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"Aano Bhadra Kratvo Yantu Viswatah"

Let all good things come to me in all directions

|| त्रुटिभ्यः अशिक्षणम् एव जीवनस्य महत्तमा त्रुटिः ||

"अपनी गलतियों से न सीखना,
जीवन की एकमात्र सबसे बड़ी गलती है।"

"Not learning from our mistakes is life's biggest mistake."

CITATIONS

2026 0 INSC 621; 2026 0 Supreme(SC) 670; Shephali Chakraborty Vs. The State of West Bengal; Civil Appeal No. 8405 of 2026 (@ Special Leave Petition (Civil) No. 25053 of 2025); Decided On : 03-06-2026

Ex ante and ex post indicates the point at which State power or judicial scrutiny is exercised. Ex ante means an assessment made before the occurrence of an event, based on anticipation of conduct or harm, whereas ex post scrutinizes the legality and liability after the relevant act, after the fact. This distinction is essential to constitutional safeguards and statutory remedies along with judicial review.

The former is most evident in preventive mechanisms such as preventive detention and anticipatory bail. Preventive detention under Articles 22(3) to 22(7) of the Constitution authorizes deprivation of personal liberty not as punishment for past conduct but to prevent anticipated acts prejudicial to public order or national security. Recognising the exceptional nature of such power, the Court in Maneka Gandhi v. Union of India, (1978) 1 SCC 248, held that even preventive procedures must satisfy the test of fairness, reasonableness, and non-arbitrariness under Articles 14 and 21.

Similarly, anticipatory bail under Section 438 CrPC constitutes an ex ante judicial remedy, invoked prior to arrest. In Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565, the Court clarified that anticipatory bail rests on a predictive assessment of the likelihood of misuse of arrest powers and is not dependent on a determination of guilt. The Court held that such relief is inherently forward-looking and discretionary, unlike ex post adjudication in a criminal trial.

On the other hand, ex post reasoning forms basis on which the determination of criminal liability and punishment stands. Article 20(1) of the Constitution prohibits retrospective criminalisation and enhanced punishment, thereby mandating that guilt and penalty be determined after the fact and as per the law of the time. In Rao Shiv Bahadur Singh v. State of Vindhya Pradesh, AIR 1953 SC 394, the Court held that Article 20(1) embodies a fundamental principle of criminal jurisprudence, reinforcing the idea that penal consequences must follow proven past conduct and not anticipatory assumptions.

The legal system employs both ex ante and ex post mechanisms in Licensing regimes. Prior approvals, and regulatory compliance requirements function as ex ante controls aimed at preventing foreseeable harm, particularly in sensitive domains such as the liberty of an individual once administrative action is taken, Courts exercise ex post judicial review to examine legality, procedural fairness, and reasonableness. In Tata Cellular v. Union of India, (1994) 6 SCC 651, this Court emphasised that judicial review is concerned not with the merits of the decision but with the decision-making process, necessarily making it an exercise after the fact.

Another illustrative application of the ex ante/ex post distinction arises in family law. Grounds such as cruelty, adultery, and desertion under Section 13 of the Hindu Marriage Act, 1955 are adjudicated ex post, based on evidence of past conduct and its cumulative impact on the marital relationship. In Samar Ghosh v. Jaya Ghosh, (2007) 4 SCC 511, the Court underscored that cruelty must be assessed in light of the totality of circumstances and the effect of prior conduct, reaffirming the retrospective nature of matrimonial adjudication. In contrast, maintenance proceedings under Section 125 CrPC operate in an ex ante manner, as a social-welfare measure intended to prevent destitution and vagrancy. In Bhuwan Mohan Singh v. Meena, (2015) 6 SCC 353, the Court observed that Section 125 CrPC is designed to secure immediate subsistence and dignity for a dependent spouse, enabling early judicial intervention even before final resolution of matrimonial disputes.

2026 0 INSC 622; 2026 0 Supreme(SC) 671; Chandar Shekhar Jaysawal @ Sonu Jaysawal Vs, State of Uttar Pradesh & Anr.; Criminal Appeal No. 3041 of 2026 [Arising out of SLP (Criminal) No. 6576 of 2023] Decided On : 03-06-2026

The main ingredients of the offence punishable under Section 305, IPC which the prosecution has to prove for a conviction to be recorded are not too dissimilar from the ingredients of Section 306 thereof. A reading of Section 306 would manifest that the offence punishable is one of abetment of the commission of suicide by any person, predicating existence of a live link or nexus between the two, abetment being the propelling causative factor. The basic ingredients of this provision being suicidal death and the abetment thereof, to constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Any severance or absence of any of these constituents would militate against this indictment. Remoteness of the culpable acts or omissions rooted in the intention of the accused to actualise the suicide would fall short as well of the offence of abetment essential to attract the punitive mandate of Section 306, IPC. Contiguity, continuity, culpability and complicity of the indictable acts or omission are the concomitant indices of abetment. One may profitably refer to Gurcharan Singh v State of Punjab, (2017) 1 SCC 433 in this context. Also, that there ought to be an active or direct act leading the deceased to commit suicide, being left with no option, is the law propounded by this Court in S.S. Chheena v. Vijay Kumar Mahajan, (2010) 12 SCC 190.

2026 0 INSC 628; 2026 0 Supreme(SC) 677; Seesa Santosh Vs. The State of Telangana And Anr.; Criminal Appeal No. of 2026 [Arising out of SLP (Crl) No. 18022 of 2025]; Decided On : 04-06-2026

The “exigencies of medical treatment to be undergone” by the respondent no.2 and that “he has appeared before the Magistrate Court on the last 12 occasions” coupled with his undertaking to return to India within 6 (six) months were considered good enough reasons by the High Court to interfere in the exercise of its revisional jurisdiction. Having regard to the trajectory of the proceedings right from the date the FIR was registered, the conduct of the respondent no.2, the nature of his ailment, and the **medical facilities available in India** (which, we believe, are comparable with any facility available in any foreign country), we have no doubt in our mind that the High Court instead of exercising judicial restraint was indulgent towards the respondent no.2 and permitted him to travel to the USA even though all medical facilities exist domestically.

An argument has been advanced on behalf of the respondent no. 2 that imposing a condition requiring deposit of his passport or mandating prior permission of the Court before travelling abroad would amount to an infringement of his fundamental right under Article 21 of the Constitution. Suffice it to observe that the right to a speedy trial is equally an integral facet of Article 21. While Article 21 undoubtedly guarantees the fundamental right to personal liberty, which includes the right to travel abroad, such right cannot be viewed in isolation. A balance must be struck between the individual liberty of the respondent no. 2 on the one hand and the right of the appellant to a speedy trial together with the larger societal interest in ensuring the effective administration of criminal justice, on the other. Reference may be made to the decision of this Court in Rajesh Ranjan Yadav v. CBI, 2007 1 SCC 70 where this Court observed:

> 16. We are of the opinion that while it is true that Article 21 is of great importance because it enshrines the fundamental right to individual liberty, but at the same time a balance has to be struck between the right to individual liberty and the interest of society. No right can be absolute, and reasonable restrictions can be placed on them. While it is true that one of the considerations in deciding whether to grant bail to an accused or not is whether he has been in jail for a long time, the court has also to take into consideration other facts and circumstances, such as the interest o**f the society. (emphasis ours)**

2026 0 INSC 618; 2026 0 Supreme(SC) 665; State of Punjab Vs. Balraj Singh @ Billa; Criminal Appeal No. 3037 of 2026 (@ Special Leave Petition (Crl.) No. 896 of 2026); Decided On : 02-06-2026

It is not in dispute that the case at hand, involves commercial quantity. In such a scenario, consideration and reference to the twin conditions enumerated under Section 37 of the NDPS Act was mandatory. Upon a bare perusal of the impugned order, it is evident that there has been no consideration at all by the High Court on the twin conditions. In such a scenario, the impugned order cannot be sustained in the eyes of law.

While this Court has recognized on several occasions that prolonged incarceration warrants the grant of bail in view of Article 21 of the Constitution, we have noticed that the application thereof is not uniform. Moreover, there is no doubt that what constitutes "prolonged incarceration" for the purposes of bail, has not been expounded by this Court or the law of the land.

21. While judicial discretion is an important facet of justice dispensation, this Court cannot overlook the fact that similarly situated persons in custody may receive different outcomes, dependent on the approach adopted by the respective bench

Should there be any conflict between the sovereignty of country and personal liberty, undoubtedly, the former shall prevail, particularly, when a war is waged against the nation, be it in the form of supply of drugs, which vitally affects the national economy and health of the people.

2026 0 INSC 611; 2026 0 Supreme(SC) 658; Sheikh Mehmoood Vs. Union Territory of Jammu And Kashmir & Ors.; Criminal Appeal No. 3006 of 2026 [Arising out of SLP (Criminal) No. 19036 of 2025] With Ravinder Kumar Gupta Vs Union Territory of Jammu And Kashmir & Anr.; Criminal Appeal No. 3007 of 2026 [Arising out of SLP (Criminal) No. 20104 of 2025] With Parshotam Singh & Ors. Vs. U.T. of J&K & Ors.; Criminal Appeal No. 3008 of 2026 [Arising out of SLP (Criminal) No. 20884 of 2025]; 01-06-2026
"Bail is the rule and jail is an exception", although is a cardinal principle of bail jurisprudence in India, it is not an absolute rule. The rule is sort of a guiding principle that should be kept in mind along with the facts of each case and statutory restrictions, if any, while considering a prayer for bail. In relation to offences such as the one under consideration, murder and conspiracy are serious offences. Section 437(1) of the CrPC bars grant of bail if reasonable grounds exist that the accused has committed an offence which is punishable with either death or life imprisonment. The cardinal rule has to be balanced with factors like prima facie case, gravity of offence, nature of evidence, antecedents, differentiation of roles, parity, delay in conclusion of trial, age of the accused, medical grounds, etc. However, bail could be declined if the offence is heinous and premeditated, there is grave apprehension of the witnesses being influenced or the evidence being tampered, a possibility of the accused absconding should he be granted bail and thereby evading trial, etc.

https://indiankanoon.org/doc/12179993/; APHC010289512026; Javvaji Praveen vs The State Of Andhra Pradesh; CRL.P. No:4677 OF 2026 Dated:05.06.2026
The main grievance of the petitioner is that he is the third party to the Crime No.86 of 2025 and his father is the accused and the summons issued arbitrarily in terms of Section 179 BNSS dated 26.05.2026 by the 3rd respondent in connection with Crime No.86 of 2026 of Hiramandalam Police Station, Srikakulam District to appear before the Police Station. The petitioner is afraiding of manhandling in the hands of police. Hence, he filed the present petition.
Learned Public Prosecutor would oppose the application stating that issuing of summons to the witness in terms of **Section 179 BNSS** is in normal course and warranting no interference.
However, in view of the apprehension of the petitioner, the Station House Officer, Hiramandalam Police Station, Srikakulam District is directed to allow the Advocate along with the petitioner as and when the petitioner is

called to the police station for investigation and follow the provisions of law strictly.

https://indiankanoon.org/doc/27896810/; APHC010315792025; Mattaparthi Chandra Sekhar vs State Of Nct Of Delhi; WRIT PETITION NO: 14763 of 2026 Date: 04.06.2026;

5. Thus, as seen from the pleadings and instructions, there is no dispute regarding the pendency of the aforementioned crime against the petitioner. However, the jurisdictional court has not taken cognisance.

6. The issue involved in this writ petition is squarely covered by the issue involved in W.A.No.383 of 2024. The Division Bench of this Court, in the order dated 29.10.2024, considered the aspect of cognisance by the Court in a criminal case vis-a-vis an application made for the issuance of a passport and observed as follows:

"16. Considering the facts of the present case on the touchstone of the principles laid down in the aforementioned judgments, it is clear that the Court of Special Mobile Judicial First Class Magistrate, Kakinada, having not taken judicial notice of the charge sheet filed before it, cannot be said to have taken cognizance much less can the Court be said to have initiated proceedings in terms of Chapter XVI of the Code of Criminal Procedure.

17. Therefore, we would have no hesitation in holding that proceedings would be said to have been pending only if cognizance had been taken by the Court and steps had been taken by the Court under Chapter XVI of the Code of Criminal Procedure. Since, there was no cognizance taken, there would be no question of „proceedings pending before a criminal Court", which would attract the provisions of Section 6(2)(f) of the Passports Act, 1967."

https://indiankanoon.org/doc/187938209/; K.Maipal vs The State Of Telangana on 4 June, 2026; CRIMINAL PETITION No.8146 of 2026

3. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the accused Nos.1 and 2 have already been released on regular bail. It is further submitted that, insofar as accused Nos.7 and 8 are concerned, the Investigating Officer has issued notices under 35 (3) of the BNSS (previously, Section 41-A of Criminal Procedure Code). Therefore, he prayed the Court to grant pre- arrest bail to the petitioner by allowing this Criminal Petition.

4. On the other hand, learned Additional Public Prosecutor opposed the submissions made by the learned counsel for the petitioner, contending that the said case pertains to the offence of dacoity and that the specific role attributed to the petitioner/accused No.5 in the commission of the alleged offence is clearly reflected in the FIR as well as in the remand

report pertaining to accused Nos.1 and 2. It is further contended that the petitioner is not entitled to be released on SCR,J bail at this stage, as such, he prayed the Court to dismiss the criminal petition.

5. In the light of the submissions made by both the learned counsel and upon perusal of the material available on record, this Court is of the considered view that specific and serious allegations have been levelled against the petitioner/accused No.5. Having regard to the overall facts and circumstances of the case, the gravity of the alleged offence and the specific role attributed to the petitioner, this Court is not inclined to grant bail to the petitioner/accused No.5 at this stage.

2026 0 Supreme(SC) 700; The State of Himachal Pradesh Vs. Kansara Mayur; Criminal Appeal No. 1515 of 2015; Decided On : 10-06-2026

The High Court has, further, held that an entry is also required to be made when the case property is taken back and re-deposited in the malakhana. Thus, in short, the High Court has held that there is neither any entry at the time of taking out the case property nor at the time of re-depositing the same. The High Court has held that there is no DPR report prepared at the time of producing the case property in the Court and when it was taken back to be re-deposited in the malakhana. The High Court has also held that it raises a doubt as to whether the same property which was recovered from the accused was sent to FSL and was produced in the Court or not. The High Court in those circumstances has arrived at a conclusion that the prosecution has not been able to prove the case against the accused beyond reasonable doubt.

2026 0 INSC 644; 2026 0 Supreme(SC) 708; Special Police Establishment Vs. Kamta Prasad Mishra and others; Criminal Appeal No. 3743 of 2024; Decided On : 15-06-2026

12. It is by now well settled that a piece of subordinate legislation does not carry the same degree of immunity that is enjoyed by a statute passed by a competent legislature. Besides the grounds on which plenary legislation can be challenged, subordinate legislation can also be challenged on the ground that it fails to conform to the statute under which it is made or it exceeds the limits of authority conferred by the enabling statute. In Indian Express Newspapers (Bombay) Private Ltd. and Others vs. Union of India and Others, 1984 INSC 231, a three Judge Bench of this Court observed as under:

“A piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent legislature. Subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned. In addition it may also be questioned on the ground that it does not conform to the statute under which it is made. It may further be questioned on the ground that it is contrary to some other statute."

This view has been consistently followed. In State of Tamil Nadu and Another vs. P. Krishnamurthy and Others, 2006 INSC 177 it was held as under:

"There is a presumption in favour of constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognized that a subordinate legislation can be challenged under any of the following grounds:

(a) Lack of legislative competence to make the subordinate legislation.

(b) Violation of fundamental rights guaranteed under the Constitution of India.

(c) Violation of any provision of the Constitution of India.

(d) Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.

(e) Repugnancy to the laws of the land, that is, any enactment.

(f) Manifest arbitrariness/unreasonableness (to an extent where the court might well say that the legislature never intended to give authority to make such rules)."

https://indiankanoon.org/doc/138525147/; APHC010306832026; Kasimayan Kumar vs The State Of Andhra Pradesh; CRIMINAL REVISION CASE NO: 601 of 2026 Dated: 19.06.2026;

By relying on the judgment in Hitendra Vishnu Thakur 1st supra, the Hon'ble Apex Court, in Sanjay Kumar Kedia @ Sanjay Kedia v. Intelligence Officer, Narcotic Control Bureau2, has held, at paragraph No. 11, as under:

"11... Mr. Lalit, has further contended that the two applications for extension of time could not, by any stretch of imagination, be said to be reports of the public prosecutor as envisaged under Section 36A (4) and has again referred us to the case ibidem:

A public prosecutor is an important officer of the State Government and is appointed by the State under the Code of Criminal Procedure. He is not a part of the investigating agency. He is an independent statutory authority. The public prosecutor is expected to independently apply his mind to the request of the investigating agency before submitting a report to the court for extension of time with a view to enable the investigating agency to complete the investigation. He is not merely a post office or a forwarding agency. A public prosecutor may or may not agree with the reasons given by the investigating officer for seeking extension of time and may find that the investigation had not progressed in the proper manner or that there has been unnecessary, deliberate or avoidable delay in completing the investigation. In that event, he may not submit any report to the court under clause (bb) to seek extension of time. Thus, for seeking extension of time under clause (bb), the public prosecutor after an independent application of his mind to the request of the investigating agency is required to make a report to the Designated Court indicating therein the progress of the investigation and disclosing justification for keeping the accused in further custody to enable the investigating agency to complete the investigation. The public prosecutor may attach the request of the investigating officer along with this request or application and report, but his report, as envisaged under clause (bb), must disclose on the face of it that he has applied his mind and was satisfied with the progress of the investigation and considered grant of further time to complete the investigation necessary. The use of the expression "on the report of the public prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period" as occurring in clause (bb) in sub-section (2) of Section 167 as amended by Section 20(4) are important and indicative of the legislative intent not to keep an accused in custody unreasonably and to grant extension only on the report of the public prosecutor. The report of the public prosecutor, therefore, is not merely a formality but a very vital report, because the consequence of its acceptance affects the liberty of an accused and it must, therefore, strictly comply with the requirements as contained in clause (bb). The request of an investigating officer for extension of time is no substitute for the report of the public prosecutor.

5. As seen from the impugned order passed by the learned Trial Court extending the remand period beyond 180 days, the learned Public Prosecutor has not applied his independent mind while filing the application. The learned Public Prosecutor has not filed any report as envisaged under Section 36A(4) proviso of 'the NDPS Act'. The petition filed by the learned Public Prosecutor does not disclose whether he was satisfied with the progress of the investigation or whether he had considered the entire material of investigation for grant of further time to complete the investigation. However, the learned Dr.YLR, J Dated 19.06.2026 Trial Court has also not followed the judgment of the Hon'ble Apex Court in Jigar @ Jimmy Pravinchandra Adatiya v. State of Gujarat3 and failed to inform the accused of the extension of the remand period beyond 180 days either through virtual mode or physically.

6. In Hitendra Vishnu Thakur 1st supra, the Hon'ble Apex Court, in categorical terms, held that the Public Prosecutor concerned, or the Prosecutor in charge of the case, ought to have considered the request of the Investigating Officer and, upon independent application of mind, filed a report along with the application seeking extension of time. In the present case, there is no averment in the petition filed by the Public Prosecutor to show that he had applied his mind or that he was satisfied

that the progress of the investigation was at a crucial stage and that the grant of further time to complete the investigation was necessary. Further, more importantly, the learned Trial Court failed to assign any special reasons for the detention of the Accused/Petitioner beyond the period of 180 days.

2026 0 INSC 654; 2026 0 Supreme(SC) 724; Israfil @ Pappu @ Naimuddin Khan Vs. State of Madhya Pradesh; Criminal Appeal No. 3081 of 2026 [Arising Out of S.L.P. (Criminal) No. 19486 of 2025]; 23-06-2026
There can be no manner of doubt that offences involving forgery and use of forged documents in judicial proceedings are serious in nature. Sections 467, 468 and 471 of the IPC deal with the offences which undermine the authenticity and sanctity attached to public and legal documents. Use of forged documents before a Court of law cannot be viewed lightly.

2026 0 INSC 658; 2026 0 Supreme(SC) 728; Mathu Alias Jagdish Vs. State of Uttarakhand; Criminal Appeal No. 2024 of 2012; 25-06-2026
12.1. Thus, Section 304 IPC has got two parts. The first part is attracted if the act by which the death is caused is done with the intention of causing death or of causing such bodily injury as is likely to cause death. If the first part is attracted, then the punishment is either imprisonment for life or imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.
12.2. The second part of Section 304 IPC would be attracted if the act by which the death is caused is done with the knowledge that it is likely to cause death but without any intention to cause death or to cause such bodily injury as is likely to cause death.

https://indiankanoon.org/doc/67281162/; Dama Sudhir vs B Sai Chaithanya on 17 June, 2026; CRIMINAL PETITION NO.1148 OF 2023
In the light of the above discussions, we may summarise the legal position as follows:
(i) The inherent powers of the High Court reserved and recognised under Section 482 of the Code of Criminal Procedure are sweeping and awesome; but such powers can be invoked only
(a) to give effect to any order passed under the Code of Criminal Procedure or
(b) to prevent abuse of process of any court or
(c) otherwise to secure the ends of justice. Such powers may have to be exercised in an appropriate case to render justice even beyond the law.

(ii) Considering the nature, width and amplitude of the powers, it would be unnecessary, inexpedient and imprudent to prescribe or stipulate any straight jacket formula to identify cases where such powers can or need not be invoked.
(iii) But such powers can be invoked only in exceptional and rare cases and cannot be invoked as a matter of course. Where the Code provides methods and procedures to deal with the given situation, in the absence of exceptional and compelling reasons, invocation of the powers under Section 482 of the Code of Criminal Procedure is not necessary or permissible.
(iv) The fact that an accused can seek discharge/dropping of proceedings/ acquittal under the relevant provisions of the Code in the normal course would certainly be a justifiable reason, in the absence of exceptional and compelling reasons, for the High Court not invoking its extraordinary powers under Section 482 Cr.P.C.
(v) In a trial against the co-accused the prosecution is not called upon, nor is it expected to adduce evidence against the absconding co-accused'. In such trial the prosecution cannot be held to have the opportunity or obligation to adduce all evidence against the absconding co-accused. The fact that the testimony of a witness was not accepted or acted upon in the trial against the co-accused is no reason to assume that he shall not tender incriminating evidence or that his evidence will not be accepted in such later trial.
(vi) On the basis of materials placed before the High Court in proceedings under Section 482 of the Code of Criminal Procedure (which materials can be placed before the court in appropriate proceedings before the subordinate courts) such extraordinary inherent powers under Section 482 of the Code of Criminal Procedure cannot normally be invoked, unless such materials are of an unimpeachable nature which can be translated into legal evidence in the course of trial.
(vii) The judgment of acquittal of a co-accused in a criminal trial is not admissible under Sections 40 to 43 of the Evidence Act to bar the subsequent trial of the absconding co-
accused and cannot hence be reckoned as a relevant document while considering the prayer to quash the proceedings under Section 482 Cr.P.C. Such judgments will be admissible only to show as to who were the parties in the earlier proceedings or the factum of acquittal.
(viii) While considering the prayer for invocation of the extraordinary inherent jurisdiction to serve the ends of justice, it is perfectly permissible for the court to consider the bona fides - the cleanliness of the hands of the seeker. If he is a fugitive from justice having absconded or jumped bail without sufficient reason or having waited for manipulation of hostility of witnesses, such improper conduct would certainly be a justifiable reason

for the court to refuse to invoke its powers under Section 482 of the Code of Criminal Procedure.
(ix) The fact that the co-accused have secured acquittal in the trial against them in the absence of absconding co-accused cannot by itself be reckoned as a relevant circumstance while considering invocation of the powers under Section 482 of the Code of Criminal Procedure.
(x) A judgment not interparties cannot justify the invocation of the doctrine of issue estoppel under the Indian law at present.
(xi) Conscious of the above general principles, the High Court has to consider in each case whether the powers under Section 482 of the Code of Criminal Procedure deserve to be invoked. Judicial wisdom, sagacity, sobriety and circumspection have to be pressed into service to identify that rare and exceptional case where invocation of the extraordinary inherent jurisdiction is warranted to bring about premature termination of proceedings subject of course to the general principles narrated above.

https://indiankanoon.org/doc/179026686/; Korra Bonjubabu Chinna vs The State Of Andhra Pradesh; CRLRC NO: 610 of 2026 Dated: 22.06.2026;
In Hitendra Vishnu Thakur 1st supra, the Hon'ble Apex Court, in categorical terms, held that the Public Prosecutor concerned, or the Prosecutor in charge of the case, ought to have considered the request of the Investigating Officer and, upon independent application of mind, filed a report along with the application seeking extension of time. In the present case, there is no averment in the petition filed by the Public Prosecutor to show that he had applied his mind or that he was satisfied that the progress of the investigation was at a crucial stage and that the grant of further time to complete the investigation was necessary. Further, more importantly, the learned Trial Court failed to assign any special reasons for the detention of the Accused/Petitioner beyond the period of 180 days.

https://indiankanoon.org/doc/60677724/; APHC010267012026; Yarlagadda Hemanth vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4242/2026 Dt: 23.06.2026
As seen from the averments of the complaint, while the De facto complainant was a minor, the Petitioner followed her and had sexual intercourse with her several times. He threatened the De facto complainant to kill her. While having sexual intercourse with the De facto complainant/victim, he took her photographs and videos and blackmailed her by threatening to post the nude photographs and videos of the De facto complainant on social media. He sexually assaulted her several times. The Petitioner refused to marry the De facto complainant. The

offences were alleged to have been committed by the Petitioner when the De facto complainant was 16 years of age. Therefore, the provisions of the POCSO Act, 2012, would also apply.

10. In view of the specific allegations levelled against the petitioner and the accusations being well founded, the request for enlarging the Petitioner/Accused No.1 on pre-arrest bail is not found convincing and reasonable. Hence, this Court is not inclined to grant pre-arrest bail as it would amount to granting protection or a shield to the person against whom specific allegations have been levelled, as per the judgments of the Hon'ble Apex Court in Gurbaksh Singh Sibbia v. State of Punjab1 and Sushila Aggarwal v. State (NCT of Delhi)2.

https://indiankanoon.org/doc/21730887/; Yendurti Akhil vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4732 of 2026 Date: 29.06.2026

As seen from the record, no similar adverse antecedents, or for that matter any adverse antecedents, have been reported against the Petitioner, who is arrayed as Accused No.4. It is alleged that the Petitioner, along with the other accused, was involved in dealing with 37 kgs of ganja, which constitutes a commercial quantity. Upon completion of the investigation, the charge sheet was filed on 17.04.2026, i.e., on the 147th day from the date of arrest. The Petitioner was arrested on 21.11.2025 and has been in judicial custody for the past 220 days. The Petitioner is a young man aged 20 years. As stated supra, he has no criminal antecedents. He is a permanent resident of Chammachintha Village and Panchayat, Nathavaram Mandal, Anakapalli District, and has a fixed place of abode. Since the investigation has been completed and the charge sheet has already been filed, there is no likelihood of the Petitioner tampering with the prosecution evidence or hampering the trial.

{Without referring to Section 37 of NDPS Act}

2026 0 INSC 635; 2026 0 Supreme(SC) 685; Dr. Ramesh Vs. State Of Maharashtra & Anr.; Criminal Appeal No. 3064 of 2026 (Arising out of Special Leave Petition (Criminal) No.9574 of 2018); 11-06-2026

In the larger context of this appeal, we are reminded of the words of Subhadra Kumari Chauhan in the poem ‘Balika ka parichay’. It powerfully describes the beautiful joy of a mother upon the birth of her daughter:

“यह मेरी गोदी की शोभा, सुख सोहाग की है लाली
शाही शान भिखारन की है, मनोकामना मतवाली

दीप-शिखा है अँधेरे की, घनी घटा की उजियाली
उषा है यह काल-भृंग की, है पतझर की हरियाली

सुधाधार यह नीरस दिल की, मस्ती मगन तपस्वी की.
जीवित ज्योति नष्ट नयनों की, सच्ची लगन मनस्वी की.

बीते हुए बालपन की यह, क्रीड़ापूर्ण वाटिका है .
वही मचलना, वही किलकना,हँसती हुई नाटिका है .

मेरा मंदिर,मेरी मसजिद, काबा काशी यह मेरी .
पूजा पाठ,ध्यान,जप,तप,है घट-घट वासी यह मेरी.

कृष्णचन्द्र की क्रीड़ाओं को अपने आंगन में देखो .
कौशल्या के मातृ-मोद को, अपने ही मन में देखो.

प्रभु ईसा की क्षमाशीलता, नबी मुहम्मद का विश्वास.
जीव-दया जिनवर गौतम की,आओ देखो इसके पास .

परिचय पूछ रहे हो मुझसे, कैसे परिचय दूँ इसका .
वही जान सकता है इसको, माता का दिल है जिसका ”

Well, to our mind the objective of the Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994[1][PCPNDT] is to enable a woman to feel the joy that has been described above.

From our own scriptures, the once much cherished, but now largely forgotten value is also worth reminding ourselves of:

‘यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः [‘Yatra naryastu pujyante ramante tatra dewatah’] (where woman is worshipped, there is abode of God).]

The keeping of records is essential to the Act and its avowed purpose.

Much progress has been made, and yet, much is left to be desired. In sum, while the situation is markedly better than it was in the mid-1990s, the data does not support complacency. The statistics referred to above show that the progress made is incomplete and uneven. Consequently, the integrity and strict enforcement of welfare-oriented legislation such as the PCPNDT Act remain essential along with efforts continued and earnest, till the time there is a widespread change in mentality and what till now, is perceived as the 'inherent weakness' of the woman, is replaced by true equality, when there will dawn a realization that efforts such as these are no longer required. This is not to say that the laws protecting women within legislation such as IPC/BNS will no longer be required but at least, there will no longer be a question on whether a girl child deserves to be born.

2026 0 INSC 632; 2026 0 Supreme(SC) 681; Dr. Rakesh Kumar Gupta Vs. State of Uttar Pradesh & Ors.; Criminal Appeal No. 2372 of 2026 [Arising out of SLP (Criminal) No. 8760 of 2018]; With State of Uttar Pradesh Vs. Anil Rastogi & Ors.; Criminal Appeal No. 2373 of 2026 [Arising out of SLP (Criminal) No. 6910 of 2019]; 09-06-2026

The options open for the referee Judge, when seized of a reference under section 392 of the 1973 Code are not too wide. If a Judge of a Bench of two-Judges, while hearing an appeal, is inclined to maintain a conviction while the other Judge is not so inclined, the third Judge may accept either opinion and it is the third Judge's opinion that the statute requires to be placed before the Division Bench for rendering the final judgment.

First, we observe that the difference in phraseology of Section 429 of the 1898 Code and section 392 of the 1973 Code is significant. While Section 429 dealt with "the case", Section 392 opens with "an appeal" and it is closely followed by "the appeal". How does one construe "an appeal" and "the appeal" in Section 392 of the 1973 Code?

30. At this stage, adverting to a bit of English grammar is considered inevitable. "A", "an" and "the" are all articles. While "a" and "an" are indefinite[36][referring to any member of a class, not a specific one] (also called indeterminate) articles, "the" is the definite[37][referring to a specific, known one] article. It is not unusual to find "a"/"an" and "the" in one sentence. Legislatures are prone to use "a"/"an" for the first mention to trigger the provision. Then, "the" is used anaphorically to refer back to that same thing. It prevents ambiguity and limits the later clause to the instance already introduced. This is, in our opinion, also a basic statutory construction: the indefinite article sets up the class, the definite article picks out the individual instance from that class.

31. In the context of "an appeal" in Section 392, the words refer to "an appeal" that fits the situation described whereas "the appeal" is referable to the same appeal just spoken of. Thus, "an appeal" which opens the scope applies to any appeal under Chapter XXIX that is heard by a Bench and results in a divided opinion and "the appeal" narrows to the specific appeal where such division has occurred. The words "the appeal", thus, have to be read as referring back to "an appeal".

32. In plain terms, "an appeal" means any appeal filed by a convict or the State that is heard by a Division Bench and results in the Judges either agreeing or disagreeing, whereas "the appeal" refers to that particular appeal in which the disagreement has occurred.
33. There are other provisions in the 1973 Code which use "an appeal" followed by "the appeal", viz. Sections 374 and 378. Similarly, one finds "any proceeding" followed by "the proceeding" in Section 397 thereof.

2026 0 Supreme(SC) 700; The State of Himachal Pradesh Vs. Kansara Mayur; Criminal Appeal No. 1515 of 2015; Decided On : 10-06-2026
It has been held that National Highway-21 is a busy highway and for the reasons best known to the police, there is not a single independent witness to support the arrest, search and seizure. The High Court has also observed that it is not a case where recovery was affected from isolated or secluded place. On the contrary, the recovery has been made from National Highway and the police ought to have associated the independent witnesses being available. Thus, the High Court has raised a doubt over the proceedings relating to arrest, search and seizure.
The High Court has observed that there is no entry in the malakhana register as to when the case property was taken out for being produced in the Court and similarly there is no entry when the case property was re-deposited in the malakhana. The High Court has, further, observed that no evidence has come on record as to who produced the case property in the Court. The High Court has, further, held that the entries are required to be made when the case property was taken out from the malakhana for production in the Court in Form-19.
The High Court has, further, held that an entry is also required to be made when the case property is taken back and re-deposited in the malakhana. Thus, in short, the High Court has held that there is neither any entry at the time of taking out the case property nor at the time of re-depositing the same. The High Court has held that there is no DPR report prepared at the time of producing the case property in the Court and when it was taken back to be re-deposited in the malakhana. The High Court has also held that it raises a doubt as to whether the same property which was recovered from the accused was sent to FSL and was produced in the Court or not. The High Court in those circumstances has arrived at a conclusion that the prosecution has not been able to prove the case against the accused beyond reasonable doubt.

https://indiankanoon.org/doc/72270294/; Ravi Ankam vs The State Of Telangana on 8 June, 2026; CRIMINAL PETITION No.5194 OF 2023
9. A close scrutiny of the allegations demonstrates that the core of the complaint relates to the offence of defamation. Offences punishable

under Sections 499 and 500 IPC are non- cognizable in nature. Significantly, Section 199(1) Cr.P.C. provides a special statutory mechanism for prosecution of offences relating to defamation by mandating that no Court shall take cognizance of such offence except upon a complaint made by the person aggrieved by the offence.

10. The legislative intent underlying Section 199 Cr.P.C. is to confer a personal right upon the aggrieved individual to set the criminal law in motion in matters concerning injury to reputation. Such proceedings are, therefore, required to be initiated and prosecuted in accordance with the procedure prescribed under Sections 200 to 204 Cr.P.C.

11. Under the said statutory scheme, upon presentation of a private complaint, the Magistrate is required to examine the complainant and witnesses, if any, on oath, assess whether sufficient grounds exist for proceeding further, and thereafter either dismiss the complaint under Section 203 Cr.P.C. or issue process under Section 204 Cr.P.C. Where circumstances so warrant, the Magistrate may postpone issuance of process and conduct an inquiry or direct investigation under Section 202 Cr.P.C.

12. The Hon'ble Supreme Court has repeatedly emphasized that where a special procedure is prescribed for a particular category of offences, such procedure must be strictly followed. The provisions of Section 199 Cr.P.C. constitute a complete code governing prosecution for defamation and cannot be circumvented by resorting to the mechanism contemplated under Section 156(3) Cr.P.C. at the pre-cognizance stage.

13. In the instant case, the learned Magistrate, immediately upon receipt of the complaint, referred the matter to the police under Section 156(3) Cr.P.C., resulting in registration of an FIR and commencement of investigation. Such a course of action is legally impermissible when the complaint is substantially founded upon allegations of defamation attracting Section 199 Cr.P.C.

14. The determination whether the allegations disclose merely a non-cognizable offence of defamation or whether they additionally constitute any independent cognizable offence requiring police investigation is a matter that necessarily falls within the judicial domain of the Magistrate. Such judicial scrutiny cannot be bypassed by mechanically forwarding the complaint for investigation under Section 156(3) Cr.P.C.

{The Hon’ble High Court of Telangana in its earlier judgment in Nalla Balu Vs State of Telangana, https://indiankanoon.org/doc/25907023/; incidentally presided by the same Hon’ble Justice had given guidelines, more particularly guideline no. i & v as under

i. Verification of locus standi: Before registering any FIR for alleged defamation or similar offences, the police must

verify whether the complainant qualifies as the "person aggrieved" in terms of law. Complaints by unrelated third parties lacking standing are not maintainable, except where the report concerns a cognizable offence.

v. **Defamation as a non-cognizable offence: Since defamation is classified as a non-cognizable offence, the police cannot directly register an FIR or crime in such matters. The complainant must be directed to approach the jurisdictional Magistrate. Police action may follow only upon a specific order of the Magistrate under Section 174(2) of the BNSS.**

The said guidelines were also upheld by the Hon'ble Supreme Court in State of Telangana Vs Nalla Balu https://indiankanoon.org/doc/175822160/; }

https://indiankanoon.org/doc/58850571/; Begari Ravinder vs The State Of Telangana on 8 June, 2026; CRLA No.157 OF 2019 (DB)

The recovery of incriminating material at the instance of accused Nos.1 and 2 is admissible under Section - 27 of the Indian Evidence Act, 1872. Even if panch witnesses have turned hostile, the testimony of the Investigating Officer (PW.18) regarding recovery does not become inadmissible or unreliable merely for want of independent corroboration. It is a settled proposition of law that the evidence of the Investigating Officer can be relied upon if found trustworthy and consistent.

Scientific evidence, particularly DNA evidence, is considered highly reliable and carries immense probative value. Such evidence is objective in nature and remains unaffected by hostility of witnesses.

merely because the panch witnesses and certain circumstantial witnesses turned hostile, the entire prosecution case cannot be discarded. Hostility of witnesses has unfortunately become a common phenomenon, particularly in grave criminal cases involving intimidation, fear or influence. The settled principle of criminal jurisprudence is that evidence of hostile witnesses need not be rejected in toto, and the Court can rely upon those portions of testimony which support the prosecution and are otherwise corroborated by reliable evidence. In the present case, even excluding the hostile witnesses from consideration, the remaining evidence is sufficient to sustain conviction.

https://indiankanoon.org/doc/61100643/; Shri.Mandal Abhinash vs Government / Union Of India on 9 June, 2026; WP No.19845 of 2025

In the light of the above rival contentions, it is to be noted that the petitioner, as per his own affidavit, was born in Bangladesh in the year 1977, and as per the counter affidavit, the respondents assert that the immigration records revealed that the petitioner held Bangladeshi passport No. BT0305749 and used the said Bangladeshi passport to travel to India. Even according to the petitioner, the factum of his holding a Bangladeshi passport is not denied, though it is contended that the passport had become expired or wp_19845_2025 NBK, J inactive. Except the contention that the petitioner is protected under the relief for minority migrants who entered India prior to 31.12.2014, there is no evidentiary material to believe that the petitioner had taken steps to acquire Indian citizenship through legal means by surrendering his Bangladeshi passport, before obtaining Indian passport. Furthermore, it is the specific contention of the respondent-authorities that the petitioner has fraudulently acquired Indian identify documents, including Indian passport No. U2910660. Even according to the petitioner, he held an Indian Passport No. U2910660, and he travelled using the Indian passport from Sharjah to Hyderabad on 01.01.2024, and he was in possession of this passport when he was intercepted at the airport on the basis of the Look Out Circular.

There are specific contentions of the respondent-authorities, borne out by the record, that the petitioner is a Bangladeshi national, holding a Bangladeshi Passport No. BT0305749 and that he travelled to India earlier using the Bangladeshi passport as per immigration records. The said contention of the respondents has been established from the immigration records and the same is not effectively disputed by the petitioner. The contention of the petitioner that the passport had allegedly expired, and further there is no material placed before this Court to show that the petitioner had surrendered his Bangladeshi passport for acquiring Indian citizenship in accordance with law. In the absence of such substantive evidence, the contention of the petitioner that he is entitled to protection as a minority migrant from Bangladesh who entered India prior to 31.12.2014 and therefore not an "illegal migrant" under the Citizenship Act, 1955 and the relevant Government notifications, cannot be countenanced.

https://indiankanoon.org/doc/41211104/; Telugu Kukkala Anil Kumar vs The State Of Telangana on 9 June, 2026; CRLP No.15486 OF 2024

Even without the authorisation under Section 155(2) or Section 156(3) of the Criminal Procedure Code, offences under Sections 494, 495 and 496 IPC having been rendered cognizable and non-bailable by virtue of the Code of Criminal Procedure (Andhra Pradesh Second Amendment) Act, 1992 can be investigated by the police and no illegality is attached to the investigation of these offences by the police. If the police officer in charge of a police station is entitled to investigate offences punishable under Sections 494 and 495 IPC, there is no manner of doubt that the competent court would have all jurisdiction to take cognizance of the offences after receipt of report as contemplated under Section 173(2) of the Code.

https://indiankanoon.org/doc/111354357/; E. Sriramulu vs The State Of Telangana on 10 June, 2026; CRLP Nos. 10961 OF 2023 AND 8440 OF 2024

The aforesaid legal position has been succinctly reiterated in B. Parvathi v. State of Andhra Pradesh, 2020 SCC OnLine AP 5076, wherein it was held that cognizance for an offence punishable under Section 494 IPC cannot be taken on the basis of a police report and that a complaint by the aggrieved person, as contemplated under Section 198 Cr.P.C., is a condition precedent for the valid assumption of jurisdiction by the Magistrate. The absence of such a complaint strikes at the very root of the proceedings and renders the cognizance legally unsustainable.

In the instant case, since the prosecution originated from a police report and not from a complaint instituted in conformity with Section 198 Cr.P.C., the defect is not a mere procedural irregularity capable of being cured; rather, it is a jurisdictional infirmity affecting the very competence of the Magistrate to take cognizance of the alleged offence.

{In view of the extensive discussion given in https://indiankanoon.org/doc/41211104/; Telugu Kukkala Anil Kumar vs The State Of Telangana on 9 June, 2026; CRIMINAL PETITION No.15486 OF 2024, the same appears to be more legally valid than this judgment}

https://indiankanoon.org/doc/152330230/; Rupineni Venkata Krishna Rao vs The Union Of India on 9 June, 2026; WRIT PETITION No. 29400 of 2025

This Court further directed that, in the event the petitioner intended to travel abroad, he shall approach the trial Court seeking necessary permission, and upon such permission being granted, the Look Out Circular (LOC) shall remain suspended for the corresponding period of travel.

Subsequently, the trial Court, by order dated 03.09.2025 in Crl.M.P. No.1248 of 2025, granted permission to the petitioner to travel abroad during the period from 01.09.2025 to 01.04.2026, subject to execution of a personal bond for Rs.10,000/-, and further subject to furnishing an undertaking that he will appear before the Court upon returning from abroad. It is pertinent to note that the permission granted by the trial Court was neither unconditional nor perpetual, but was confined to the duration specifically stipulated therein. Therefore, the contention of the petitioner that the respondent-immigration authorities ought to have closed the LOC and deleted the corresponding records from the digital system cannot be accepted.

https://indiankanoon.org/doc/54627097/; P Rukmachary vs Smt P.Uma And State Of Telangana, Rep By ... on 10 June, 2026; CRIMINAL PETITION No. 6693 OF 2017.
11. It is true that under Section 105 of the Indian Evidence Act, 1872, the burden of proving the applicability of any exception to Section 499 IPC ordinarily rests upon the accused. However, it is equally well settled that where the complaint itself and the admitted circumstances disclose facts bringing the case within any statutory exception, the Court is not precluded from taking note of the same even at the threshold stage.
12. In the case on hand, the imputations complained of are directly traceable to allegations made by respondent No.1 regarding dowry harassment and domestic violence allegedly suffered by her during the matrimonial relationship. Such statements were made in the context of asserting legal rights and seeking protection against perceived matrimonial cruelty. Exception Ninth to Section 499 IPC protects imputations made in good faith for the protection of one's own interests or for the protection of the interests of another person. The statutory scheme recognizes that communications made bona fide for safeguarding legal rights and interests cannot automatically attract criminal liability for defamation.

https://indiankanoon.org/doc/86103942/; APHC010286902026; Peta Sreekanth Vs State of A.P.; CRLA NO: 363 OF 2026 Dated: 11.06.2026.
Petitioner shall furnish the details of his passport, if any he is having and furnish copy of the same to the police. The police are at liberty to proceed in terms of the Passport Act, if necessary, for impounding of the same etc.,.

https://indiankanoon.org/doc/12888083/; APHC010031571999; Y.Bhaskara Rao And Others vs K Gangamma Died Per Lr No 2 And Others on 15 June, 2026; APPEAL SUIT NO: 238/1999
On considering the ratio laid down in the aforesaid case laws, it is clear that a statement recorded under Section 161 of the Code of Criminal Procedure can be used in civil proceedings and the bar under Section 162 of the Code of Criminal Procedure does not extend to such civil proceedings.

https://indiankanoon.org/doc/121081537/; APHC010282772026; Pedada Sai Rohith Alias Smart Sai vs The State Of Andhra Pradesh;CRIMINAL PETITION NO: 4517/2026 Date: 15.06.2026

The allegations against the petitioner are that on 09.04.2026, the petitioner was found indulging in dealing with 4.162 KGs of ganja. The Sub- Inspector of Police, Gopalapatnam Police Station, Visakhapatnam District, registered a case against the petitioner vide Crime No.108 of 2026 and arrested him and forwarded him to judicial custody on 09.04.2026. The petitioner has been in judicial custody for the past 66 days. So far, eight witnesses have been examined. The petitioner was arrested on the spot. Of course, there are no similar antecedents registered against the petitioner. However, it is stated that the petitioner was involved in Crime No.130 of 2025 for the alleged offence of murder. Investigation is pending and some more witnesses are to be examined.

9. Considering the facts and circumstances of the case, the gravity and nature of the allegations levelled against the petitioner, and the stage of investigation, this Court is not inclined to enlarge the petitioner on bail, as the request of the learned counsel for the petitioner, is not found convincing and reasonable.

https://indiankanoon.org/doc/106486115/; APHC010282862026; V Harish vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 4529/2026 Date: 15.06.2026

As seen from the record, Accused Nos.1 and 2 were apprehended while transporting 15.460 Kgs of ganja on 21.03.2026. Based on the confession of Accused Nos.1 and 2, the involvement of the present petitioners came to light. Admittedly, no contraband was recovered from the possession of the petitioners. Accused No.3 is stated to be the supplier of the ganja. It is alleged that the petitioners were actively involved in arranging transportation of the contraband to the intended destination. The petitioners were arrested on 20.04.2026 and have been in judicial custody for about 55 days. So far, only six witnesses have been examined and some more witnesses are yet to be examined. The investigation is still pending.

9. Having regard to the facts and circumstances of the case, the gravity and nature of the allegations levelled against the petitioner, and the stage of investigation, this Court is not inclined to enlarge the petitioners on bail, as the request of the learned counsel for the petitioners, is not found convincing and reasonable.

AT A Glance

The Promotion and Regulation of Online Gaming Act, 2025

- President's assent & Gazette Notification, dated 22.08.2025,
- followed by Corrigenda dated 28.08.2025)
- published in the Gazette of India, Extra., Pt. II, Sec. 1, dated 22.9.2025.
- VI Chapter- 20 sections

- Chapter – I- Preliminary (S.1 & 2)
- Chapter- II- Development and Recognition (S.3 & 4)
- Chapter- III- Prohibition (S.5 to 7)
- Chapter-IV- Authority on online Gaming (s.8)
- Chapter- V- Offences and Penalties (S.9 to 12)
- Chapter -VI- Miscellaneous (S.13 to 20)

- Extra- Territorial Jurisdiction- It applies to online money gaming service offered within the territory of India or operated from outside the territory of India. {S.1[2])
- Offences U/s. 5 & 7 shall be cognizable & Non-bailable (S.10)
- Act is not in derogation of any other law. (S.18)
- Company (S.11)
- Indemnity for Protection of action taken in good faith. (S.17)
- Power of Central Government to make rules. (S.19)
- Power to remove difficulties < 2 years by CG (S.20)

- **(c) "e-sport"** means an online game which—
  - (i) is played as part of multi-sports events;
  - (ii) involves organised competitive events between individuals or teams, conducted in multiplayer formats governed by predefined rules;
  - (iii) is duly recognised under the National Sports Governance Act, 2025, and registered with the Authority or agency under section 3;
  - (iv) has outcome determined solely by factors such as physical dexterity, mental agility, strategic thinking or other similar skills of users as players;
  - (v) may include payment of registration or participation fees solely for the purpose of entering the competition or covering administrative costs and may include performance-based prize money for the player; and

  - (vi) shall not involve the placing of bets, wagers or any other stakes by any person, whether or not such person is a participant, including any winning out of such bets, wagers or any other stakes;
- **(f) "online game"** means any game, which is played on an electronic or a digital device and is managed and operated as a software through the internet or any other kind of technology facilitating electronic communication;
- **(g) "online money game"** means an online game, irrespective of whether such game is based on skill, chance, or both, played by a user by paying fees, depositing money or other stakes in expectation of winning which entails monetary and other enrichment in return of money or other stakes; but shall not include any e-sports;
- **(h) "online money gaming service"** means a service offered by a person for entering or playing the online money game;
- **(i) "online social game"** means an online game which—
  - (i) does not involve staking of money or other stakes or participation with the expectation of winning by way of monetary gain in return of money or other stakes;
  - (ii) may allow access through payment of a subscription fee or one-time access fee, provided that such payment is not in the nature of a stake or wager;
  - (iii) is offered solely for entertainment, recreation or skill-development purposes; and
  - (iv) is not an online money game or e-sport;
- **(j) "other stakes"** means anything recognised as equivalent or convertible to money and includes credits, coins, token or objects or any other similar thing, by whatever name called and whether it is real or virtual, which is purchased by paying money directly or by indirect means or as part of, or in relation to, an online game;
- (k) **"person"** includes—
  - (i) an individual;
  - (ii) a Hindu undivided family;
  - (iii) a company;
  - (iv) a firm;
  - (v) an association of persons or a body of individuals, whether incorporated or not;
  - **(vi) the State; and**
  - **(vii) every artificial juristic person, not falling within any of the preceding sub-clauses;**

- **Authority – S.8-**
  - C.G. appoints Chairperson and other members or agency.

        - To respond to the complaints relating to online games which are prejudicial to the interests of users, forwarded either in writing or in electronic mode.
    - Duties of the Authority
        - (a) to determine, on the receipt of an application from any person offering an online game or on suo motu basis, whether a particular online game is an online money game or otherwise, after making such inquiry as it deems necessary;
        - (b) to recognise, categorise and register online games in such manner as may be prescribed; and
        - (c) such other powers and functions as may be prescribed.
    - Powers
        - Can issue directions, orders, guidelines or codes of practice in discharge of their functions under this Act.
        - Handle the complaints by due procedure prescribed by CG.

- C.G. shall designate the officers of C.G or S.G and confer the **power to investigate** offences. (S.15)
- Any officer designated u/S.15 by the C.G, may **Search and seize** (S.16)
    - any premises, building, vehicle, computer resource, virtual digital space, electronic records or electronic storage device and the officer may, if necessary, gain access to such computer resource, virtual digital space, electronic records or electronic storage device by overriding any access control or security code, where such code thereof is not available.
    - **Search and arrest a person/s reasonably suspected of having committed or of committing or of being about to commit any offence under this Act**

- Every person is mandated to Comply with the direction/s of Central Government in relation to online money gaming services (S.13)
- In case of failure to comply with the provisions of section 5, section 6 and section 7, any information generated, transmitted, received or hosted in computer resource in relation to online money gaming service shall be **liable to be blocked** for access by the public in such manner as provided in that Act.(S.14)

- Penalties

Sec	Description	Punishment

9(1)	Offers online Money Game or online Money Gaming Service (s.5 violation)	< 3Y +/ < 1 Crore
9(2)	Makes or causes advertisement (s.6 Contravention)	< 2Y +/ 50 Lakhs
9(3)	engages in any transaction or authorisation of funds by Banks/FE/ persons (S.7 contravention)	< 3Y +/ 1 Crore
9(4)	Second & Subsequent offence after conviction u/S.9(1) or 9(3)	> 3Y < 5Y + >1 Crore < 2 Crores
9(5)	Second & Subsequent offence after conviction u/S.9(2)	> 2Y < 3Y + >50 Lakhs < 1 Crore
12	Non-Compliance of S.8(3) [after giving opportunity of being heard]	< 10 Lakhs +/ Suspension/ Cancellation of Registration/ Prohibition

Offering, aiding, abetting, inducing, indulging, engaging are all punishable under the above provisions

- C.G. shall take steps for Recognition, registration, development and promotion of legitimate competitive e-sports (S.3)
- C.G. – through the Authority u/S.8 – take steps for -Recognition, categorisation, registration and development of online social games for recreational, entertainment, shill-development and Educational purposes. (S.4)

Nostalgia

Sec 37 NDPS Act – Twin Conditions mandatory

in Lalrintluanga Sailo (Supra) while setting aside the bail granted by the High Court therein had held that consideration on the twin conditions under Section 37 of the NDPS Act is essential by the concerned Court. It was observed:

“5. There cannot be any doubt with respect to the position that in cases involving commercial quantity of narcotic drugs or psychotropic substances, while considering the application of bail, the court is bound to ensure the satisfaction of conditions under Section 37(1)(b)(ii) of the NDPS Act. The said provision reads thus:

“37. (1)(b)(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.”

… … …

7. In the decision in Collector of Customs v. Ahmadalieva Nodira [Collector of Customs v. Ahmadalieva Nodira, (2004) 3 SCC 549 : 2004 SCC (Cri) 834] , the three-Judge Bench of this Court considered the provisions under Section 37(1)(b) as also Section 37(1)(b)(ii) of the NDPS Act, with regard to the expression "reasonable grounds" used therein. This Court held that it means something more than the prima facie grounds and that it contemplates substantial and probable causes for believing that the accused is not guilty of the alleged offence. Furthermore, it was held that the reasonable belief contemplated in the provision would require existence of such facts and circumstances as are sufficient in themselves to justify satisfaction that the accused is not guilty of the alleged offence.
… … …
10. Thus, the provisions under Section 37(1)(b)(ii) of the NDPS Act and the decisions referred supra revealing the consistent view of this Court that while considering the application for bail made by an accused involved in an offence under the NDPS Act a liberal approach ignoring the mandate under Section 37 of the NDPS Act is impermissible. Recording a finding mandated under Section 37 of the NDPS Act, which is sine qua non for granting bail to an accused under the NDPS Act cannot be avoided while passing orders on such applications."
(emphasis supplied)
15. To the similar effect, this Court in State by the Inspector of Police v. B. Ramu, 2024 SCC OnLine SC 4073 reiterated that satisfaction with the conditions laid down under Section 37 of the NDPS Act is mandatory while entertaining a prayer for bail involving commercial quantity of narcotic drugs. [See also: Ajay Kumar Singh alias Pappu (Supra)]
16. In similar circumstances, this Court in Union of India v. Namdeo Ashruba Nakade, 2025 SCC OnLine SC 3049 observed that the mandatory nature of Section 37 cannot be dispensed with:
"12. Prima facie this Court is of the opinion that the Respondent-accused is involved in drug trafficking in an organized manner. Consequently, no case for dispensing with mandatory requirement of Section 37 of the NDPS Act is made out in the present matter.
13. Moreover, this Court is of the view that as the accused has been charged with offences punishable with ten to twenty years rigorous imprisonment, it cannot be said that the Respondent has been incarcerated for an unreasonably long time."
(emphasis supplied)

Havoc of NDPS

In Union of India v. Ram Samujh (1999) 9 SCC 429, the Hon'ble Supreme Court at Paragraph No.7 held as under:
"In murder cases the harm is limited to one or two individuals, whereas narcotics offences destroy numerous vulnerable lives and have a deadly

impact on society; offenders involved in drug trafficking pose a continuous hazard and are likely to persist in their illicit activities if released, and therefore strict adherence to the legislative mandate is essential."

In Durand Didier v. State (UT of Goa) (1990) 1 SCC 95, the Hon'ble Apex Court at Paragraph No.24 held as under:

"The organised underworld activities and clandestine trafficking of narcotic drugs have caused widespread addiction, especially among adolescents and students, turning the menace into a serious and alarming social problem. To combat this devastating threat with its deadly impact on society, Parliament recognised the need for strong measures. Consequently, it enacted Act 81 of 1985, introducing strict provisions with mandatory minimum imprisonment and fines."

The Hon'ble Apex Court in State of Kerala v. Rajesh at Paragraph Nos.8, 19, 20 and 21 held as under:

"8. To curb the spread of dangerous drugs, Parliament has mandated that an accused under the NDPS Act cannot be granted bail unless there are reasonable grounds to believe he is not guilty and will not commit offences while on bail. The High Court failed to justify ignoring these mandatory conditions when releasing the accused. Instead of considering the grave socio-economic and health consequences of illegal drug trafficking, the court ought to have enforced the law in the spirit intended by Parliament.

Female Foeticide

in Voluntary Health Assn. of Punjab v. Union of India, (2013) 4 SCC 1 wherein this court observed:

"14. Female foeticide has its roots in the social thinking which is fundamentally based on certain erroneous notions, egocentric traditions, perverted perception of societal norms and obsession with ideas which are totally individualistic sans the collective good. All involved in female foeticide deliberately forget to realise that when the foetus of a girl child is destroyed, a woman of the future is crucified. To put it differently, the present generation invites the sufferings on its own and also sows the seeds of suffering for the future generation, as in the ultimate eventuate, the sex ratio gets affected and leads to manifold social problems. I may hasten to add that no awareness campaign can ever be complete unless there is real focus on the prowess of women and the need for women empowerment."

Even after more than a decade our sentiment is similar.

PCPNDT Act

The importance and essentiality of the form to the proper functioning of the Act is no longer up for debate. The position stands settled in Federation of Obstetrics & Gynaecological Societies of India v. Union of India, (2019) 6 SCC 283. It was held as follows:

"97. In light of the nature of offences which necessitated the enactment of the Act and the grave consequences that would ensue otherwise, suspension of registration under Section 23(2) of the Act serves as a deterrent. …

98. Non-maintenance of record is springboard for commission of offence of foeticide, not just a clerical error. In order to effectively implement the various provisions of the Act, the detailed forms in which records have to be maintained have been provided for by the Rules. These Rules are necessary for the implementation of the Act and improper maintenance of such record amounts to violation of provisions of Sections 5 and 6 of the Act, by virtue of proviso to Section 4(3) of the Act. In addition, any breach of the provisions of the Act or its Rules would attract cancellation or suspension of registration of Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, by the appropriate authority as provided under Section 20 of the Act.

99. There is no substance in the submission that provision of Section 4(3) be read down. By virtue of the proviso to Section 4(3), a person conducting ultrasonography on a pregnant woman, is required to keep complete record of the same in the prescribed manner and any deficiency or inaccuracy in the same amounts to contravention of Section 5 or Section 6 of the Act, unless the contrary is proved by the person conducting the said ultrasonography. The aforementioned proviso to Section 4(3) reflects the importance of records in such cases, as they are often the only source to ensure that an establishment is not engaged in sex determination.

100. Section 23 of the Act, which provides for penalties of offences, acts in aid of the other sections of the Act is quite reasonable. It provides for punishment for any medical geneticist, gynaecologist, registered medical practitioner or a person who owns a Genetic Counselling Centre, a Genetic Clinic or a Genetic Laboratory, and renders his professional or technical services to or at the said place, whether on honorarium basis or otherwise and contravenes any provisions of the Act, or the Rules under it.

101. Therefore, dilution of the provisions of the Act or the Rules would only defeat the purpose of the Act to prevent female foeticide, and relegate the right to life of the girl child under Article 21 of the Constitution, to a mere formality.

102. In view of the above, no case is made out for striking down the proviso to Section 4(3), provisions of Sections 23(1), 23(2) or to read down Section 20 or 30 of the Act. Complete contents of Form F are held to be mandatory. Thus, the writ petition is dismissed. No costs."

(Emphasis supplied)

Confession- its use and admissibility

In Ammini, the Supreme Court has laid down the following principles regarding the circumstantial evidence, conspiracy and confession which are as under :

(1) Circumstantial Evidence:

(i) All circumstances must be judged as an integrated whole, and the cumulative effect of these facts must exclude any reasonable hypothesis of innocence.

(ii) The Court cautioned that judges should not allow "fanciful and remote possibilities" or pedantic technicalities to defeat credible evidence.

(2) Criminal conspiracy:

(i) When there is reasonable ground to believe, two or more persons conspired to commit an offence, anything said or done by one conspirator in furtherance of their common intention is admissible against all of them.

(ii) Conspiracy is typically proved through inference from the acts and conduct of the parties, as direct evidence of the actual agreement is rarely available.

(3) Confession:

(i) Confession must either admit the offence in terms or substantially all the facts that constitute the offence.

(ii) Admission is an incriminating statement of fact that does not by itself establish guilt.

In Jameel Ahmed, the Supreme Court has laid down the principles regarding the admissibility and confession statement under terrorist and disruptive activities (Prevention) Act, 1987, (TADA).

(1) Section 15 of TADA overrides the Evidence Act. The Court held that section 15 of TADA act through its non-abstantee clause makes a confession recorded by a police officer of specific rank admissible as substantial evidence.

(2) Sections 25 to 30 of Indian Evidence Act, 1872 do not apply to confession recorded under Section 15 of TADA.

(3) A confession recorded under Section 15 is admissible not only against the person who made it but also against any co-accused tried in the same case.

(4) Confession can legally sustain a conviction on its own, It is desirable to have general corroboration when using a confession against co-accused.

(5) A confession made by one accused can serve as corroborative evidence for the confession of another accused in the same trial provided both are found to be reliable.

(6) If a confession is found to be voluntary and truthful, it can be the sole basis for conviction, for both the maker and in specific circumstances the co-accused.

In Navjot Sandhu, the Supreme Court laid down the following legal principles:
(1) Confession even if recorded under special laws like POTA (Prevention of Terrorism Act) requires independent corroboration before it can be the sole basis for conviction.
(2) A retracted confession would still be used as evidence if the court is satisfied that it was originally made voluntarily and is true.
(3) For a conviction based on circumstantial evidence the prosecution must establish a complete chain of events that points exclusively to the guilt of the accused, leaving no room for any other hypothesis.
(4) The court emphasize that suspicion however strong cannot take the place of legal proof, leading to the acquittal of those where evidence was deemed scanty.

Section 302 or Section 304 Part I and II of IPC :
In Anbazhagan Vs. State Represented by the Inspector of Police 3, the Supreme Court laid down the following principles:
1. The Four-Step Test to Establish the Offense The Supreme Court mandated that every criminal court must sequentially analyze a case using four distinct steps to determine if an act of killing moves from Culpable Homicide to Murder, or gets mitigated back to Culpable Homicide:
• Step 1 (The Factum of Death): Establish whether the offense committed is "Culpable Homicide" under Section 299 IPC first. Murder is merely an aggravated form of culpable homicide; every murder is a culpable homicide, but not vice-versa. • Step 2 (The Mental Element): Examine whether the act fits into any of the four clauses of Section 300 IPC (which define Murder based on absolute intent or knowledge of imminent fatality). If none of these clauses are met, the case stays under Section 304 (Part 1 or II). • Step 3 (The Mitigating Exceptions): If the act does fall within Section 300, the court must check if it is covered by any of the Five Exceptions to Section 300 (e.g., grave and sudden provocation, sudden fight, private defense). If it falls under an exception, the offense is downgraded.
• Step 4 (Final Classification):
o If it falls under the exceptions, the conviction is under Section 304 Part I (if there was intent to cause death/bodily injury) or Section 304 Part II (if there was only knowledge without intent).
o If it fails to meet any exception, it remains Section 302.
2. Factors to Determine Premeditation and Intention Even when there is direct evidence of a weapon being used or a blow being struck, the Court ruled that "intent" cannot be assumed in a vacuum.

To ascertain whether an act was cold-blooded murder (Sec. 302) or a heat- of-the-moment act (Sec. 304), courts must holistically evaluate the following environmental factors:
• Nature of the Weapon: Was it a deadly weapon brought deliberately to the crime scene, or a tool picked up spontaneously from the ground (like a stick or a stone)?
• Site of the Injury: Was the blow targeted precisely at a highly vital organ (like the brain or heart) with immense force, or did it land randomly during a scuffle?
• Symmetry of the Conflict: Was it a single blow, or did the accused brutally repeat the assault even after the victim was rendered helpless?
• Pre-existing Malice: Was there deep-seated prior enmity and planning, or did a sudden verbal altercation trigger a momentary loss of self-control?
• The Genesis of the Fight: Who started the quarrel, and did the accused take undue, cruel advantage of the situation?
3. The "Single Blow" Fallacy The Supreme Court clarified a major point of confusion regarding the "single-blow" rule. It explicitly stated that there is no automatic law that a single blow converts a case to Section 304.
• A single blow using a heavy weapon (like an iron rod or axe) delivered with massive force directly to the head of a sleeping or defenseless person can still be classified as Murder (Section 302). 18.3. In Prasad Pradhan Vs. State of Chhattisgarh 4, the Supreme Court laid down the following principles:
• The Supreme Court held that there is absolutely no stereotypical assumption or fixed legal formula stating that if a victim survives an attack for some time, the offense is diminished to Section 304 IPC. • Courts must not look at the calendar; they must look at medical causation. If the medical evidence demonstrates that the ultimate death was a direct and unbroken consequence of the injuries inflicted by the accused, the timeline is legally irrelevant, and the charge remains Murder under Section 302.
• Once it is proved that the accused intended to cause a specific bodily injury, and that specific injury is medically certified as sufficient to cause death in the ordinary course of nature, the offense is Murder.
• The mere fact that a witness is related to the victim does not per se exclude or diminish the value of their testimony. • Family members are often the most natural eyewitnesses to crimes occurring within domestic or residential vicinities. Rather than discarding their statements, the court must subject them to a test of close scrutiny and reliability. If their testimony is coherent, rings true, and is corroborated by medical data, it is fully sufficient to secure a conviction under Section 302.
In Nandlal, the Supreme Court has laid down the following principles:

1. For an act to be murder, the probability of death must be high (sufficient in the ordinary course of nature), whereas for culpable homicide it is the matter of likelihood.
2. For a case to fall under exception 4 to Section 300 following ingredients must be satisfied:
(i) The act must be committed without premeditation.
(ii) It must occur in a sudden fight.
(iii) It must happen in the heat of passion upon a sudden quarrel.
(iv) Offender must not have taken undue advantage or acted in a cruel or unusual manner.
(v) If the quarrel was spontaneous and the weapon used was available early at the spot, it indicates lack of premeditation.
In Sudam Prabhakar Achat, the Supreme Court has laid down the following principles:
1. The circumstances from which the accusation of guilt is drawn shall be fully established.
2. The facts so established should be consistent only with the hypothesis of the guilt of the accused.
3. If an incident occurs in a sudden fight without any premeditation, even if a death occurs, may not fall necessarily under murder (Section 302).
4. When an assault is committed in the heat of passion during as sudden quarrel, the weapon is used not particularly lethal, or the attack is not cruel or unusual, the conviction can be modified.

Cruelty

Samar Ghosh vs Jaya Ghosh on 26 March, 2007

When we carefully evaluate the judgment of the High Court and scrutinize its findings in the background of the facts and circumstances of this case, it becomes obvious that the approach adopted by the High Court in deciding this matter is far from satisfactory."
On proper analysis and scrutiny of the judgments of this Court and other Courts, we have come to the definite conclusion that there cannot be any comprehensive definition of the concept of 'mental cruelty' within which all kinds of cases of mental cruelty can be covered. No court in our considered view should even attempt to give a comprehensive definition of mental cruelty.
Human mind is extremely complex and human behaviour is equally complicated. Similarly human ingenuity has no bound, therefore, to assimilate the entire human behaviour in one definition is almost impossible. What is cruelty in one case may not amount to cruelty in other case. The concept of cruelty differs from person to person depending upon his upbringing, level of sensitivity, educational, family and cultural

background, financial position, social status, customs, traditions, religious beliefs, human values and their value system.

Apart from this, the concept of mental cruelty cannot remain static; it is bound to change with the passage of time, impact of modern culture through print and electronic media and value system etc. etc. What may be mental cruelty now may not remain a mental cruelty after a passage of time or vice versa. There can never be any strait-jacket formula or fixed parameters for determining mental cruelty in matrimonial matters. The prudent and appropriate way to adjudicate the case would be to evaluate it on its peculiar facts and circumstances while taking aforementioned factors in consideration.

No uniform standard can ever be laid down for guidance, yet we deem it appropriate to enumerate some instances of human behaviour which may be relevant in dealing with the cases of 'mental cruelty'. The instances indicated in the succeeding paragraphs are only illustrative and not exhaustive.

(i) On consideration of complete matrimonial life of the parties, acute mental pain, agony and suffering as would not make possible for the parties to live with each other could come within the broad parameters of mental cruelty.

(ii) On comprehensive appraisal of the entire matrimonial life of the parties, it becomes abundantly clear that situation is such that the wronged party cannot reasonably be asked to put up with such conduct and continue to live with other party.

(iii) Mere coldness or lack of affection cannot amount to cruelty, frequent rudeness of language, petulance of manner, indifference and neglect may reach such a degree that it makes the married life for the other spouse absolutely intolerable.

(iv) Mental cruelty is a state of mind. The feeling of deep anguish, disappointment, frustration in one spouse caused by the conduct of other for a long time may lead to mental cruelty.

(v) A sustained course of abusive and humiliating treatment calculated to torture, discommode or render miserable life of the spouse.

(vi) Sustained unjustifiable conduct and behaviour of one spouse actually affecting physical and mental health of the other spouse. The treatment complained of and the resultant danger or apprehension must be very grave, substantial and weighty.

(vii) Sustained reprehensible conduct, studied neglect, indifference or total departure from the normal standard of conjugal kindness causing injury to mental health or deriving sadistic pleasure can also amount to mental cruelty.

(viii) The conduct must be much more than jealousy, selfishness, possessiveness, which causes unhappiness and dissatisfaction and

emotional upset may not be a ground for grant of divorce on the ground of mental cruelty.
(ix) Mere trivial irritations, quarrels, normal wear and tear of the married life which happens in day to day life would not be adequate for grant of divorce on the ground of mental cruelty.
(x) The married life should be reviewed as a whole and a few isolated instances over a period of years will not amount to cruelty. The ill-conduct must be persistent for a fairly lengthy period, where the relationship has deteriorated to an extent that because of the acts and behaviour of a spouse, the wronged party finds it extremely difficult to live with the other party any longer, may amount to mental cruelty.
(xi) If a husband submits himself for an operation of sterilization without medical reasons and without the consent or knowledge of his wife and similarly if the wife undergoes vasectomy or abortion without medical reason or without the consent or knowledge of her husband, such an act of the spouse may lead to mental cruelty.
(xii) Unilateral decision of refusal to have intercourse for considerable period without there being any physical incapacity or valid reason may amount to mental cruelty.
(xiii) Unilateral decision of either husband or wife after marriage not to have child from the marriage may amount to cruelty.
(xiv) Where there has been a long period of continuous separation, it may fairly be concluded that the matrimonial bond is beyond repair. The marriage becomes a fiction though supported by a legal tie. By refusing to sever that tie, the law in such cases, does not serve the sanctity of marriage; on the contrary, it shows scant regard for the feelings and emotions of the parties. In such like situations, it may lead to mental cruelty.

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ON A LIGHTER VEIN

डॉक्टर ने एक बुजुर्ग पेशेंट को न्यूरोलोजिस्ट को रेफर करते हुए कहा
बाबा एक बार दिमाग़ वाले डॉक्टर को दिखा लो !
बुजुर्ग उठते हुए बोला:-
हमें तो लगा था कि, आपके पास भी होगा....!!!!!

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