged under [Section 36A\(4\)](#) proviso of 'the [NDPS Act](#)'. The petition filed by the learned Public Prosecutor does not disclose whether he was satisfied with the progress of the investigation or whether he had considered the entire material of investigation Dr.YLR, J Dated 01.07.2026 for grant of further time to complete the investigation. However, the learned Trial Court has also not followed the judgment of the Hon'ble Apex Court in [Jigar @ Jimmy Pravinchandra Adatiya v. State of Gujarat](#)³ and failed to inform the accused of the extension of the remand period beyond 180 days either through virtual mode or physically.

6. In Hitendra Vishnu Thakur 1st supra, the Hon'ble Apex Court, in categorical terms, held that the Public Prosecutor concerned, or the Prosecutor in charge of the case, ought to have considered the request of the Investigating Officer and, upon independent application of mind, filed a report along with the application seeking extension of time. In the present case, there is no averment in the petition filed by the Public Prosecutor to show that he had applied his mind or that he was satisfied that the progress of the investigation was at a crucial stage and that the grant of further time to complete the investigation was necessary. Further, more importantly, the learned Trial Court failed to assign any special reasons for the detention of the Accused/Petitioners beyond the period of 180 days.

<https://indiankanoon.org/doc/109542999/>; **Syed Waseeuddin Alias Wasiuddin Alias ... vs The State Of Telangana on 1 July, 2026; CRIMINAL PETITION No.9368 of 2026**

The Investigating Officer issued the impugned notice under [Section 91](#) of the Cr.P.C./94 of the BNSS and the said notice ought to have been issued to witnesses and not to the accused and therefore, the same is contrary

to the principle laid down by this Court in CrI.P.No.3023 of 2021, dated 19.04.2021.

Having considered the submissions made by the learned counsel for the petitioner and the principle laid down by this Court in CrI.P.No.3023 of 2021, this Court is of the considered view that the impugned notice issued under [Section 91](#) of the Cr.P.C./94 of the BNSS by the Investigation Officer, Special Investigation Team, Nizamabad, in F.I.R. No.28 of 2024, dated 10.02.2024, is liable to be quashed and accordingly quashed. The Investigating Officer is directed to proceed with the investigation in accordance with law.

2026 0 INSC 675; 2026 0 Supreme(SC) 770; AAA Vs. Linda Sema & Ors. Criminal Appeal No. 3106 of 2026 (Arising out of SLP Criminal No. 4772 of 2024); Decided On : 09-07-2026

As the present appeal arises out of an order of discharge, before we proceed to test the correctness of the discharge order in the context of rival submissions, we must remind ourselves of the settled legal position that in a case instituted on a police report, at the stage of considering a prayer for discharge made by an accused, the Court must only consider the materials collected during investigation and which form part of the police report. A plea of defence raised by the accused on some material not part of the police report is not liable to be considered. At this stage, the court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. The final test of guilt is not to be applied at this stage¹²[Amit Kapoor v. Ramesh Chander and Anr., [\(2012\) 9 SCC 460](#)]. Further, the court must proceed on an assumption that the material which has been brought on record by the prosecution is true¹³[State of Gujarat v. Dilipsingh Kishorsinh Rao, [\(2023\) 17 SCC 688](#)]. On the scope of the proceedings at the stage of framing of charge under Sections 227 and 228 of the Code of Criminal Procedure, 1973 (CrPC), in State of Tamil Nadu v. N. Suresh Rajan and Ors.,¹⁴[[\(2014\) 11 SCC 709](#); See also: Tarun Jit Tejpal v. State of Goa & Anr., [\(2020\) 17 SCC 556](#)], this Court observed:

“29. ... True it is that at the time of consideration of the application for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at this stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all ingredients constituting the alleged offense. At this stage, probative value of the

materials has to be gone into and the court is not expected to go deep into the matter and hold the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.”

(Emphasis supplied)

21. The test, therefore, is whether the materials forming part of the police report if taken at their face value have sufficient probative value to create a grave suspicion that the accused to be charged has committed that offence. For the purpose of satisfying itself whether the material put forth in the police report creates grave suspicion about commission of the offence by the accused, the Court has the power to sift and weigh the evidence¹⁵[Sajjan Kumar v. Central Bureau of Investigation, [\(2010\) 9 SCC 368](#), paragraph 21 (i)]. However, at this stage, the Court is not required to be satisfied that the material is sufficient to record conviction.

Before we consider the avowed purpose of the Act and discuss as to what meaning to the phrase “has knowledge that such an offence has been committed” must be ascribed to achieve the object of the Act, it would be useful to notice how the expression ‘knowledge’ has been expounded in legal dictionaries.

37. In Black’s Law Dictionary²⁹[Seventh Edition, published by West Group, page 876], knowledge is defined as an awareness or understanding of a fact or circumstance.

38. In P. Ramanatha Aiyar’s Advanced Law Lexicon³⁰[Fourth Edition, published by LexisNexis Butterworths Wadhwa, pages 2665 -2666], different meanings of the word ‘knowledge’ as found in various judicial pronouncements have been compiled. Relevant amongst them are extracted below:

(a) The certain perception of truth; belief which amounts to or results in moral certainty indubitable apprehension; information, intelligence, implying truth, proof and conviction; the act or state of knowing; clear perception of fact; that which is or may be known; acquaintance with things ascertainable; specific information; settled belief; reasonable conviction; anything which may be the subject of human instruction.

(b) Knowledge signifies a state of mental realization with bare state of conscious awareness of certain facts in which human mind remains supine or inactive.

(c) Knowledge is an awareness on the part of the person concerned indicating his state of mind. Reason to believe is another facet of the state of mind. Knowledge will be slightly on a higher plane than 'reason to believe'.

(d) The word knowledge is sometimes used also in the sense of information. It describes the state of mind. Knowledge is not satisfaction. Information not believed to be false is knowledge.

(e) Knowledge is nothing more than men's firm belief and is distinguished from 'belief' in that the latter includes things which do not make a very deep impression on the memory. The difference is ordinarily merely in degree.

(f) The meaning of the words 'belief' and 'knowledge', as defined by lexicographers, will show that there is a distinct and well-defined difference between them. 'Believe' is defined by Webster to mean to exercise trust or confidence; and by the Century dictionary, to exercise belief in; to be persuaded upon evidence, arguments, and deductions, or by other circumstances other than personal knowledge. 'Knowledge' according to Webster, is the act or state of knowing; clear perception of fact; that which is or may be known. According to the Century Dictionary it means acquaintance with things ascertained or ascertainable; specific information.

(Emphasis supplied)

39. Those extracts from Advanced Law Lexicon (supra) make it clear that the word 'knowledge' has been variously expounded in judicial pronouncements. Importantly, 'knowledge' has also been understood as an information not believed to be false. In such circumstances, and in absence of any specific definition of the word 'knowledge' in the POCSO Act or in any of the Codes/ Acts specified in Section 2(2) thereof, and also the General Clauses Act, 1897, the meaning that would best serve the purpose of the Act must be adopted.

A conjoint reading of the provisions of Section 19 of the POCSO Act and the 2012 Rules makes it clear that the information contemplated under sub-section (1) of Section 19 may be in respect of an offence committed, or attempted, or likely to be committed. Such information may be provided by any person (including the child) who has apprehension that an offence under the Act is likely to be committed or has knowledge that such an offence has been committed. If the child could make a report, could it be said that the person under whose care and protection the child is placed would not lodge report, despite receiving complaint from that child, only because the offence has not been committed in his or her presence or to his understanding? In our view, if such an interpretation is accorded to the phrase 'has knowledge that such an offence has been committed' the provisions of sub-sections (5) and (6) of Section 19 and of Rule 4 of the

2012 Rules would be rendered non-functional because the person in whose custody and care the child is placed, and to whom report is made, would waste time in seeking the truth when it is not his or her task to investigate. To save time and to ensure prompt reporting with a view to secure the child, the person who reports under sub-section (1) of Section 19 is protected under sub-section (7) of Section 19 from any liability, whether civil or criminal, for giving the information in good faith. Thus, in our view, if we construe the expression “knowledge”, as used in sub-section (1), as something which a person knows on the basis of his own senses, and exclude knowledge based on receipt of credible information, the purpose of the POCSO Act would stand defeated. This we say so because the purpose of the Act is not only to punish the offender but also to protect a child from sexual offences. Besides, it is a matter of common understanding that sexual offences are rarely committed in public gaze. These offences usually occur in the confines of secrecy. Therefore, for the purposes of this Act, when a child victim reports to a person that he or she has been subjected to an offence, or is likely to be subjected to an offence, punishable under the Act, it could safely be concluded that the person to whom such information is provided by the child victim has knowledge that such an offence has been committed or is likely to be committed.

46. There may be instances where a child may report without understanding the nature of the act to which the child has been subjected to. In such cases, and also where the information provided by the child is either not clear or confusing, a brief questioning of the child may be justified to derive a lucid picture of the nature of the information which the child wishes to convey. However, such questioning should not be with a view to rubbish the complaint made by the child, rather it must be to understand the true and correct nature of the complaint.

As we have held that the phrase “has knowledge that such an offence has been committed” is not limited to direct knowledge of the commission of the offence, but would include awareness of its commission based on direct information received from the victim, in our view, the person who received information about its commission from the victim could be said to have knowledge that such an offence has been committed. The defence that an effort was made to ascertain the truth and in absence of signs of sexual assault, report was not made is not acceptable, at this stage, to stifle a prosecution under Section 21 of the POCSO Act. More so, when the Act does not contemplate any such exercise. Besides, in our view, an investigation to ascertain whether such an incident has actually occurred or not must take place after reporting of the incident and not before, as such an exercise would defeat the very purpose for which the POCSO Act has been enacted. Otherwise also, if investigative exercise is carried out by a person before reporting the incident, the signs of such an offence

may disappear, resulting in the accused going scot-free. Prompt reporting of the incident is a sine qua non for effective implementation of the Act. This position is clear from the provisions of sub-section (6) of Section 19 and Section 27 of the POCSO Act.

However, not all teachers or office bearers of the institution need to be prosecuted for the offence punishable under Section 21 of the Act. Only those who received information directly from the victim, of her being subjected to sexual assault, could be prosecuted for failure to report. Others, who are not the ones before whom offence was committed or to whom complaint was made, are not liable to be prosecuted merely because of their alleged presence in the room where verification was carried out. This we say so, because in absence of a direct complaint to them, and there being no signs of sexual assault according to their understanding as also the medical report, they cannot be considered liable for not reporting.

2026 0 INSC 692; 2026 0 Supreme(SC) 765;Sagar Vs. The State of Haryana; Criminal Appeal No. 2059 of 2026 (Arising out of SLP (Crl.) No. 8113 of 2024); Decided On : 13-07-2026

The procedure to be followed by the Board is set out in Section 14 of the Act. In cases where the 'child in conflict with law' is above the age of 16 years, and who is said to have committed heinous offence, the manner in which the Board is required to proceed is prescribed under Section 15 of the Act. Upon production of such 'child in conflict with law' before it, the Board is required to conduct a preliminary assessment with regard to the child's mental and physical capacity to commit the alleged offence, the ability to understand the consequences thereof, and the circumstances in which the offence is alleged to have been committed. For undertaking the assessment, the Board would be empowered to take assistance of experienced psychologists or psycho social worker or other experts. Such preliminary assessment conducted by the Board is not in the nature of a trial, but is only an assessment. Upon completion of the said assessment, the Board has two options. If the Board concludes that the 'child in conflict with law' ought to be tried as an adult, it shall pass an order in terms of Section 18(3) of the Act and commit/transfer the matter to the Children's Court having jurisdiction to try such offences. On the other hand, if the Board concludes that the 'child in conflict with law' is to be tried as a child and not as an adult, then the Board shall proceed to try the matter in accordance with the procedure prescribed for summons cases under the Code of Criminal Procedure, 1973. Thereafter, the Board shall pass appropriate orders in terms of Sections 18(1) and 18(2) of the Act.

10. Upon receipt of the preliminary assessment report under Section 15 transferred by the Board in terms of Section 18(3) of the Act, the

procedure to be followed by the Children's Court is governed by the provisions of the Act itself.

10.1. Upon receipt of the report from the Board, the procedure to be followed by the Children's Court is prescribed under the Act and the Juvenile Justice (Care and Protection of Children) Model Rules, 2016,⁶[Hereinafter referred to as 'the Rules' or 'the Model Rules']. The first step to be undertaken by the Children's Court, upon receipt of the report, is to take cognizance thereof. **After taking cognizance of the matter, the Children's Court is required to pass an order in terms of Section 19(1) of the Act.** The question that now arises for consideration is whether the passing of an order under Section 19(1) of the Act is mandatory in nature, and the consequence of non-passing of such an order?

10.2. In our opinion, there is no doubt in our mind that passing of an order under Section 19(1) of the Act is mandatory in nature and without passing an order under Section 19(1), the Children's Court cannot proceed with the matter further. We say so for the reasons more than one.

10.3. **Firstly**, Upon a holistic reading of the Act, it furnishes several indications that compliance with Section 19(1) is mandatory for the Children's Court. The first such indication is found in Section 19(1)(i) and (ii) itself. Section 19(1) commences with the expression, "After the receipt of preliminary assessment from the Board under Section 15, the Children's Court may decide that...". Although the expression used is "may", a reading of sub-clauses (i) and (ii) indicates that the same ought to be construed as "shall". The expression 'may' occurring in Sub-section 19(1) and Section 19(1)(ii) will have to be necessarily read as 'shall', since consequences flowing therefrom namely, the trial of a child in conflict with law as an adult and trial as a juvenile would be different. Ordinarily, the word 'may' would indicate as a word not of compulsion. They are enabling words and they only confer capacity, power or authority and imply discretion. However, considering the nature of the statute as a whole and the provision in particular, the word 'may' has to be read as 'shall' in some circumstances to give the provision its full value. The reason for the same has been propounded in the case of Sarla Goel and Others Vs. Kishan Chand, [\(2009\) 7 SCC 658](#), wherein this Court held as follow:

In Crawford on the Construction of Statutes at p.516, it is stated that:

"The question as to whether a statute is mandatory or directory depends upon the intent of the legislature and not upon the language in which the intent is clothed. The meaning and intention of the legislature must govern, and these are to be ascertained, not only from the phraseology of the provision, but also by considering its nature, its design, and the consequences which would follow from construing it the one way or the other"

The reasons for the interpretation of the word ‘may’ in Section 19 (1) as ‘shall’ are as under:

10.3.1. Unless the Children’s Court arrives at a decision as to whether the child in conflict with law is to be tried as an adult or not, it cannot proceed further with the matter. In a case where the Children’s Court decides that the child in conflict with law is to be tried as an adult, it is required to follow the procedure of a Sessions trial in terms of Section 19(1)(i). This statutory obligation is substantive in nature and not merely procedural, and the Children’s Court assumes jurisdiction to try the child in conflict with law as an adult only upon recording satisfaction on the parameters laid down therein.

10.3.2. Conversely, where upon such evaluation the Children’s Court concludes that the child in conflict with law ought not to be tried as an adult, the legal consequence is unequivocal. The Children’s Court is divested of jurisdiction to proceed with the trial as a Children’s Court and is required to deal with the matter as a Board in terms of Section 19(1)(ii) of the Act and the procedure to be followed is that of a Summons Case as per the Code of Criminal Procedure.

10.3.3. The Children’s Court cannot, in the abovementioned circumstances, undertake its own ‘child inquiry’ or modify the procedure contemplated under the Act. The statutory design draws a sharp distinction between an adult criminal trial before the Children’s Court and a child-centric inquiry before the Board. Consequently, once the Children’s Court holds that the child should not be subjected to an adult trial, it will try the matter as a Board as contemplated under Section 19(1)(ii).

10.4. **Secondly**, the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, make it abundantly clear that Section 19(1) is mandatory in nature. Rule 13 of the said Rules elucidates the rationale behind such reasoning and reinforces the mandatory character of Section 19(1). The relevant provisions of the Rules are as follows:

“Rule 13. Procedure in relation to Children’s Court and Monitoring Authorities. - (1) Upon receipt of preliminary assessment from the Board the Children’s Court may decide whether there is need for trial of the child as an adult or as a child and pass appropriate orders.

(2 to 5) x x x x x x x x

(6) The Children’s Court shall record its reasons while arriving at a conclusion whether the child is to be treated as an adult or as a child.

(7) Where the Children’s Court decides that there is no need for trial of the child as an adult, and that it shall decide the matter itself:

(i) It may conduct the inquiry as if it were functioning as a Board and dispose of the matter in accordance with the provisions of the Act and these rules.

(ii) The Children's Court, while conducting the inquiry shall follow the procedure for trial in summons case under the Code of Criminal Procedure, 1973.

(iii) The proceedings shall be conducted in camera and in a child friendly atmosphere, and there shall be no joint trial of a child alleged to be in conflict with law, with a person who is not a child.

(iv) When witnesses are produced for examination the Children's Court shall ensure that the inquiry is not conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (1 of 1872).

(v) While examining a child in conflict with law and recording his statement, the Children's Court shall address the child in a child-friendly manner in order to put the child at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence which is alleged against the child, but also in respect of the home and social surroundings and the influence to which the child might have been subjected.

(vi) The dispositional order passed by the Children's Court shall necessarily include an individual care plan in Form 7 for the child in conflict with law concerned, prepared by a Probation Officer or Child Welfare Officer or recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(vii) The Children's Court, in such cases, may pass any orders as provided in sub-sections (1) and (2) of section 18 of the Act.

(8) Where the Children's Court decides that there is a need for trial of the child as an adult:

(i) It shall follow the procedure prescribed by the Code of Criminal Procedure, 1973 of trial by sessions and maintaining a child friendly atmosphere.

(ii) The final order passed by the Children's Court shall necessarily include an individual care plan for the child as per Form 7 prepared by a Probation Officer or Child Welfare Officer or recognized voluntary organisation on the basis of interaction with the child and his family, where possible.

(iii) Where the child has been found to be involved in the offence, the child may be sent to a place of safety till the age of twenty-one years.

(iv) While the child remains at the place of safety, there shall be yearly review by the Probation Officer or the District Child Protection Unit or a social worker in Form 13 to evaluate the progress of the child and the reports shall be forwarded to the Children's Court.

(v) The Children's Court may also direct the child to be produced before it periodically and at least once every three months for the purpose of assessing the progress made by the child and the facilities provided by the institution for the implementation of the individual care plan."

10.4.1. Upon a perusal of Rule 13(1) and Rule 13(6) of the Rules, it becomes evident that immediately upon receipt of the report under Section 15, the Children's Court is required to pass an order under Section 19(1) of the Act. Further, sub-rule (6) of Rule 13, by the use of the expression "shall", mandates that the Children's Court must record reasons for its decision as to whether the child in conflict with law is to be tried as a child or as an adult. Thus, it is clear that Section 19(1) is not merely procedural in nature, but constitutes a substantive provision, obligating the Children's Court to pass a reasoned order upon due application of mind.

10.4.2. If the Children's Court concludes that the child in conflict with law is to be tried as an adult, it is required to follow the procedure of a Sessions case as prescribed under the Code of Criminal Procedure. The procedure and the manner in which such trial is to be conducted are elaborately provided under the Act as well as Rule 13(8) of Model Rules. The scheme of the Act and the Rules ensures that no child is subjected to an adult trial without due compliance with the statutory safeguards. It is in this context that Section 19(1) assumes critical significance and must be regarded as mandatory in nature. Conversely, if the Children's Court determines that the child in conflict with law is not to be tried as an adult, it is required to follow the procedure applicable to summons cases as given in Rule 13(7) of the Model Rules. Therefore, in the absence of an order under Section 19(1), the Children's Court may inadvertently bypass its jurisdiction akin to that of a Board and assume the jurisdiction of a Sessions Court/Children's Court, which, in our considered opinion, is impermissible.

10.4.3. Upon a perusal of Section 8 of the Act, which respectively delineate the powers and functions of the Board and the course to be adopted by the Children's Court, the statutory scheme becomes evident. Sub-section (2) of Section 8 specifically provides that the Children's Court shall also exercise the jurisdiction of the Board in situations contemplated under Section 19(1) of the Act. The Act and the Rules thus make it clear that the Children's Court is vested with the jurisdiction of the Board including in terms of Section 19(1)(ii) which stands attracted when the Children's Court arrives at the conclusion that the child in conflict with law is not to be tried as an adult.

10.4.4. The procedure to be followed by the Board and the Children's Court, while trying a 'child in conflict with law' as a child or as an adult pursuant to a determination under Section 19(1) of the Act, is fundamentally distinct. The Children's Court can proceed to try a 'child in conflict with law' as an adult only upon making a determination to that effect in terms of Section 19(1) of the Act. In such a case, the procedure to be adopted is that of a Sessions trial, and not that of a summons case. Conversely, where the determination is that the 'child in conflict with law'

is to be tried as a child and not as an adult, the procedure applicable is that of a summons case, to be followed by the Board or by the Children's Court exercising the jurisdiction of the Board. Thus, the determination under Section 19(1) assumes crucial significance. Non-compliance of the same, may result in, firstly, Children's Court not exercising the jurisdiction vested upon to try the matter as a Children's Court or to conduct an inquiry as a 'Board' ; secondly, it would lead such 'child in conflict with law' being tried as an adult and being subjected in sessions trial though there is no need of being tried as an adult, thirdly, the inquiry to be conducted by such Court, in appropriate cases as a Board would not take place.

10.5. **Thirdly**, the aspect of punishment also assumes significance. Where a child in conflict with law is tried as a child and not an adult and after completion of the inquiry, the Board is empowered to pass orders in terms of Sections 18(1) and 18(2) of the Act, including measures relating to the care, protection and rehabilitation of the child and it may also direct the child to be sent to a Special Home for a period not exceeding three years. In contrast, where a 'child in conflict with law' is tried as an adult, the Children's Court, subject to the prohibitions contained in Sections 19 and 21 of the Act (including the bar on death penalty and life imprisonment without the possibility of release), is empowered to impose other punishments. It is for this reason that a determination under Section 19(1) assumes critical importance. In the absence of such determination, if a child in conflict with law who ought to be tried as a child is instead tried as an adult, there exists a real possibility of the child being subjected to a sentence exceeding three years, which, in our considered view is contrary to the law, and therefore impermissible. While it may be argued that, in certain cases, even in the absence of a formal determination under Section 19(1), the punishment imposed may ultimately align with what would have been awarded had the child been tried as an adult, such instances cannot justify non-compliance with the statutory mandate. Even a remote possibility that a child in conflict with law, who ought to be tried as a child, is subjected to an adult trial, such adult trial is wholly impermissible and it strikes at the very root of the protective framework envisaged under the Act.

10.6. The above view expressed by us has also been briefly summarized in the case of *Ajeet Gurjar v. State of Madhya Pradesh*, [\(2023\) 15 SCC 678](#) wherein it was held as follows:

"9. There are two parts to sub-section 1 of Section 19. The first part requires the children's Court to decide whether there is a need for trial of the child as an adult as per the provisions of the Code of Criminal Procedure, 1973. If the Court is satisfied that the child needs to be tried as an adult as per the provisions of Cr.P.C., the Children's Court can

proceed with the trial and thereafter pass an appropriate order subject to the provisions of sections 19 and 21 of the JJ Act.

10. Clause (ii) of sub-section 1 of Section 19 is very crucial which indicates that though the word 'may' have been used in the opening part of subsection 1 of Section 19, the same will have to be read as 'shall'. Clause (ii) provides that after examining whether there is a need for a trial of the child as an adult, if the children's Court comes to the conclusion that there is no need for the trial of the child as an adult, instead of sending back the matter to the Board, the Court itself is empowered to conduct an inquiry and pass appropriate orders in accordance with provisions of Section 18 of the JJ Act. The trial of a child as an adult and his trial as a juvenile by the Juvenile Justice Board has different consequences.

11. Therefore, holding an inquiry in terms of clause (i) of sub-section (1) of Section 19 is not an empty formality. The reason is that if the Children's Court comes to the conclusion that there is no need to try the child as an adult, he will be entitled to be treated differently in the sense that action can be taken against him only in terms of Section 18 of the JJ Act."

10.7. This Court in the case of *Barun Chandra Thakur v. Master Bholu and Another*, [\(2023\) 12 SCC 401](#) has also discussed the nature of Section 15 and 19 of the Act, which might be some relevance for the discussion. This Court has held:

"47. The order of preliminary assessment decides whether the child in conflict with law, falling in the age bracket of 16-18 years and having committed heinous offence, is to be tried as an adult by the Children's Court or by the Board itself, treating him to be a child. There are two major consequences provided in the Act, 2015, if the child is tried as an adult by the Children's Court. First, that the sentence or the punishment can go up to life imprisonment if the child is tried as an adult by the Children's Court, whereas if the child is tried by the Board as a child, the maximum sentence that can be awarded is 3 years. The second major consequence is that where the child is tried as a child by the Board, then under section 24(1), he would not suffer any disqualification attached to the conviction of an offence, whereas the said removal of disqualification would not be available to a child who is tried as an adult by the Children's Court, as per the proviso to section 24(1). Another consequence, which may also have serious repercussions, is that as per section 24(2), where the Board or the Children's Court, after the case is over, may direct the police or the registry that relevant records of such conviction may be destroyed after the period of expiry of appeal or a reasonable period as may be prescribed. Whereas, when a child is tried as an adult, the relevant records shall be retained by the relevant Court, as per the proviso to section 24(2).

48. These consequences are serious in nature and have a lasting effect for the entire life of the child. It is well settled that any order that has

serious civil consequences, reasonable opportunity must be afforded. The question is of what would be a reasonable opportunity in a case where a preliminary assessment is to be made by the Board under section 15.

.....

85. We are conscious of the fact that the power to make the preliminary assessment is vested in the Board and also the Children's Court under sections 15 and 19 respectively. The Children's Court, on its own, upon a matter being referred to under section 18(3), would still examine whether the child is to be tried as an adult or not, and if it would come to the conclusion that the child was not to be tried as an adult then it would itself conduct an inquiry as a Board and pass appropriate orders under section 18. Thus, the power to carry out the preliminary assessment rests with the Board and the Children's Court. This Court cannot delve upon the exercise of preliminary assessment. This Court will only examine as to whether the preliminary assessment has been carried out as required under law or not. Even the High Court, exercising revisionary power under section 102, would test the decision of the Board or the Children's Court with respect to its legality or propriety only. In the present case, the High Court has, after considering limited material on record, arrived at a conclusion that the matter required reconsideration and for which, it has remanded the matter to the Board with further directions to take additional evidence and also to afford adequate opportunity to the child before taking a fresh decision."

10.8. From the above discussion it becomes abundantly clear and evident that the intention of the Act is to have Section 19(1) as mandatory.

11. Now advertent to the consequence of non-compliance with Section 19 of the Act, the same has already been considered by this Court in *Thirumoorthy v. State represented by the Inspector of Police*, [\(2024\) 12 SCC 307](#). In the said case, the 'child in conflict with law' was apprehended and subsequently tried by the Children's Court without adhering to the mandatory requirements of Sections 9, 15, 18 and 19 of the Act, and was convicted and sentenced to a maximum term of ten years under Section 302 of the Indian Penal Code, along with sentences under other provisions. This Court, upon a detailed analysis of the scheme and provisions of the Act, held that non-compliance with the mandatory provisions thereof vitiates the entire trial, and accordingly proceeded to quash and set aside the judgment of conviction and sentence. This Court held as follows:

"33. Section 18(3) provides that where the Board after preliminary assessment under Section 15 opines that there is a need for the said child to be tried as an adult, then the Board may order transfer of the trial of the case to the Children's Court having jurisdiction to try such offences.

34. By virtue of Section 19(1), the Children's Court, upon receiving such report of preliminary assessment undertaken by the Board under Section 15 may further decide as to whether there is a need for trial of the child as an adult or not.

35. The procedure provided under Sections 15 and 19 has been held to be mandatory by this Court in the case of *Ajeet Gujar v. State of Madhya Pradesh*. In the said case, this Court considered the import of Section 19(1) of the JJ Act and held that the word 'may' used in the said provision be read as 'shall'. It was also held that holding of an inquiry under 19(1)(i) is not an empty formality. Section 19(1)(ii) provides that after examining the matter, if the Children's Court comes to the conclusion that there is no need for trial of the child as an adult, instead of sending back 2023 SCC Online SC 1255 the matter to the Board, the Court itself is empowered to conduct an inquiry and pass appropriate orders in accordance with provisions of Section 18 of the JJ Act. The trial of a child as an adult and his trial as a juvenile by the Children's Court have different consequences. **Before parting, we deem it appropriate to issue a word of caution and a direction to Children's Courts across the country that upon receipt of records pursuant to transfer/committal under Section 18(3) of the Act by the Juvenile Justice Board, the first duty of the Children's Court, after taking cognizance of the matter, is to pass a reasoned order under Section 19(1) of the Act upon due assessment of the 'child in conflict with law' before it proceeds further in the matter.**

2026 0 INSC 675; 2026 0 Supreme(SC) 770; AAA Vs. Linda Sema & Ors.; Criminal Appeal No. 3106 of 2026 (Arising out of SLP Criminal No. 4772 of 2024); Decided On : 09-07-2026

we must remind ourselves of the settled legal position that in a case instituted on a police report, at the stage of considering a prayer for discharge made by an accused, the Court must only consider the materials collected during investigation and which form part of the police report. A plea of defence raised by the accused on some material not part of the police report is not liable to be considered. At this stage, the court is concerned not with proof but with a strong suspicion that the accused has committed an offence, which, if put to trial, could prove him guilty. The final test of guilt is not to be applied at this stage¹²[*Amit Kapoor v. Ramesh Chander and Anr.*, [\(2012\) 9 SCC 460](#)]. Further, the court must proceed on an assumption that the material which has been brought on record by the prosecution is true¹³[*State of Gujarat v. Dilipsingh Kishorsinh Rao*, [\(2023\) 17 SCC 688](#)]. On the scope of the proceedings at the stage of framing of charge under Sections 227 and 228 of the Code of Criminal Procedure, 1973 (CrPC), in *State of Tamil Nadu v. N. Suresh Rajan and Ors.*,¹⁴[[\(2014\)](#)

[11 SCC 709](#); See also: Tarun Jit Tejpal v. State of Goa & Anr., [\(2020\) 17 SCC 556](#)], this Court observed:

“29. ... True it is that at the time of consideration of the application for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at this stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.”

(Emphasis supplied)

21. The test, therefore, is whether the materials forming part of the police report if taken at their face value have sufficient probative value to create a grave suspicion that the accused to be charged has committed that offence. For the purpose of satisfying itself whether the material put forth in the police report creates grave suspicion about commission of the offence by the accused, the Court has the power to sift and weigh the evidence¹⁵[Sajjan Kumar v. Central Bureau of Investigation, [\(2010\) 9 SCC 368](#), paragraph 21 (i)]. However, at this stage, the Court is not required to be satisfied that the material is sufficient to record conviction.

A conjoint reading of Section 19 and Section 21 of the POCSO Act, inter alia, indicates that if any person has knowledge that an offence has been committed under the Act, it is the mandate of law to provide such information to the Special Juvenile Police Unit or the local police. If such person, other than a child, fails to report, he is liable to punishment under Section 21.

35. Notably, the expression ‘knowledge’ is not defined in either the POCSO Act or any of the Codes/ Acts specified in Section 2(2) thereof. Even the General Clauses Act, 1897 does not define it. Therefore, a contextual meaning of the word ‘knowledge’, which serves the avowed purpose of the Act, would have to be ascertained.

In so far as other teachers and office bearers of the institution are concerned, it is not the prosecution case that they were given information about the sexual assault by the victim. No doubt, the prosecution case is that they tried to suppress the information from spreading. But this allegation would be sustainable only when it is demonstrated that they had credible information about the incident. In absence of credible information, it is natural that anyone who is part of the institution would advise not to act in a manner that tarnishes the image of the institution, particularly when the Head Mistress who received the information directly took a decision not to report based on her own understanding of the situation. Therefore, this allegation, in our view, is not sustainable qua those other teachers and office bearers who had no direct credible information from the victim about the incident and, admittedly, the incident had not occurred to their knowledge.

64. Besides, there is no worthwhile material on record to indicate a conspiracy to suppress the information. The material only indicates that after considering all materials including CCTV footage, a decision was taken not to report. Such a decision may be incorrect, but, prima facie, it was on the own understanding of the situation; therefore, those who had no direct knowledge of the incident and had not received information about it directly from the victim, cannot be considered part of the criminal conspiracy. At this stage, we may also notice that making false accusation against a child is also an offence punishable under sub-section (3) of Section 22 of the POCSO Act. Notably, JCWL is a child. Therefore, in absence of direct information from the victim, if they had erred in favour of caution, it would be travesty of justice to prosecute them for criminal conspiracy to suppress information of the commission of an offence under the POCSO Act. Besides, we do not find cogent material in the police report regarding accused persons causing evidence of the offence to disappear. Because, firstly, to their understanding and knowledge as required under Section 201 of IPC no offence was committed, and, secondly, it is not the prosecution case that they destroyed the clothes, etc to cause disappearance of the evidence. Consequently, we do not find a good reason to interfere with the order of the High Court and the Trial Court to the extent it discharges the accused persons of that accusation.

2026 0 INSC 703; 2026 0 Supreme(SC) 775; R. Veronica & Anr. Vs. Rudrayani Devaki(D) Through Rs. S. Satha Kumar & Ors.; Civil Appeal No. 6526 of 2024 (@Petition for Special Leave to Appeal (C) No.27109 of 2018); Decided On : 14-07-2026

Section 68 of the Indian Evidence Act provides how a document, required to be attested by law, is to be proved. It provides that such a document is to be proved by examining at least one attesting witness, if there be an

attesting witness alive, and subject to the process of the Court and capable of giving evidence. The proviso to Section 68 stipulates that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a Will, which has been registered in accordance with the provisions of the Indian Registration Act, 1908 (16 of 1908), unless its execution by the person by whom it purports to have been executed is specifically denied. A sale deed being not required by law to be attested, the provisions of Section 68 of the Indian Evidence Act on the face of it is not applicable.

38. In taking the aforesaid view, we are fortified by the decision of this Court in the case of Hans Raji (Smt.) v. Yosodanand reported in [\(1996\) 7 SCC 122](#) wherein this Court observed as under:-

“So far as the applicability to the proviso to Section 68 is concerned, it must be noted that there was no occasion for the respondent to examine any attesting witness to the document in question as it was a sale deed which never required any attestation and even if some ‘marginal’ witnesses had attested the document the document did not attract Section 68 of the Evidence Act which in term applies to the proof of execution of document required by law to be attested. It reads as under:

“68. Proof of execution of document required by law to be attested.—If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence:

Provided that it shall not be necessary to call an attesting witness in proof of the execution of any document, not being a will, which has been registered in accordance with the provisions of the Indian Registration Act, 1908 (16 of 1908), unless its execution by the person by whom it purports to have been executed is specifically denied.”

Therefore, Section 68 would not cover such a transaction. Hence there would remain no occasion to invoke the proviso to Section 68 with a view to finding out whether the execution of such a document was specifically denied by the adverse party or not. Consequently, all the main contentions canvassed before the High Court which are repelled by the High Court cannot be said to be wrongly repelled.”

(Emphasis supplied)

39. We may also refer to one another decision of this Court in the case of Bayanabai Kaware v. Rajendra s/o Baburao Dhote reported in [\(2018\) 1 SCC 585](#) wherein this Court observed as under:

“It is for the reasons that, firstly, the execution of the sale deed does not need any attesting witness like the gift deed, which requires at least two attesting witnesses at the time of its execution as per Section 123 of the Transfer of Property Act, 1882; and secondly, Section 68 of the Evidence

Act, 1872, which deals with the examination of the attesting witness to prove the execution of the document, does not apply to sale deed, which is governed by Section 54 of the Transfer of Property Act.”

(Emphasis supplied)

40. Prima facie it appears that the High Court misconstrued the expression “execution of any document, not being a Will” appearing in the proviso to Section 68 of the Evidence Act. The High Court construed “execution of any document” to include a registered sale deed also. We are of the view that the High Court committed an error in understanding the true purport of the proviso to Section 68 of the Evidence Act. The “execution of any document, except a Will” means those documents which require compulsory attestation like a Gift deed, Mortgage deed, Settlement deed, etc., but it is not mandatory to examine any attesting witnesses in proof of such documents unless its execution is specifically denied. In the case of a Will, the examination of one of the attesting witnesses is a necessary requirement, irrespective of whether its execution has been specifically denied or not. This is all that the proviso to Section 68 of the Evidence Act seeks to convey or clarify.

2026 0 INSC 707; 2026 0 Supreme(SC) 779; Deo Prasad And Anr. Vs. State of Uttar Pradesh; Criminal Appeal No(S). 239 of 2013 With Criminal Appeal No(S). 237 of 2013, Criminal Appeal No(S). 238 of 2013, Criminal Appeal No(S). 236 of 2013; Decided On : 15-07-2026

Mere delay in forwarding the FIR to the Magistrate cannot, by itself, be treated as fatal to the prosecution case nor can such delay, in isolation, be made the sole basis for discarding an otherwise credible prosecution version. However, where allegations of ante-timing, ante-dating and fabrication are not merely speculative but find substantive support from attendant circumstances appearing on the record, and are coupled with surrounding facts generating genuine suspicion regarding the fairness and integrity of the investigation, such delay acquires considerable significance. In such a situation, the delay ceases to be a mere procedural irregularity and assumes substantive importance in evaluating the authenticity of the prosecution narrative, the spontaneity of the FIR and the possibility of subsequent embellishment or manipulation. The Court is then required to assess the effect of such delay not in isolation but cumulatively with the other circumstances brought on record while testing the overall credibility of the prosecution case.

2026 0 INSC 687; 2026 0 Supreme(SC) 782; Debojit Pankika Charaideo Sonari Vs The State of Assam; Criminal Appeal No. 3909 of 2025; Decided On : 13-07-2026

The 'corpus delicti' in murder has two components - death as the result, and criminal agency of another as the means. Where there is direct proof of the one, the other may be established by circumstantial evidence. 'Corpus delicti' means that the offence has been committed and not that the dead body of the murdered person has been recovered. A person can be convicted of murdering another even if the later's body has not been recovered. It may not be out of place to refer to the judgments of this Court. As some of the facts are identical, we must refer to the judgment of this Court in the matter of Prithi v. State of Haryana, [\(2010\) 8 SCC 536](#) Prithipal Singh v. State of Punjab, [\(2012\) 1 SCC 10](#) and Sevaka Perumal v. State of T.N., [\(1991\) 3 SCC 471](#). The relevant paragraph from the judgment of this Court in Sevaka Perumal (supra), is as follows:-

"5.....The fact of death of the deceased must be established like any other fact. Corpus delicti in some cases may not be possible to be traced or recovered. Take for instance that a murder was committed and the dead body was thrown into flowing tidal river or stream or burnt out. It is unlikely that the dead body may be recovered. If recovery of the dead body, therefore, is an absolute necessity to convict an accused, in many a case the accused would manage to see that the dead body is destroyed etc. and would afford a complete immunity to the guilty from being punished and would escape even when the offence of murder is proved. What, therefore, is required to base a conviction for an offence of murder is that there should be reliable and acceptable evidence that the offence of murder, like any other factum of death was committed and it must be proved by direct or circumstantial evidence, although the dead body may not be traced."

<https://indiankanoon.org/doc/117910968/>; APHC010286042026;
Uyyuru Kaushik Reddy vs The State Of Andhra Pradesh on 2 July, 2026; CRIMINAL PETITION NO: 4599/2026

In this regard, it is apposite to refer to the judgment of the Hon'ble Apex Court in [Zeba Khan v. State of U.P.](#), wherein, at Paragraph Nos. 47 and 48, it was observed that bail applications are often considered on the basis of prima facie material placed before the Court at different stages of the proceedings. The Court held that non-disclosure of material facts, such as criminal antecedents, prior bail rejections, custody period, and the stage of trial, may result in an erroneous grant or refusal of bail. It was further held that every bail applicant is under an obligation to disclose all material particulars, including criminal antecedents and any coercive processes pending against him, duly supported by an affidavit. Such disclosure is necessary to ensure transparency, uniformity, and integrity in bail adjudication.

In [Union of India v. Ram Samujh](#), the Hon'ble Supreme Court at Paragraph No.7 observed that narcotic offences have a grave and far-reaching impact on society, destroying numerous lives. The [Court further held](#) that drug traffickers pose a continuing threat to society and, therefore, the statutory restrictions must be strictly enforced.

In [Durand Didier v. State \(UT of Goa\)](#), the Hon'ble Apex Court at Paragraph No.24, observed that illicit trafficking of narcotic drugs has become a serious social menace, particularly affecting the youth. The Court further noted that, in view of its devastating impact on society, Parliament enacted stringent provisions under 'the [NDPS Act](#)' to effectively combat the menace.

The Hon'ble Apex Court in [State of Kerala v. Rajesh](#), at Paragraph Nos.8, 19, 20 and 21, held that bail under 'the [NDPS Act](#)' can be granted only upon strict compliance with the mandatory conditions prescribed under [Section 37](#). The Court further observed that 'reasonable grounds' require substantial material showing that the accused is not guilty, and recording such a finding is a sine qua non for grant of bail.

<https://indiankanoon.org/doc/13559528/>; **Veerla Rosaiah vs The State Of AP; Crl. Appeal @ SLP (Crl) No. 17805 of 2024; 02.07.2026**

The Petitioners without approaching the learned Session Judge at the first instance seeking pre-arrest bail and have directly approached this Court, which procedure is contrary to the law laid down by the Hon'ble Apex Court in [Mohammed Rasal.C v. State of Kerala](#) 3 and [Jagdeo Prasad v. State of Bihar](#) and others

Albeit this Court has got concurrent jurisdiction under [Section 482](#) of 'the BNSS', such discretionary relief would only be granted, when the Petitioners establish a special case or extra ordinary circumstance. As seen from the averments, the Petitioners neither established a special case nor extra- ordinary circumstance. However, in view of the orders passed in [Mohammed Rasal.C and Jagdeo Prasad](#) supra, this Court is not inclined to exercise its discretionary power to grant pre-arrest bail to the Petitioners, as they have not approached the learned Sessions Judge concerned at first instance.

<https://indiankanoon.org/doc/14990374/>; **APHC010298632026; Sunil Singh vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4822 of 2026 Date: 02.07.2026**

The revised Standing Order No.282(1) of the High Court of the Andhra Pradesh stated in every application for bail presented to the High Court, the Petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was

involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.

9. In the present case, the Petitioner has not disclosed in the petition the pendency of the previous antecedents against him, though the same are reflected in the remand report.

10. Having regard to the entire facts and circumstances of the case and in view of the law laid down by the Hon'ble Apex Court in Zeba Khan supra, this Court is not inclined to enlarge the Petitioner on bail at this juncture. Accordingly, the Criminal Petition is liable to be dismissed.

<https://indiankanoon.org/doc/124926380/>; **Rajiv @ Pradeep @ Rajiv Singh Yadav vs The State Of Telangana; CRIMINAL PETITION No.9563 OF 2026 DATE: 02.07.2026;**

In the present case, though custodial interrogation may no longer be necessary in view of completion of investigation, the petitioner's persistent failure to comply with the notice issued under Section 41-A of Cr.P.C., his non-appearance before the trial Court resulting in issuance of a non-bailable warrant, and the absence of any satisfactory explanation for such conduct disentitle him from the discretionary relief of anticipatory bail. Granting anticipatory bail at this stage would have the effect of nullifying the coercive process already issued by the competent criminal Court and may adversely affect the orderly progress of the trial. In this view, this Court is of the considered opinion that the petitioner has failed to make out a fit case for exercising extraordinary jurisdiction to grant anticipatory bail.

<https://indiankanoon.org/doc/82561916/>; **APHC010297652026; Buraga Nani Alias Vijaya Surya Alias ... vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4816/2026 Date: 02.07.2026.**

The Hon'ble Apex Court in Ramesh Bhavan Rathod v. Vishan bhai Hirabhai Makwana, it is held that while applying the principle of parity, this Court cannot exercise its powers in a capricious manner. This Court has to consider the totality of circumstances before granting bail. Parity, while granting bail, must focus upon the role of the accused. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident and to the victims is of utmost importance. This Court cannot proceed on the basis of parity on a simplistic assessment. Merits or demerits of the facts of the case or evidence of the witnesses of the prosecution cannot be looked into while hearing the application for enlarging the Petitioner on bail.

<https://indiankanoon.org/doc/127979166/>; APHC010304972026; Sri Dudekula Nasar Vali vs The State Of Andhra Pradesh on 2 July, 2026; WRIT PETITION NO: 17320/2026

The Petitioner further submits that the criminal case and the disciplinary case are with respect to the same incident and it will cause prejudice to the Petitioner. He placed reliance on the judgment of the Hon'ble Supreme Court in [M.Paul Anthony v. Bharat Gold Mines Limited](#)¹.

4. Learned Assistant Government Pleader would submit that there is no bar to proceed with the enquiry simultaneously and placed reliance on the judgment of the Hon'ble Supreme Court in [Secretary, Lucy Sequeira Trust and Another v. Kailash Ramesh Tandel and Others](#)².

5. Reasoning: The departmental proceedings were initiated against the Petitioner based on his involvement in Crime.No.04/RCT-OGL/2023, dated 26.05.2023. The list of witnesses mentioned in Annexures and the list of witnesses in the charge sheet are almost similar. The Hon'ble Supreme Court in [State Bank of India and others v. Neelam Nag and another](#)³, balancing the interest of department for expeditious conclusion of departmental enquiry as well as the prejudice of departmental 1999 (3) SCC 679 (2019) 6 SCC 155 (2016) 9 SCC 491 enquiry on the criminal case affecting the delinquent, issued directions to the Sessions Court to complete the Criminal Trial as expeditiously as possible, not later than one year from the date of the order. Paragraphs 27 to 29 thereof are extracted below:

27. Accordingly, we exercise discretion in favour of Respondent 1 of staying the ongoing disciplinary proceedings until the closure of recording of evidence of prosecution witnesses cited in the criminal trial, as directed by the Division Bench of the High Court and do not consider it fit to vacate that arrangement straightaway. Instead, in our opinion, interests of justice would be sufficiently served by directing the criminal case pending against Respondent 1 to be decided expeditiously but not later than one year from the date of this order. The trial court shall take effective steps to ensure that the witnesses are served, appear and are examined on day-to-day basis. In case any adjournment becomes inevitable, it should not be for more than a fortnight, when necessary.

28 . We also direct that Respondent 1 shall extend full cooperation to the trial court for an early disposal of the trial, which includes cooperation by the advocate appointed by her.

29. If the trial is not completed within one year from the date of this order, despite the steps which the trial court has been directed to take, the disciplinary proceedings against Respondent 1 shall be resumed by the enquiry officer concerned. The protection given to Respondent 1 of keeping the disciplinary proceedings in abeyance shall then

stand vacated forthwith upon expiry of the period of one year from the date of this order.

<https://indiankanoon.org/doc/95108315/>; **APHC010315982026;**
Kilaparthi Shiva Sankar vs The State Of Andhra Pradesh; CRIMINAL
PETITION No.5049 of 2026 Date: 02.07.2026;

The mediator's report prepared at the time of the raid discloses that Accused No.2, in her statement, stated that she had joined M/s. Nirvin Luxury Day Spa as a Manager on a monthly salary of Rs.25,000/-, and that the petitioner/Accused No.1 was the owner of the spa. She further stated that the petitioner used to bring beautiful women to work as therapists and allegedly induced them to engage in prostitution for earning higher profits. It is also stated that when the petitioner intended to sell the spa, Accused No.2 agreed to take over its operations and, as part of the arrangement, agreed to pay the petitioner a sum of Rs.1,00,000/- towards his share of the profits. The said amount was allegedly transferred to the petitioner's bank account.

7. The material further reveals that, although the Form-C and labour licence stood in the name of Accused No.2, the trade licence issued under the [Andhra Pradesh Shops and Establishments Act, 1988](#) continued to stand in the name of the petitioner. The licence, originally issued during the financial year 2022-2023, is stated to be valid up to 31.03.2028. Though learned counsel for the petitioner submits that there was no subsequent renewal and that the petitioner had ceased to have any connection with the establishment, no prima facie material has been placed before this Court in support of the said contention.

8. At this stage, the material collected in the course of investigation prima facie indicates the petitioner's involvement in the affairs of the spa and his alleged receipt of profits arising from the activities carried on therein. Whether the petitioner had, in fact, ceased to be the owner or had completely dissociated himself from the establishment are matters to be established in the course of investigation and, if necessary, at trial.

9. It is also pertinent to note that Accused No.2, being a woman, was arrested and subsequently enlarged on bail. The grant of bail to Accused No.2 does not, by itself, entitle the petitioner to the discretionary relief of anticipatory bail.

10. The learned Sessions Judge, while rejecting the petitioner's application for anticipatory bail, has rightly observed that this is not the stage to determine the ownership of the spa or to record findings as to who was actually managing its affairs. Having regard to the nature of the allegations, the material collected thus far, and the necessity to ascertain the petitioner's precise role, this Court is of the view that custodial

interrogation of the petitioner is necessary for a fair and effective investigation.

11. Indeed, grant of pre-arrest bail is neither a license for commission of a grave offence nor a shield or protection for the persons who have allegedly committed grave offence, and against whom specific overt acts are attributed, as per the judgments of the Hon'ble Supreme Court in *Gurbaksh Singh Sibbia v. State of Punjab*¹ and *Sushila Aggarwal v. State (NCT of Delhi)*.

<https://indiankanoon.org/doc/106526331/>; **Malgireddy Sridhar Reddy vs The State Of Telangana on 3 July, 2026; CRLP No.6390 OF 2024**

The Hon'ble Supreme Court in [Ramji Lal Modi v. State of U.P.](#), AIR 1957 SC 620, while upholding the constitutional validity of [Section 295-A](#) IPC, clarified that the provision applies only to aggravated forms of insult to religion committed with deliberate and malicious intention and not to every act which may incidentally offend religious feelings. Further, in [Mahendra Singh Dhoni v. Yerraguntla Shyamsundar](#), (2017) 7 SCC 760, the Hon'ble Supreme Court observed that, [Section 295-A](#) does not stipulate that everything which may amount to insult or attempt to insult religion or religious beliefs would be penalised. It penalises only those acts which are perpetrated with the deliberate and malicious intention of outraging the religious feelings of a class of citizens. Insults offered unwittingly, carelessly or without deliberate or malicious intention do not fall within the ambit of the Section. The Hon'ble Supreme Court further emphasised that the existence of a calculated and intentional attempt to insult religious beliefs is the foundation for attracting criminal liability under [Section 295-A](#) IPC.

In the absence of any material showing intentional insult, the essential ingredient of mens rea required under [Section 295-A](#) IPC remains absent. Therefore, continuation of criminal proceedings against the petitioners, when the foundational ingredients of the alleged offence are lacking and when cognizance itself has been taken without compliance with the mandatory requirement under [Section 196](#) Cr.P.C., would amount to permitting an abuse of the process of Court.

<https://indiankanoon.org/doc/39479615/>; **APHC010284632026; Pulgam Konda Reddy vs The State Of Andhra Pradesh; Crl.P.Nos.4425 and 4613 of 2026 Dated 03.07.2026**

These two Criminal Petitions have been filed under Sections 480 and 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS'), seeking to enlarge the Petitioners/Accused Nos.1 and 2 on bail in Crime No.235 of 2025 of IV Town Police Station, Visakhapatnam District, registered against the Petitioners/Accused Nos.1 and 2 herein for the

offences punishable under Sections 22(C) read with 8(c) of the [Narcotic Drugs and Psychotropic Substances Act, 1985](#) (for brevity 'the [NDPS Act](#)').

Accused No.3 has already been enlarged on bail. So far, eight witnesses have been examined, all of whom are official witnesses. A substantial portion of the investigation with regard to the role played by the petitioner has already been completed, but the charge sheet has not yet been filed. Therefore, the scope for the petitioners threatening the official witnesses, tampering with the evidence, or hampering the investigation may not arise. There are no similar adverse antecedents reported against the petitioners. The petitioners are at an impressionable ages about 22 and 23 years, respectively. The petitioner/Accused No.1 is a permanent resident of Visakhapatnam District, and the petitioner/Accused No.2 is a permanent resident of Srikakulam District. If the petitioners are enlarged on bail, subject to some stringent conditions, the interests of justice would be sub-served.

{ No discussion about section 37 of NDPS Act }

<https://indiankanoon.org/doc/74042353/>; **Shaik Shahina vs The State Of Andhra Pradesh on 6 July, 2026; CRLRC NO: 655/2026**

On a meticulous study and analysis of the above referred judgments, the following principles are culled out.

a. Harmonious construction is the first rule. In this regard, courts must attempt to read both statutes together and give effect to each, if possible. Further, a construction that preserves both enactments is preferred over one that renders either provision redundant.

b. Repeal by implication is not favoured. So, the Hon'ble Supreme Court has repeatedly held that there is a strong presumption against implied repeal. Unless there is a clear and irreconcilable inconsistency, both statutes continue to operate in their respective fields.

c. General law yields to special law (*Generalia specialibus non derogant*). Hence, if one statute is a general law and the other is a special law dealing with a particular subject, the special law ordinarily prevails over the general law to the extent of inconsistency.

The learned Trial Court is required to maintain a balance between complying with the legislative mandate under Section 35 of 'the POCSO Act,' and safeguarding the statutory rights of the Petitioners/Accused to seek discharge within the period contemplated under Section 250 of 'the BNSS'. While ensuring the expeditious trial of offences under 'the POCSO Act,' the learned Trial Court must also adhere to the procedural safeguards guaranteed to the accused under 'the BNSS'.

In view of the legal position discussed in the preceding paragraphs, and with a view to dispel the ambiguity that has arisen on account of the time

schedule fixed under [Section 35](#) of 'the [POCSO Act.](#),' and the coming into force of 'the BNSS.,' this Court considers it appropriate to clarify the procedure to be followed by the Special Courts while dealing with the stage of discharge and framing of charge in prosecutions under 'the [POCSO Act](#)'. Accordingly, it is directed that the Special Courts trying offences under 'the [POCSO Act.](#),' shall adhere to the following procedure while considering the question of framing of charge against an accused: If the accused does not intend to seek discharge under Section 250 of 'the BNSS.,' such intention shall be expressly recorded by way of a written memorandum signed by the accused and filed before the Trial Court as early as possible from the date of supply of copies of the case record. Such memorandum shall signify that the accused has consciously waived the opportunity to file a discharge application, whereupon the Court may proceed to consider the question of framing of charge in accordance with law.

<https://indiankanoon.org/doc/144605425/>; **APHC010298172026;**
Masthan Ali Khan vs The State Of Andhra Pradesh; CRIMINAL PETITION Nos: 4769, 4820 & 4826 of 2026 Date: 06.07.2026

In view of the law [laid down by](#) the Hon'ble Apex Court in Ram Samujh, Durand Didier and Rajesh, the request of the Petitioners cannot be considered at this juncture, inasmuch as the accusation is well-founded. In view of the filing of the charge sheet within the statutory period of 180 days and the well-founded nature of the accusation, this Court is not inclined to enlarge the Petitioners on bail at this stage. There are no merits in the case for grant of bail to the Petitioners. Hence, this Criminal Petitions are liable to be dismissed.

<https://indiankanoon.org/doc/2257271/>; **APHC010134652009;**
Mungara Kondala Rao vs State Of A P on 7 July, 2026; CRIMINAL REVISION CASE NO:847/2009

OBSERVATIONS OF THIS COURT:

a. It appears that P.W.2 is a Village Servant. He deposed that on 07.06.2004, he noticed the petitioner/A.1 and A.2, along with some coolies, converting a portion of Government land in R.S.Nos.144, 152, 156, 157 and 158, forming part of an extent of Ac.7.00 cents, into a fish tank. Immediately, he informed the same to P.W.1.

b. P.W.1 was the then Panchayat Secretary. After receiving the information, he immediately proceeded to the spot and found A.1 and A.2, along with other coolies, carrying on the work of digging a fish tank in the said Government land. At that time, A.1 and A.2 were advised not to continue the digging work. Later, he informed the same over telephone to

the Mandal Revenue Officer and the Mandal Revenue Inspector, who were examined as P.Ws.3 and 4 respectively.

c. P.Ws.3 and 4 also stated that they visited the spot and found the accused persons digging a fish tank near the Circar Canal at Vadlakutitippa Village. The evidence of P.W.4 also corroborates the said fact.

d. To prove the prosecution case, it was the duty upon the prosecution to establish that the present petitioner, along with A.2, was engaged in digging a fish tank on Government land. It is not disputed in this case that the land where the digging was undertaken is Government land. Moreover, P.W.2, who was the first person to notice the alleged offence committed by A.1 and A.2, was not cross-examined.

e. It has been vehemently argued by learned counsel for the petitioner that the statement of P.Ws. 1 and 2 is contradictory. I have perused the impugned judgment of learned appellate Court. In paragraph 18 of the impugned judgment, it was noted that 'P.W.2 stated that when he visited the place of occurrence along with P.W.1, none was present there', whereas at another stage, P.W.2 stated that he had noticed some coolies digging a fish tank in the Government area forming part of the Kolleru Government Forest area. P.W.2 further stated in his evidence that when he and P.W.1 visited the place, they saw the accused persons engaged in digging a fish tank on Government land. Relying on the aforesaid statements, learned counsel for the petitioner submits that the evidence of P.Ws.1 and 2 is contradictory. However, the statement of P.Ws.3 and 4, who are the Mandal Revenue Officer and the Mandal Revenue Inspector respectively, are consistent to the fact that accused persons are involved in the digging activity.

f. In this particular case, the evidence of P.Ws.1 and 2 has been cited by learned counsel for the petitioner as contradictory. On a thorough reading of the examination- in-chief of P.Ws.1 and 2, it appears that P.W.1 stated that, upon receiving information, he proceeded to the spot and found both the accused persons engaged in the digging work. On the other hand, P.W.2 stated that when they reached to the spot along with P.W.1, no one was present there.

g. The alleged contradiction in the statement of P.W.2 was never tested/ clarified or contradicted by putting him in cross-examination. On a thorough reading of the prosecution evidence, it appears that the testimony of the other witnesses sufficiently proves the involvement of A.1 and A.2 in the said activity. Though P.W.1 initially stated that he noticed some coolies involved in the digging work, he subsequently stated that the accused were engaged in the digging work. Thus, a thorough and plain reading of the evidence of P.W.2 indicates that the accused persons were engaged in the digging activity. The alleged contradiction, particularly

when P.W.2 was not cross- examined on that aspect, cannot by itself destroy the prosecution case.

h. It further appears to me that the defence has also not placed any material on record regarding its contention as to how the entire extent of seven acres of land could have been converted into a pond by A.1 and A.2 with the assistance of coolies. Moreover, there are no cross-examination as to how the entire extent of seven acres of land could have been converted into a pond without use of any material or machines or how many coolies were involved in such work, the extent of period during which the digging work was carried out. The witnesses remained unchallenged on these material aspects.

i. The onus was initially upon the prosecution to prove that the accused persons were involved in the digging work over the Government land. The prosecution examined P.Ws.1 to 5 to establish that the accused persons were involved in digging the Government land and converting it into a fish tank. Their evidence on the material aspects was not effectively challenged either by cross-examination or by adducing contrary evidence. Hence, burden is shifted upon defence. Surprisingly, the defence has not discharged the burden upon him in this case though they had a duty therein.

j. On that score, it appears that the evidence of P.W.2 is not wholly contradictory to the evidence of the other witnesses. Even assuming that there is a minor contradiction, the same cannot destroy the prosecution case in its entirety. In my view, the alleged contradiction in the statement of P.W.2 cannot be entertained at this stage, particularly when he was not cross-examined by the defence before learned trial Court on that particular point.

k. At this juncture, I find no merit in the submissions of learned counsel for the petitioner. Accordingly, the instant Criminal Revision Case is devoid of merit. The order of conviction is hereby confirmed.

{ Non-cross-examination on vital aspect is fatal }

<https://indiankanoon.org/doc/30593652/>; Sunil Kumar Sandela vs State Of Telangana on 7 July, 2026; CRLP No. 9260 of 2026

It is relevant to mention that in [Shreekant Sharma v. State of West Bengal & Anr.](#) 1, the High Court of Calcutta held that the delay in reporting sexual offences cannot by itself be a ground to quash the proceedings, placing reliance on the principles [laid down by](#) the Hon'ble Supreme Court in [Satpal Singh v. State of Haryana](#) 2, and [State of Himachal Pradesh v. Prem Singh](#) 3, wherein it was held that delay in lodging F.I.R. in sexual offences is not uncommon due to trauma, stigma and social pressures faced by the victim and her family. The Court also relied upon the judgment of the Hon'ble Supreme Court in [Tulsidas 2023 SCC OnLine Cal](#)

1961 (2010) 8 SCC 714 AIR 2009 SC 1010 Kanolkar v. State of Goa 4, wherein it was held that the delay in reporting rape or sexual assault cannot be used as a ritualistic formula to discard the prosecution case and the explanation for such delay must be considered in the surrounding circumstances.

<https://indiankanoon.org/doc/162571486/>; **APHC010305002026; Kakani Govardhan Reddy vs The State Of Andhra Pradesh on 7 July, 2026; CRIMINAL PETITION Nos: 4831 & 5063 of 2026**

In this regard, it is opposite to refer to the judgment of the Hon'ble Apex Court in [T.T. Antony v. State of Kerala](#)¹, wherein at para Nos.27, 28 and 35, it is held that while the police have power under Section 173(8) of 'the [Cr.P.C.](#),' to conduct further investigation, registering a second or successive FIR in respect of the same incident or transaction is impermissible and amounts to an abuse of the investigative process. Any additional material or findings ought to be incorporated only by seeking leave of the Court and filing a further report in the original FIR, and not by initiating a fresh investigation through a new FIR. Accordingly, the second FIR and the investigation pursuant thereto were quashed, while leaving it open to the investigating agency to seek permission for further investigation in the earlier cases in accordance with law. 1 (2001) 6 SCC 181

7. It is further relevant to mention that the judgment of Hon'ble Apex Court in [Arnab Ranjan Goswami v. Union of India](#)² wherein at para Nos.59 and 61.5 the Court noted that multiple FIRs and complaints were filed against the Petitioner across several States and Union Territories in respect of the same cause of action. By an interim order dated 24.04.2020, the Hon'ble Apex Court stayed further proceedings in all FIRs and complaints except the one originally registered at Police Station Sadar, Nagpur, which was later transferred to N.M. Joshi Marg Police Station, Mumbai. Accepting the submission of the learned Senior Counsel, the Court held that fairness in the administration of criminal justice warranted exercise of jurisdiction to prevent multiplicity of proceedings. Relying on the law [laid down in T.T. Antony](#) supra, the Hon'ble Apex Court reiterated that successive FIRs or complaints founded on the same transaction are not maintainable. Consequently, all FIRs and complaints enumerated, except the one under investigation at Mumbai, were quashed.

<https://indiankanoon.org/doc/60243032/>; **Ramavath Mothru Alias Bhavani Naik vs The State Of Telangana; CRIMINAL PETITION No.8502 of 2026 Date: 07.07.2026**

This Court, considering submissions made by both the learned counsel and reviewing the material available on record, it is noted that the

contention of the petitioner that the case is false, fictitious, and fabricated, the case was registered without following the due procedure. However, the Additional Public Prosecutor opposes bail citing commercial quantity weighing 52 kgs of ganja and the charge sheet is also filed.

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. Given the serious allegations against the petitioner, 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.

NOSTALGIA

465 CrPC

The application of Section 465 CrPC has been discussed by a Bench of three judges in Pradeep S. Wodeyar v. State of Karnataka, [\(2021\) 19 SCC 62](#) while referring to an earlier decision of this Court in Santosh De v. Archana Guha, [\(1994\) 2 SCC 420](#), held in an appeal arising out of an order passed in quashing petition under Section 482 CrPC as under:

“41. Section 465 stipulates that the order passed by a court of competent jurisdiction shall not be reversed or altered by a court of appeal on account of an irregularity of the proceedings before trial or any inquiry. It is settled law that cognizance is pre-trial or inquiry stage. [Gangula Ashok v. State of A.P., [\(2000\) 2 SCC 504](#) : 2000 SCC (Cri) 488; Hardeep Singh v. State of Punjab, [\(2014\) 3 SCC 92](#) : (2014) 2 SCC (Cri) 86, where a Constitution Bench held that trial begins after framing of charge] Therefore, irregularity of a cognizance order is covered by the provision. In order to determine if the provision applies to pre-trial orders like an irregular cognizance order or only applies to orders of conviction or acquittal, it is necessary that we interpret the provision contextually.

...

44. The overarching purpose of Chapter XXXV CrPC, as is evident from a reading of Sections 460 to 466, is to prevent irregularities that do not go to the root of the case from delaying the proceedings. Sections 462-464 lay down specific irregularities which would not vitiate the proceedings. Section 465 on the other hand is a broad residuary provision that covers all irregularities that are not covered by the above provisions. This is evident from the initial words of Section 465, namely, “Subject to the provisions hereinabove contained”. Therefore, irregular proceedings that are not covered under Sections 461-464 could be covered under Section 465. It is also evident that the theme of “failure of justice”, uniformly guides all the provisions in the chapter. There is no indication in Section 465 and in Sections 462-464 that the provisions only apply to orders of conviction

or acquittal. All the provisions use the words “finding, sentence or order”. Though one of the major causes of judicial delay is the delay caused from the commencement of the trial to its conclusion, there is no denying that delay is also predominantly caused in the pre-trial stage. Every interlocutory order is challenged and is on appeal till the Supreme Court, on grounds of minor irregularities that do not go to the root of the case. The object of Chapter XXXV CrPC is not only to prevent the delay in the conclusion of proceedings after the trial has commenced or concluded, but also to curb the delay at the pre-trial stage. It has been recognised by a multitude of judgments of this Court that the accused often uses delaying tactics to prolong the proceedings and prevent the commencement or conclusion of the trial. [A.R. Antulay v. R.S. Nayak, [\(1988\) 2 SCC 602](#) : 1988 SCC (Cri) 372 : [AIR 1988 SC 1531](#)]

...

48. The test established for determining if there has been a failure of justice for the purpose of Section 465 is whether the irregularity has caused prejudice to the accused. [Annareddy Sambasiva Reddy v. State of A.P., [\(2009\) 12 SCC 546](#) : (2010) 1 SCC (Cri) 630] No straitjacket formula can be applied. However, while determining if there was a failure of justice, the courts could decide with reference to inter alia the stage of challenge, the seriousness of the offence charged, and apparent intention to prolong proceedings. It must be determined if the failure of justice would override the concern of delay in the conclusion of the proceedings and the objective of the provision to curb the menace of frivolous litigation.”

PRECEDENT AND PER INCURIAM

When ‘does’ or ‘does not’ in a decision become per incuriam, is a question that has been discussed in various judgments. Certain facets emerge from these discussions as follows:

14.1 It is an exception to the rule of stare decisis and must be applied sparingly;

14.2 A judgment is per incuriam:

(a) when its ratio is not reconcilable with an earlier decision rendered by a Bench of equal or higher strength; or

(b) when a particular provision or a statute or a rule or a regulation has not been brought to the attention of the Court;

14.3 It applies only to the ratio decidendi of a judgment and not to obiter dicta;

14.4 Judicial discipline requires that if a bench disagrees with another bench of co-equal strength the matter should be referred to a bench of three judges to decide the issue;

14.5 The decision rendered by the Bench of largest strength binds any subsequent Bench of co-equal or lesser strength. A Bench of lesser

strength cannot dissent from the view already taken by a Bench of larger strength;

14.6 A judgment cannot be said to be per incuriam:

(a) if it makes reference to an earlier decision and then concludes correctly or incorrectly; or

(b) if the ordinary reading of the judgment does not on the face of it show it to be in conflict with earlier decisions, the court should refrain adopting such an interpretation.

14.7 It is not the numerical strength of judges taking a particular view that is relevant but it is instead the strength of the Bench, which is the determinative factor of the binding nature of a particular view.

[See: Sundeep Kumar Bafna v. State of Maharashtra, [\(2014\) 16 SCC 623](#); Shah Faesal v. Union of India, [\(2020\) 4 SCC 1](#); Pradip Chandra Parija v. Pramod Chandra Patnaik, [\(2002\) 1 SCC 1](#); Central Board of Dawoodi Bohra Community v. State of Maharashtra, [\(2005\) 2 SCC 673](#); Trimurthi Fragrances (P) Ltd., v. State (NCT of Delhi), [\(2024\) 20 SCC 709](#).

REASON TO BELIEVE AND KNOWLEDGE

the ratio laid down in the case of A.S. Krishnan and Ors. ([\(2004\) 11 SCC 576](#)), referred by her also fully supported her submission. In the aforesaid case, Hon'ble Supreme Court held as under:

"9. Under IPC, guilt in respect of almost all the offences is fastened either on the ground of "intention" or "knowledge" or "reason to believe". We are now concerned with the expressions "knowledge" and "reason to believe". "Knowledge" is an awareness on the part of the person concerned indicating his state of mind. "Reason to believe" is not the same thing as "suspicion" or "doubt" and mere seeing also cannot be equated to believing. "Reason to believe" is a higher level of state of mind. Likewise "knowledge" will be slightly on higher plane than "reason to believe". A person can be supposed to know where there is a direct appeal to his senses and a person is presumed to have a reason to believe if he has sufficient cause to believe the same. Section 26 IPC explains the meaning of the words "reason to believe" thus:

"26 – "Reason to believe": A person is said to have 'reason to believe' a thing, if he has sufficient cause to believe that thing but not otherwise."

10. In substance what it means is that a person must have reason to believe if the circumstances are such that a reasonable man would, by probable reasoning, conclude or infer regarding the nature of the thing concerned. Such circumstances need not necessarily be capable of absolute conviction or inference; but it is sufficient if the circumstances are such creating a cause to believe by chain of probable reasoning leading to the conclusion or inference about the nature of the thing. These two

requirements i.e. “knowledge” and “reason to believe” have to be deduced from various circumstances in the case.”

Knowledge u/s. 19 of POCSO Act

In *SR. Tessy Jose and Others v. State of Kerala*, [\(2018\) 18 SCC 292](#), this court, had the occasion to deal with the word “knowledge” as used in Section 19 of the POCSO Act. In that case, according to the allegations, A-1 had raped the victim in 2016 when she was a minor. As a result, she became pregnant. As per the victim’s mother, when the victim started complaining about pain in her stomach, she brought her to the hospital where the appellants before this Court were working. The victim being found at an advanced stage of pregnancy was taken to the labour room, where she delivered a child. The role of appellants who were before this Court was that one of them had conducted the delivery, as a Gynaecologist, and the other had attended to the child of the victim after the delivery, as a Paediatrician. The third accused was in the administrative block of the hospital. The prosecution case against the said appellants was that they had knowledge about the rape of the victim, yet they did not report the matter. In that context, this Court considered the provisions of Section 19 of the POCSO Act and held that there is no evidence to implicate the appellants. It was also observed that to frame charge, evidence should be such which should at least create grave suspicion regarding commission of the offence by the accused. Consequently, this Court allowed the appeal and quashed the proceedings of the case. While deciding the aforesaid case, this Court observed that the provisions of Section 19(1) of the POCSO Act uses the expression ‘knowledge’, “which means that some information received by such a person gives him/her knowledge about the commission of the crime”. The court observed that there is no obligation on such a person to investigate and gather knowledge.

In *State of Maharashtra and another v. Dr. Maroti*, [\(2023\) 4 SCC 298](#) minor tribal girls who were students of an educational institution, residing in girls’ hostel, were sexually assaulted by unknown persons. They were taken to hospital and attended by a medical practitioner, who was informed about the sexual assault on them. Sexual assault on them was also clear from their medical examination conducted by the said medical practitioner, yet no report, as per the mandate of Section 19(1), was made by the medical practitioner. During investigation, the said medical practitioner was found prima facie guilty of an offence punishable under Section 21 of the POCSO Act. However, the High Court quashed the proceedings qua the said medical practitioner. Aggrieved therewith, the State came before this Court. This Court allowed the appeal and set aside the High Court’s order holding that whether one has ‘knowledge’ or

not is a question of fact. In that context, this Court observed that conclusion in that regard must not ordinarily be drawn by perusing statements collected during investigation. Importantly, this Court had noticed that the victim(s) had disclosed to the medical practitioner of them being subjected to sexual assault, and the medical examination had disclosed ruptured hymen.

34. In *Just Rights for Children Alliance and another v. S. Harish and others*, 2024 SCC Online SC 2611, this Court, after surveying the legislative history and the statutory scheme of the POCSO Act, observed that to achieve the avowed purpose of the Act, a legal obligation to report an offence under the POCSO Act has been put on any person who has knowledge that an offence under the Act has been committed. This obligation also extends to individuals who have reason to believe that an offence under the Act is likely to be committed. Besides, in addition to imposing this legal duty under Section 19, the legislature being in seisin of the paramount importance in collectively addressing the problems of child abuse and exploitation, deemed it expedient to make the failure to discharge this obligation punishable under Section 21 of the Act. It was observed that such provisions have been inserted with a view to ensure that children of tender age are not abused and their childhood and youth is protected against exploitation. The Court also underscored the importance of prompt and proper reporting of offences under the POCSO Act.

INTERPRETATION OF THE PROVISIO:

41. The term proviso is used to qualify a preceding provision and the purpose of the proviso is to restrict or to explain the general terms of the provisions of which it forms part of and not to add to the body of the substantive provision nor to take away anything there from. A proviso cannot travel beyond the provisions to which it is provided. This proposition is well founded by this Court in the decision reported in *Ram Narain Sons Ltd. v. STO*, reported in (1955) 2 SCC 64. In the above judgment, this Court held as follows:

“11. (...) It is a cardinal rule of interpretation that a proviso to a particular provision of a statute only embraces the field which is covered by the main provision. It carves out an exception to the main provision to which it has been enacted as a proviso and to no other (...).”

(Emphasis supplied)

42. The view of this Court as above was followed in a later judgment reported in *CIT v. Indo-Mercantile Bank Ltd.*, reported in 1959 SCC OnLine SC 5, wherein it was observed as follows:

“The proper function of a proviso is that it qualifies the generality of the main enactment by providing an exception and taking out as it were, from

the main enactment, a portion which, but for the proviso would fall within the main enactment. Ordinarily it is foreign to the proper function of a proviso to read it as providing something by way of an addendum or dealing with a subject which is foreign to the main enactment.

It is a fundamental rule of construction that a proviso must be considered with relation to the principal matter to which it stands as a proviso.

Therefore, it is to be construed harmoniously with the main enactment”.

(Emphasis supplied)

43. It has to be noted that the function of a proviso attached to a statute, Act or Ordinance, is to explain, qualify or restrain the operation of the preceding provision and it has to be read in light of the subject matter of the main statute, Act or Ordinance. Proviso in a statute has to be strictly construed as it is instead to qualify what is affirmed in the body of the statute, provision, section or paragraph preceding it.

44. Justice V.R. Krishna Iyer (as His Lordship then was) speaking for the Bench in the case *Dwarka Prasad v. Dwarka Das Saraf* reported in [\(1976\) 1 SCC 128](#) observed as follows:-

“17. While rulings and text books bearing on statutory construction have assigned many functions for provisos, we have to be selective, having regard to the text and context of a statute. Nothing is gained by extensive references to luminous classics or supportive case-law. Having explained the approach we make to the specific “proviso” situation in Section 2(a) of the Act, what strikes us as meaningful here is that the Legislature by the amending Act clarified what was implicit earlier and expressly carved out what otherwise might be mistakenly covered by the main definition. The proviso does not, in this case, expand, by implication, the protected area of building tenancies to embrace “business” leases.

18. We may mention in fairness to Counsel that the following, among other decisions, were cited at the Bar bearing on the uses of provisos in statutes: *CIT v. Indo-Mercantile Bank Ltd*, [[AIR 1959 SC 713](#); *Ram Narain Sons Ltd. v. Asstt. CST* [[AIR 1955 SC](#); *Thompson v. Dibdin* [(1912) AC 533, 541; *Rex v. Dibdin* [1910 Pro Div 57, 119, 125] and *Tahsildar Singh v. State of U.P.* [[AIR 1959 SC 1012](#). The law is trite. A proviso must be limited to the subject-matter of the enacting clause. It is a settled rule of construction that a proviso must prima facie be read and considered in relation to the principal matter to which it is a proviso. It is not a separate or independent enactment. “Words are dependent on the principal enacting words to which they are tacked as a proviso. They cannot be read as divorced from their context” (*Thompson v. Dibdin*, 1912 AC 533). If the rule of construction is that prima facie a proviso should be limited in its operation to the subject-matter of the enacting clause, the stand we have taken is sound. To expand the enacting clause, inflated by the proviso, sins against the fundamental rule of construction that a proviso

must be considered in relation to the principal matter to which it stands as a proviso. A proviso ordinarily is but a proviso, although the golden rule is to read the whole section, inclusive of the proviso, in such manner that they mutually throw light on each other and result in a harmonious construction.

“The proper course is to apply the broad general Rule of construction which is that a section or enactment must be construed as a whole, each portion throwing light, if need be, on the rest.

The true principle undoubtedly is, that the sound interpretation and meaning of the statute, on a view of the enacting clause, saving clause, and proviso, taken and construed together is to prevail. (Maxwell on Interpretation of Statutes, 10th Edn., p. 162)”

(Emphasis supplied)

45. This Court in Rohitash Kumar & Ors vs. Om Prakash Sharma & Ors., reported in [\(2013\) 11 SCC 451](#) observed while explaining how to interpret a proviso as under:

“20. The normal function of a proviso is generally to provide for an exception i.e. exception of something that is outside the ambit of the usual intention of the enactment, or to qualify something enacted therein, which, but for the proviso would be within the purview of such enactment. Thus, its purpose is to exclude something which would otherwise fall squarely within the general language of the main enactment. Usually, a proviso cannot be interpreted as a general rule that has been provided for. Nor it can be interpreted in a manner that would nullify the enactment, or take away in entirety, a right that has been conferred by the statute. In case the language of the main enactment is clear and unambiguous, a proviso can have no repercussion on the interpretation of the main enactment, so as to exclude by implication, what clearly falls within its expressed terms. If, upon plain and fair construction, the main provision is clear, a proviso cannot expand or limit its ambit and scope. [Vide CIT v. Indo Mercantile Bank Ltd. [\[AIR 1959 SC 713\]](#) , Kush Saigal v. M.C. Mitter [\[\(2000\) 4 SCC 526 : AIR 2000 SC 1390\]](#) , Haryana State Coop. Land Development Bank Ltd. v. Employees Union [\[\(2004\) 1 SCC 574\]](#) , Nagar Palika Nigam v. Krishi Upaj Mandi Samiti [\[\(2008\) 12 SCC 364\]](#) and State of Kerala v. B. Six Holiday Resorts (P) Ltd. [\[\(2010\) 5 SCC 186\]](#)]

21. The proviso to a particular provision of a statute, only embraces the field which is covered by the main provision, by carving out an exception to the said main provision. (Vide Ram Narain Sons Ltd. v. CST [\[AIR 1955 SC 765\]](#), AIR p. 769, para 10 and A.N. Sehgal v. Raje Ram Sheoran [\[1992 Supp \(1\) SCC 304\]](#), SCC p. 315, para 14.)

22. In a normal course, a proviso can be extinguished from an exception for the reason that exception is intended to restrain the enacting clause to

a particular class of cases while the proviso is used to remove special cases from the general enactment provided for them specially.”
(Emphasis supplied)

DELAY in Transmitting FIR to Court – not fatal

The significance of delay in forwarding the FIR to the jurisdictional Magistrate has repeatedly been considered by this Court. In *Pala Singh v. State of Punjab*, [\(1972\) 2 SCC 640](#), this Court observed that though delayed receipt of the FIR by the Magistrate may be improper or objectionable, such delay by itself would not necessarily render the prosecution case doubtful if the FIR had in fact been promptly recorded and the investigation had commenced thereupon. Relevant extract from the aforesaid judgment is reproduced hereinbelow: -

“8. [.....] Section 157 CrPC requires such report to be sent forthwith by the police officer concerned to a Magistrate empowered to take cognizance of such offence. This is really designed to keep the Magistrate informed of the investigation of such cognizable offence so as to be able to control the investigation and if necessary to give appropriate direction under Section 159. But when we find in this case that the FIR was actually recorded without delay and the investigation started on the basis of that FIR and there is no other infirmity brought to our notice, then, however improper or objectionable the delayed receipt of the report by the Magistrate concerned it cannot by itself justify the conclusion that the investigation was tainted and the prosecution insupportable. It is not the appellant's case that they have been prejudiced by this delay.”

[Emphasis supplied]

51. More recently, in *Jafarudheen v. State of Kerala*, [\(2022\) 8 SCC 440](#); 2022 SCC OnLine SC 495, this Court reiterated that prompt transmission of the FIR to the jurisdictional Magistrate is not a mere procedural formality but a vital safeguard intended to ensure fairness and transparency in the investigative process. The Court observed that the FIR is the document which sets the criminal law in motion and constitutes a valuable piece of evidence for corroborating the prosecution version. Prompt forwarding thereof to the Magistrate serves the salutary purpose of eliminating the possibility of ante-dating, ante-timing, embellishment or subsequent interpolation of facts and enables the Magistrate to effectively exercise the supervisory jurisdiction contemplated under the CrPC. It was further held that although mere delay in forwarding the FIR is not, by itself, fatal to the prosecution case, such delay assumes significance where the surrounding circumstances indicate the possibility of manipulation, deliberation, consultation or introduction of a coloured version of events. In such cases, the effect of the delay has to be assessed cumulatively along with the other attendant circumstances appearing on record.

Relevant extract from the aforesaid judgment is reproduced hereinbelow:

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“28. The jurisdictional Magistrate plays a pivotal role during the investigation process. It is meant to make the investigation just and fair. The investigating officer is to keep the Magistrate in the loop of his ongoing investigation. The object is to avoid a possible foul play. The Magistrate has a role to play under Section 159 CrPC.

29. The first information report in a criminal case starts the process of investigation by letting the criminal law into motion. It is certainly a vital and valuable aspect of evidence to corroborate the oral evidence. Therefore, it is imperative that such an information is expected to reach the jurisdictional Magistrate at the earliest point of time to avoid any possible ante-dating or ante-timing leading to the insertion of materials meant to convict the accused contrary to the truth and on account of such a delay may also not only get bereft of the advantage of spontaneity, there is also a danger creeping in by the introduction of a coloured version, exaggerated account or concocted story as a result of deliberation and consultation. However, a mere delay by itself cannot be a sole factor in rejecting the prosecution's case arrived at after due investigation. Ultimately, it is for the court concerned to take a call. Such a view is expected to be taken after considering the relevant materials.”

[Emphasis supplied]

EXPERTS SPEAK

Whether the Session court can permit prosecution to examine witnesses whose names are not mentioned in list of witnesses of chargesheet?

Reply:

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Criminal Petition No. 1499 of 2020; Pattivada Balaji Vs. The State of Andhra Pradesh

The learned Special Assistant Public Prosecutor contends that the proposed witnesses are not new witnesses and they were examined by the police during investigation of the case and their statements were also recorded under Section 161 CrPC., but due to inadvertently, their names were not mentioned in the list of witnesses filed with the Police Report (charge sheet) and therefore, only to assist the Court to arrive at a just decision, the prosecution intends to examine them and copies of the statements recorded under Section 161 CrPC., of the said witnesses were also been provided to the accused, and the accused has a right of cross-examination and therefore, it would not cause any prejudice to the accused. {Para 4}

22. In the case on hand, there is no dispute that the prosecution has provided copies of the statements of the proposed witnesses recorded by the Investigating Officer during investigation, to the accused. The contention of the prosecution is that the proposed two witnesses are the eye-witnesses to the occurrence of the incident in the case and the Investigating Officer recorded their statements under Section 161 CrPC during investigation but, inadvertently they were not filed along with the Report (Charge Sheet) under Section 173 CrPC and hence, the prosecution intends to produce the said witnesses in support of the prosecution as evidence for prosecution.

Hence, the contention of the accused that the proposed evidence produced by the prosecution which is not mentioned in the list of witnesses and documents filed by the prosecution along with the police report (charge sheet) would cause prejudice to him if allowed, is not tenable in law.

NEWS

- Draft notification regarding Accessibility Standards for Information and Communication Technology in RPwD Amendment Rules reg
- National Anti Doping Rules 2026
- National Anti Doping Removal of Difficulties Order 2026
- National Anti Doping (Amendment) Act, 2025 (26 of 2025) notification
- Enforcement of National Anti Doping Act 2022 notified
- TG-ADVISORY BOARD ON PREVENTIVE DETENTIONS – CONSTITUTION. ADVISORY BOARD ON PREVENTIVE DETENTIONS – CONSTITUTION.
- ANDHRA PRADESH ESAKSHYA MANAGEMENT RULES, 2026. [G.O.Ms.No.139, Home (Courts-B), 17th July, 2026.]
- RULES FOR A.P. STATE JUDICIAL (SERVICE AND CADRE) RULES 2026 IN PLACE OF EXISTING ANDHRA PRADESH STATE JUDICIAL SERVICE RULES 2007. [G.O.Ms.No.57, Law (LA&J SC.F), 16th July, 2026.]
- TGHC- STANDARD OPERATING PROCEDURE (SOP) FOR CONDUCT OF VIRTUAL / HYBRID HEARINGS THROUGH VIDEO CONFERENCING
- "Standard Operating Procedure (SOP) for Translation and Transmission of Records for filing Legal Aid Appeals and Special Leave Petitions (SLPS), 2025
- Gazette - Rules for Online Electronic Filing for All the Courts in the District Judiciary in Andhra Pradesh
- CIRCULAR - HIGH COURT — COMPUTER SECTION — ADALAT.AI - Mandatory use of the Adalat.AI Platform for recording of court proceedings, recording evidence, and dictation of orders or judgments in the District Judiciary of Andhra Pradesh — Instructions issued — Regarding.
- Circular - Regarding PWs and DWs - High Court of Andhra Pradesh - Roc.No.115/JUDL/2026, dated 21.07.2026
- High Court of Andhra Pradesh - Circular - Order dt.09.04.2026 in Criminal Appeal No. 1836 of 2026 (arising out of SLP (Criminal) No. 5486 of 2026) of Hon'ble Supreme Court of India

- Explore the need to implement the practice of "Recording remarks on various facets of Judgment/Orders passed by the officers in the District Judiciary"- Accepted by the High Court
Necessary instructions issued - Reg.

- Gazette Issued by High Court of Andhra Pradesh - Guidelines for Community Services

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ON A LIGHTER VEIN

A doctor complains to his lawyer friend that wherever he goes people ask him for medical advice and he never gets paid for it. Lawyer says just do what I do, send them a bill.

A week later, the doctor gets a bill from the lawyer, for services rendered.

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