Prosecution Replenish

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


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

CITATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> "28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.
>
> 29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Epilogue:

The Ripple Effects of Illicit Drug Trade and Drug Abuse:

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

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

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

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

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

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

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

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

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

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

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

Parents:

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

Schools and Colleges:

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

Local Communities and NGOs:

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

NALSA:

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

NCPCR and NCB:

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

To the Youth of India:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Confession

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

'reasons for arrest' and 'grounds of arrest'

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

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

Framing of Charges

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

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

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

ALIBI

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

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

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

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

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

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

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

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

Discharge

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

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

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

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

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

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

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

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

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

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

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

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

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

DNA TEST – not mandatory.

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

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

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ON A LIGHTER VEIN

Security at every level of the airport is insane until you get to the baggage claim. Then it's like take whatever bag you want.

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