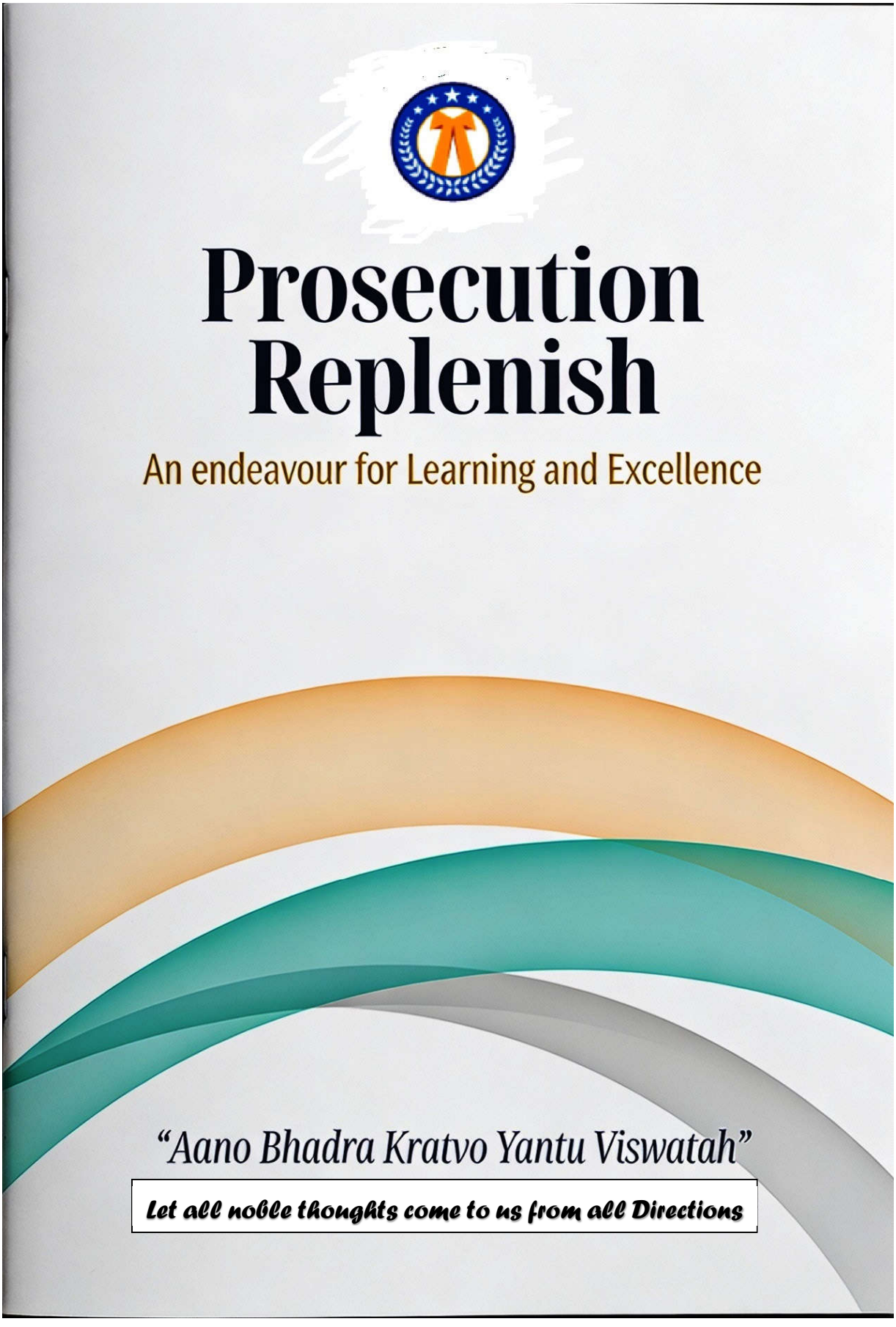
Prosecution
Replenish
An endeavour for Learning and Excellence
"Aano Bhadra Kratvo Yantu Viswatah"
Let all noble thoughts come to us from all Directions

CITATIONS

2026 0 INSC 95; 2026 0 Supreme(SC) 102; Doniyar Vildanov Vs The State of U.P.; Criminal Appeal No. of 2026 [@ Special Leave Petition (Crl.) No. 9460 of 2025]; 30-01-2026

The sequence of events as spoken of by PW1 to PW3 clearly indicate that immediately on interception the bag of the accused was searched and the contraband detected. The consent letter was signed after the detection was made and then the confession was alleged to have been made. The attempt is to say that the detection was separate from actual seizure. However the contraband being inside the bag of the accused there was no possibility of detection without a search having been carried out. Obviously, the mandatory stipulation for search and seizure as per the NDPS Act was not carried out in its true letter and spirit.

2026 0 Supreme(SC) 132; Prantik Kumar & Anr. Vs. The State of Jharkhand & Anr.; SLP (Criminal) Diary No. 4297 of 2026 [Arising out of impugned final judgment and order dated 13-01-2025 in ABA No. 10141/2023 and order dated 14-11-2025 in CRMP No. 676 of 2025 passed by the High Court of Jharkhand at Ranchi]; 03-02-2026

The High Court has passed two very unusual orders and that too being oblivious of a direct Judgment of this Court in "Gajanan Dattatray Gore vs. State of Maharashtra & Another" Reported in (2025) SCC Online 1571.

In our Judgment, referred to above, we made ourselves very clear that if a case for grant of bail or anticipatory bail is made out, then the Court should proceed to pass an appropriate order and if not made out, the Court may decline, however, Court should not pass a conditional order of deposit of a particular amount and then exercise its discretion.

2026 0 INSC 124; 2026 0 Supreme(SC) 136; Pramod Kumar Navratna Vs. State Of Chhattisgarh & Others; Criminal Appeal No. 693 of 2026 (Arising out of Special Leave Petition (Crl.) No.4452 of 2025);05-02-2026

It has been time and again settled by this Court, that the mere fact that the parties indulged in physical relations pursuant to a promise to marry will not amount to a rape in every case. An offence under Section 375 of the IPC could only be made out, if promise of marriage was made by the accused solely with a view to obtain consent for sexual relations without having any intent of fulfilling said promise from the very beginning and that such false promise of marriage had a direct bearing on the prosecutrix giving her consent for sexual relations.

In other words, the law prohibits bigamous unions and therefore disallows parties from entering into a second marriage during the subsistence of their first marriage. It is, therefore, difficult to accept the view that the complainant-respondent No.3, who herself is an advocate, was oblivious to the said settled position of law and hence was duped and induced by the accused-appellant into having sexual relations with him on different occasions on the pretext of marriage especially when both the parties were cognizant of the marital status of the complainant- respondent No.3.

The Courts have to be extremely careful and cautious in identifying the genuine cases filed under Section 376(2)(n) of the IPC by identifying the essential ingredients to constitute the said offence i.e. there should be a promise of marriage made by the accused solely with a view to obtain consent for sexual relations and without having any intent of fulfilling said promise from the very beginning, and that such false promise of marriage had a direct bearing on the prosecutrix giving her consent for sexual

relations. Such genuine cases that deserve prosecution of the accused must be clearly demarcated from the litigation that arises from the cases of consensual relationships between consenting adults going acrimonious on account of dispute and disagreement or a future change of mind.
The offence of rape, being of the gravest kind, must be invoked only in cases where there exists genuine sexual violence, coercion, or absence of free consent. To convert every soured relationship into an offence of rape not only trivialises the seriousness of the offence but also inflicts upon the accused indelible stigma and grave injustice. Such instances transcend the realm of mere personal discord. The misuse of the criminal justice machinery in this regard is a matter of profound concern for the judiciary already facing a heavy load and calls for condemnation.

2026 0 INSC 141; 2026 0 Supreme(SC) 153; Dr. Anand Rai Vs. State of Madhya Pradesh and Another; Criminal Appeal No. 814 of 2026 [Arising Out of SLP (Crl.) No. 10711 of 2025]; Decided On : 10-02-2026
A different discipline governs cases arising at the stage of discharge, framing of charge, or prima facie satisfaction. The Court has consistently held that at this stage the Court is not concerned with proof of guilt or the sufficiency of evidence for conviction. In State of Bihar v. Ramesh Singh, (1977) 4 SCC 39 and later in Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4 the Court clarified that the test is whether the material on record, taken at face value, discloses the essential ingredients of the alleged offence and gives rise to a strong or grave suspicion against the accused. The Court is expressly cautioned against conducting a roving inquiry or weighing the evidence as if at trial. When these generally applicable principles are applied to an appeal under Section 14-A of the SC/ST Act arising from a threshold order, the High Court's role, though appellate in nature, stands circumscribed by the limits governing discharge. The High Court may examine whether the allegations disclose the basic statutory ingredients of the offence under the Act, including whether the alleged act was committed on account of the victim's caste and whether other foundational requirements are satisfied. Where these ingredients are conspicuously absent, interference is justified, as continuation of proceedings would amount to an abuse of the process of law. This form of scrutiny does not amount to appreciation of the material but is an exercise in legal evaluation of the allegations as they stand.
Before parting with the matter, it is observed that at the stage of framing of charge or considering discharge, the Court is not dealing with an abstract legal exercise. It is dealing with real people, real anxieties, and the real weight of criminal prosecution. Judicial responsibility at this stage calls for

care, balance, and an honest engagement with the facts on record. The power to frame a charge is not meant to be exercised by default or out of caution alone. When the material placed before the Court, taken at face value, does not disclose the ingredients of an offence, the law expects the Court to have the clarity and courage to say so and to keep such a case aside.

Discharge, in that sense, is not a technical indulgence but an essential safeguard. The Court must consciously distinguish between a genuine case that warrants a trial and one that rests only on suspicion or assumption or for that matter without any basis. To allow a matter to proceed despite the absence of a prima facie case is to expose a person to the strain, stigma, and uncertainty of criminal proceedings without legal necessity. Fidelity to the rule of law requires the Court to remember that the process itself can become the punishment if this responsibility is not exercised with care.

This responsibility weighs heaviest on Trial Courts, which are the first courts most people ever step into. For a litigant or an accused, the Trial Court is not just one level in a hierarchy. It represents the face of the judiciary itself. The sensitivity, fairness, and legal discipline shown at this stage shape how ordinary citizens understand justice. The impression a Trial Court creates, through its approach to facts and law, often becomes the impression people carry of the entire judicial system. That is why, at every stage and especially at the threshold, Trial Courts must remain alive to the human consequences of their decisions and to the trust that society places in them.

https://indiankanoon.org/doc/130929450/; APHC010050952026; Dodda Anjaneya Reddy Alias Anji Reddy vs The State Of Andhra Pradesh; CRIMINAL PETITION No.758 of 2026 Date: 02.02.2026 ; & BATCH

In the result, the Criminal Petition is disposed of directing the Investigating Officer to comply with Section 35(3) of 'the BNSS'/41-A of 'the Cr.P.C.,' and to strictly follow the directions issued in the cases of Arnesh Kumar and MD. Asfak Alam.

{in spite of referring at Para 3 of the judgment as " The Hon'ble Supreme Court, in Practical Solutions Inc. v. State of Telangana, Criminal Appeal No. 353 of 2026 (arising out of SLP (Criminal) Diary No.953 of 2026), on dated 19.01.2026 has held as follows:

"We also take notice of the fact that the petition before the High Court was to quash the FIR. In a petition where quashing of the FIR is prayed for, the High Court should not have passed an order directing the Investigating Officer to comply with Section 41-A of the Code of

Criminal Procedure, 1973, because it indirectly amounts to granting a relief which the High Court could have considered only if a prima facie case for quashing of the FIR is made out."}

https://indiankanoon.org/doc/143822071/; APHC010039332026; Shaik Hussain vs The State Of Ap on 2 February, 2026; WP NO: 2906/2026;
Having regard to the facts and circumstances of the case, and considering that the alleged offences in Crime No.44 of 2023 are punishable with imprisonment of less than seven years, the 4th respondent is directed to follow due process law while conducting the investigation. **However, the Investigating Officer shall not call the petitioner to the police station or curtail his liberty except in accordance with Sections 41 and 41-A of the Cr.P.C./corresponding provisions of BNSS, 2023,**.

https://indiankanoon.org/doc/179935614/; APHC010722282025; Vankudavath Lakshma Naik vs The State Of Andhra Pradesh on 2 February, 2026; WRIT PETITION NO: 74/2026
This Court has examined the charge sheet and the departmental enquiry papers. It is evident that the allegations, witnesses, and documents in both proceedings are identical. In such circumstances, as held by the Hon'ble Supreme Court in State Bank of India and others v. Neelam Nag and another { (2016) 9 SCC 491}, the departmental enquiry may be stayed to avoid prejudice for a limited period of one year. The Sessions Court is also expedite the trial.

https://indiankanoon.org/doc/121251230/; CRIMINAL APPEAL No.2456 of 2018 Date: 02.02.2026; SPECIAL DIVISION BENCH; Gopavarapu Mohanarao Vs State of A.P.
Learned counsel for the appellant contends that as per the provisions of Section 24 of the POCSO Act, statement of the victim girl who is a child has to be recorded by a women police officer not below the rank of Sub Inspector. But in the case on hand, the statement of the minor victim girl was recorded by the Inspector of Police-PW.11. He contends that before recording evidence of the dumb child witness, the Court has to take assistance of an expert and such statements have to be photographed in view of the procedure prescribed under Section 119 of the Indian Evidence Act, 1872.
Merely because Section 161 Cr.P.C., statements of PW.2-victim girl was recorded by PW.11, the same does not vitiate the trial. It is only a procedural

irregularity. Further, it is the victim who has to take objection for male officer recording her statements and not for the accused. He could not take advantage of the procedural irregularity.
PW.2-victim girl in her evidence clearly stated as to how the accused committed the aggravated sexual offence against her. Though PW.2 was deaf and mentally retarded person, learned Special Judge has taken the assistance of PW.3 who is a qualified translator of gestures and who was working as teacher in SNRA Deaf School at Nagulapalem Village, Parchur Mandal. Learned Special Judge has stated that while recording the evidence of PW.2-victim girl, PW.3 was very much present in the Court. Though PW.2 and PW.3 were cross-examined nothing adverse has been established by the defence.

https://indiankanoon.org/doc/88903122/; CRIMINAL REVISION CASE NO: 111/2026 Dt.03.02.2026; Akula Anusha vs State Of Andhra Pradesh
Learned counsel for the petitioners reiterating the grounds for revision, submits that the petitioners are innocents and that the dispute is purely matrimonial in nature. He would further submit that there may be multiple reasons for not performing the marriage, when a betrothal not reached to the marriage is failure of social obligation and contract but not a crime. The Accused No.5 is only relative of Accused No.1 and he is not a family member. The role of the accused No.5 is not mentioned by the defacto complainant or any one of the prosecution witnesses. His name is only mentioned when the counseling took place at the police station on 05.11.2020 about his participation in betrothal function. Accused No.4 is the elder sister of Accused No.1 and the allegations against her is that she also accompanied her parents on 05.12.2018, when they convinced the defacto complainant's parents for marriage of the complainant and A-1. The allegations made against the petitioners herein/Accused Nos.4 and 5 are omnibus and vague in nature, which do not constitute any offence.
Considering the submissions made and on perusal of the impugned Order passed by the learned Trial Court, as rightly put by the learned Assistant Public Prosecutor, the impugned Order passed by the Trial Court is a well reasoned one. The contentions raised by the petitioners are disputed questions of facts, which require investigation at full length of trial. Learned Trial Judge has also observed that though it is contended that the main dispute is between A-1 and defacto complainant and the role of the petitioners is not at all present in the main offence, but the overall version of the defacto complainant both in FIR and the statements under Section 161 Cr.P.C., of herself and other witnesses, shows the ground that along

with A-1, the petitioners herein participated in commission of offence under Sections 417 and 506 of IPC along with A1. Learned Trial Judge has also observed that there is sufficient material and grounds against the petitioners to frame relevant charges. Hence, this Court is of the opinion that there are no tenable grounds to entertain the present revision. In that view of the matter, the present revision is liable to be dismissed.

https://indiankanoon.org/doc/185865060/; APHC010030622026; Kollu Naidu vs The State Of Andhra Pradesh; CRLP NO: 460/2026: 03.02.2026

The case of the prosecution in brief is that the on 09.07.2025 at 08.00 hours on NH-16 Road, Vedulapalem Junction, Nakkapalli Mandal, on receipt of credible information about illegal transportation of ganja, the police conducted raid and while checking the vehicles, a Bolero bearing No.AP 31 TC 7966 was found carrying 20 white gunny bags containing about 840 KGs of ganja. The further case of the prosecution is that the said Bolero was preceded by a scooter and followed by a motorbike acting as pilot vehicles to evade detection.

Considering the submissions made by the learned counsel on either side and upon perusal of the material available on record, this Court is of the view that it is not the appropriate stage to appreciate the plea of alibi. However, the petitioner is at liberty to place relevant material before the investigating agency to substantiate the plea of alibi.

Upon such material being placed, the Investigating Officer shall examine the petitioner‟s plea during the course of investigation to assess the genuineness of the contention raised by the petitioner before this Court and take appropriate steps in accordance with law. The Investigating Officer is directed to consider such material and decide upon the genuineness of the petitioner‟s contention within a period of four (4) weeks from the date of receipt of the such material.

https://indiankanoon.org/doc/185681225/; APHC010030512023; VARAGANTI SANKARA NARAYANA Vs State of A.P; CRIMINAL PETITION NO: 540/2023; 04.02.2026

The allegations of criminal trespass, fabrication of documents, and intimidation are based on the assertion that the property dealt with by the Petitioner forms part of the property claimed by Respondent No.2. Such allegations cannot be examined without adjudicating the disputed identity of the property, which necessarily involves examination of title deeds, boundaries, measurements, and survey records. These issues are essentially civil in nature and cannot be decided in criminal proceedings.

https://indiankanoon.org/doc/97049893/; Sri B. Lakshmana Rao Vs State of A.P; CRLP 831/2026; 05.02.2026

Indeed, there were no observations or findings from the learned Judicial First Class Magistrate, Srungavarapukota, while disposing of the case in C.C.No.250 of 2019 in Cr.No.74 of 2018 on / 07.05.2024 with respect to the nature of the alleged irregularities faulty investigation committed by the petitioner. In other words, learned Trial Court at the time of acquitting the accused therein not pass any castigatory remarks or anything of that sort against the petitioner.

In the absence of passing such remarks pointing out any faulty investigation on the part of the petitioner, the course adopted by respondent No.2 in lodging a private complaint against the petitioner, which was forwarded by the learned Magistrate to the police, is impermissible under Section 197 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.'). There is protection available to the petitioner under Section 197 of 'the Cr.P.C'.

https://indiankanoon.org/doc/73537138/; APHC010518202025; Pathapati Yougendar Naga Varma vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 10143 of 2025 Date: 06.02.2026

It is not out of place to refer the order of the High Court of Telangana by following Sunil Kumar Ahuja suprain Crl.P.No.4032 of 2024 on 16.09.2025 at paragraph No.9 it is held that the mere possession or transportation of cash, Dr. YLR, J Dated 06.02.2026 without any act of distributing the same to voters, does not attract the ingredients of Sections 171-B or 171-E of 'the I.P.C.' The Court observed that the flying squad had not caught the accused while offering or delivering money to any voter, and the assumption that the cash was intended for electoral purposes was unsupported by any witness or material evidence. It was further held that in view of Section 195 of 'the Cr.P.C.,' an offence under Section 188 of 'the I.P.C.,'can be taken cognizance of only upon a written complaint by the competent public servant, and therefore registration of a case by the Sub-Inspector was legally untenable. The Court concluded that even the foundational requirements of Sections 171-B and 171-E of 'the I.P.C.,'were absent, as no inducement, attempt, or gratification was established. Thus, continuation of **crimin**al proceedings in such circumstances was held to be nothing but an abuse of the process of law.

https://indiankanoon.org/doc/87770418/; APHC010514092021; P. Ashok Gajapathi Raju vs State Of AP on 6.2.2026; CRLP NO: 7498/2021
On perusal of the record, the Respondent No.2 submitted a letter to the Circle Inspector, Bhogapuram Police Station that upon careful reconsideration of the facts, the complaint originally lodged against the Petitioner was based on misrepresentation and false inputs provided to the Executive Officer at that time. It is candidly admitted that the Petitioner, in his capacity as Chairman, had only expressed his discomfort over lapses in the performance of rituals during the temple inauguration ceremony, and no act amounting to mischief or obstruction of lawful duty was ever committed. The allegations were thus unfounded, absurd, and motivated. Respondent No.2 has formally withdrawn the complaint, requesting closure of all connected proceedings. This unequivocal withdrawal demonstrates that the FIR rests on false premises and cannot be sustained, thereby necessitating its closure.

https://indiankanoon.org/doc/173250561/; APHC010037642026; Koritipati Uday Bhaskar vs State AP; CRLP NO: 568 of 2026: 09.02.2026
The Criminal Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), by the petitioners, who are Accused Nos.10 and 11, seeking anticipatory bail in connection with Crime No.429 of 2025 of Pattabhipuram Police Station, Guntur District, registered for the offences punishable under Sections 61(2), 318(4), 351(1), 316(5), 111(3), 126(1), 309(6), 310(4) read with 3(5) of BNS and Section 66-D, 67, 67A of ITA 2000-2008.
Considering the submissions made and the fact that the present crime has been registered on a private complaint forwarded to the police for investigation, and having regard to the peculiar facts and circumstances of the case, this Court directs the police to follow the procedure as contemplated under Section 41A of Cr.P.C. (Section 35 of BNSS, 2023) scrupulously as per the guidelines enunciated in Arnesh Kumar Vs. State of Bihar and another
{Section 309(6) & 310(4) are punishable with imprisonment for life & RI for 10 years, but Sec 41A CrPC /35(3) BNSS notice is directed to be served}

https://indiankanoon.org/doc/54513720/; APHC010305072020; Tanneru Samba Siva Rao vs The State Of Andhra Pradesh; CRIMINAL PETITION No.4889 of 2020 Date: 10.02.2026
Section 406 of 'the I.P.C.,' deals with criminal breach of trust, which presupposes lawful entrustment of property followed by dishonest

misappropriation or conversion. In contrast, Section 420 of 'the I.P.C.,' addresses cheating and dishonestly inducing delivery of property, which requires deception at the inception of the transaction. Thus, while Section 406 of 'the I.P.C.,' arises from a breach of an existing fiduciary relationship, Section 420 of 'the I.P.C.,' is predicated upon fraudulent inducement at the very outset. The two offences, therefore, operate in distinct spheres.

https://indiankanoon.org/doc/199148606/; APHC010154512009; GONUGUNTLA RAMESH Vs State of A.P; CRLA NO: 524/2009: 11.02.2026

It is true that the evidence of police officials cannot be discarded on the ground that no independent witnesses were examined. The peculiar facts of the case on hand disclose that PW2, though he had every opportunity to secure independent witnesses on the way to the place of arrest, did not try to secure them, for his own reasons. It would create a reasonable doubt that there is every possibility of implicating a person in the case also. It would create a reasonable doubt that PW2 did not choose to secure independent witness for the reasons best known to him. It would also create a doubt that there is every possibility to implicate the accused in the case under the cover of police proceedings, though no such seizure was occurred at the place of occurrence.

https://indiankanoon.org/doc/35912672/; APHC010013982026; Korukonda Tataji vs The State Of Andhra Pradesh; CRIMINAL PETITION No.220 of 2026 Date: 12.02.2026

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,')/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') seeking to quash the proceedings against the Petitioner/Accused No.6 in Crime No.137 of 2021 of V. Madugula Police Station, Anakapalli District registered for the alleged offence punishable under Section 160 of the Indian Penal Code, 1860 (for brevity 'the I.P.C').

Sri Koti Reddy Idamakanti, learned counsel for the Petitioner/Accused No.6, submits that even after the lapse of more than five years, the learned jurisdictional Magistrate has not taken cognizance of the offence. It is contended that the continued pendency of the matter is illegal and, therefore, the proceedings in the FIR are liable to be quashed.

In view of the above, the learned Magistrate cannot take cognizance of the offence after the expiry of one year, as the offence is punishable with

imprisonment for one month only. The period prescribed for taking cognizance has already expired. Therefore, the proceedings on the file of the learned Magistrate cannot be continued.

{Explanation. To 514 of BNSS—*For the purpose of computing the period of limitation, the relevant date shall be the date of filing complaint under section 223 or the date of recording of information under section 173.}*

https://indiankanoon.org/doc/105844375/; APHC010606472025; Kolli Lakshmana Rao vs State Of A.P; CRLP NO: 11690 of 2025: 17.02.2026

Learned Assistant Public Prosecutor further submits that, since the investigation is still pending, the issue as to whether the alleged acts of the petitioners constitute the offence of cheating or criminal breach of trust cannot be decided at this stage and, therefore, appropriate orders may be passed instead of entertaining the application for anticipatory bail.

In view of the submissions made on both sides, this Court directs the police to follow the procedure as contemplated under Section 41A of Cr.P.C. (Section 35 of BNSS, 2023) scrupulously as per the guidelines enunciated in Arnesh Kumar Vs. State of Bihar and another.

2026 0 INSC 141; 2026 0 Supreme(SC) 153; Dr. Anand Rai Vs. State of Madhya Pradesh and Another; Criminal Appeal No. 814 of 2026 [Arising Out of SLP (Crl.) No. 10711 of 2025]; 10-02-2026

We must turn back to the application for discharge and examine the averment regarding changes under the SCST Act. The relevant portion of the application is extracted as under:

“(h) Charges levied under SC/ST Act – Applicant was charged under Section 3(1)(r) 3(1)(s) and 3(2)(va) of the SC/ST Act. The essential ingredient to constitute this offence are:

There must be victim of Scheduled Caste or Scheduled Tribe.

iii Use of casteist or derogatory word in Public place against the victim

iii. Knowledge of accused regarding the caste of the victim.

iv. Physical Presence of accused at the time of Incident.

That, it is essential to mention here that the FIR and Final Report both are silent pertaining to use of derogatory word or casteist term. Further, there is no specific averment pertaining to use of casteist word against the original complainant. None of the above mentioned ingredient is available in the present matter, hence the applicant may kindly be discharged from this charge.”

In its judgment on the application, the learned Trial Court dealt with the proposed charge under the SCST Act alongside a number of provisions of IPC. For a charge under the above quoted provisions of the SCST Act to be established, several elements must be present. The accused must first commit an offence under the IPC, such as assault, robbery, or any other crime punishable with ten or more years of imprisonment. The act must be directed against a member of a Scheduled Caste or Scheduled Tribe, or against property that belongs to them, reflecting the special protection the law affords to historically marginalized communities. In addition, the accused must have knowledge that the victim belongs to a Scheduled Caste or Scheduled Tribe or that the property belongs to such a person. This requirement of awareness is essential to the application of the law. Finally, the punishment prescribed under this sub-section is life imprisonment along with a fine, underscoring the gravity of offences committed against vulnerable communities.

Section 3(va) deals with specific atrocities listed in the Schedule of the Act, including forced labour, harassment, social exclusion, or damage to property that target SC or ST persons. To attract liability under this provision, the accused must commit one of the scheduled offences against a member of a Scheduled Caste or Scheduled Tribe or their property. The offender must know the caste identity of the victim or that the property belongs to them, ensuring that the law applies to deliberate acts of caste-based harm. The punishment for these offences is as specified under the Indian Penal Code along with an additional fine, providing flexibility to address a range of atrocities that may not carry ten years or more of imprisonment but still require special protection for the victim.

Even though the instant case is governed by the prior regime of substantive and procedural criminal laws, we may observe that in the new legislation, now occupying the field, the position remains the same. On a close reading of the statutory text of the Cr.P.C. and the Bharatiya Nagarik Suraksha Sanhita, 2023, the position is one of continuity rather than change in relation to the Court's power at the stages of discharge and framing of charge. In both enactments, the governing standards are framed in materially the same language. At the stage of discharge, the Court is required to consider whether there is any sufficient ground for proceeding against the accused in sessions cases, or whether the charge is groundless in Magistrate warrant cases. At the subsequent stage, charges are to be framed only if the Court forms an opinion that there is a ground for presuming that the accused has committed an offence. These formulations, which have long anchored the exercise of judicial discretion under the Cr.P.C., are carried forward in

substance in the corresponding provisions of the BNSS, without any textual indication that the level of scrutiny is intended to be either heightened or diluted.

What the BNSS does is to change the procedural setting within which this discretion is exercised. The new statute introduces express timelines for the filing of discharge applications and for the framing of charges, and it expressly recognises the possibility of the accused being heard or examined through electronic means. These changes are regulatory in nature. They are aimed at structuring the process and reducing delay, not at transforming the judicial task itself. The Court's obligation to apply its mind to the record, to hear both sides, and to record reasons where discharge is ordered remains exactly as before, as does the caution against weighing evidence or conducting a mini trial at these preliminary stages.

Accordingly, the established jurisprudence developed under the Cr.P.C. on the scope and limits of consideration at the stages of discharge and framing of charge continues to hold the field under the BNSS. The statutory language supports the conclusion that the Legislature has retained the same substantive balance between the rights of the accused and the interest of prosecution, while seeking to impose greater procedural discipline and expedition. In substance, the power remains the same; only the manner of its exercise has been more tightly structured.

At the same time, even while exercising first appellate jurisdiction, the High Court cannot, at the discharge or prima facie stage, adjudicate upon disputed questions of fact, assess the reliability of witnesses, or compare the prosecution case with the defence version. To do so would collapse the distinction between trial and threshold scrutiny and would result in a premature determination of guilt or innocence. The Supreme Court has repeatedly cautioned that defences available to the accused are matters for trial and cannot ordinarily form the basis for discharge unless the material relied upon is of sterling and unimpeachable character.

Thus, the appellate power under Section 14-A of the SC/ST Act must be exercised in harmony with the broader framework of criminal procedure. While the High Court is duty- bound, as a first appellate Court, to independently apply its mind and correct errors committed by the Special Court, it must remain conscious of the stage of the proceedings and the corresponding limits of judicial scrutiny. This calibrated approach ensures that the protective object of the SC/ST Act is preserved, while simultaneously safeguarding against mechanical application of its provisions in cases where the statutory ingredients are not even prima facie disclosed.

Before parting with the matter, it is observed that at the stage of framing of charge or considering discharge, the Court is not dealing with an abstract legal exercise. It is dealing with real people, real anxieties, and the real weight of criminal prosecution. Judicial responsibility at this stage calls for care, balance, and an honest engagement with the facts on record. The power to frame a charge is not meant to be exercised by default or out of caution alone. When the material placed before the Court, taken at face value, does not disclose the ingredients of an offence, the law expects the Court to have the clarity and courage to say so and to keep such a case aside.

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This responsibility weighs heaviest on Trial Courts, which are the first courts most people ever step into. For a litigant or an accused, the Trial Court is not just one level in a hierarchy. It represents the face of the judiciary itself. The sensitivity, fairness, and legal discipline shown at this stage shape how ordinary citizens understand justice. The impression a Trial Court creates, through its approach to facts and law, often becomes the impression people carry of the entire judicial system. That is why, at every stage and especially at the threshold, Trial Courts must remain alive to the human consequences of their decisions and to the trust that society places in them.

2026 0 INSC 144; 2026 0 Supreme(SC) 156; Zeba Khan Vs. State Of U.P. & Others; Criminal Appeal No. 825 of 2026 [Arising out of SLP (Crl.) No. 12669 of 2025]; Decided On : 11-02-2026

Thus, this Court is of the view that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, so as to promote uniformity, transparency and integrity in bail adjudication.

Additionally, in the interest of justice, the following illustrative disclosure framework is provided, which is purely recommendatory in nature, evolved in continuation of, and consonance with the principles laid down by this Court

concerning full and candid disclosure in bail proceedings. The framework is intended to act as a facilitative guide, leaving it open to the concerned courts to adopt, adapt, or refine the same in accordance with their procedural framework and the exigencies of individual cases.

(A) CASE DETAILS

• FIR Number & Date
• Police Station, District and State
• Sections invoked
• Maximum punishment prescribed

(B) CUSTODY & PROCEDURAL COMPLIANCE

• Date of Arrest
• Total period of custody undergone

(C) STATUS OF TRIAL

• Stage of proceedings (Investigation / Chargesheet / Cognizance / Framing of charges / Trial)
• Total number of witnesses cited in the chargesheet
• Number of prosecution witnesses examined

(D) CRIMINAL ANTECEDENTS

• FIR No. & Police Station
• Sections
• Status (Pending / Acquitted/ Convicted)

(E) PREVIOUS BAIL APPLICATIONS

• Court
• Case No.
• Outcome of case

(F) COERCIVE PROCESSES

• Whether any Non-Bailable Warrant was issued
• Whether declared a proclaimed offender

2026 0 INSC 145; 2026 0 Supreme(SC) 157; Sumit Vs. State Of U P & Anr.; Criminal Appeal No. 830 of 2026 (Arising out of SLP(Crl.) No. 1536 of 2026); Decided On : 09-02-2026

Thus, the position of law is well settled: once anticipatory bail is granted, it ordinarily continues without fixed expiry. The filing of a charge-sheet, taking of cognizance, or issuance of summons does not terminate protection unless special reasons are recorded. The Constitution Bench in the case of Sushila Aggarwal (supra) held that duration is a matter of judicial discretion and cannot be confined by arbitrary timelines. In the case of Siddharam Satlingappa Mhetre vs. State of Maharashtra, reported in (2011)1 SCC 694,

this Court similarly cautioned that anticipatory bail should not hinge on procedural milestones.

26. Risk management can be taken care of by way of imposing conditions of cooperation, attendance, and non-tampering, not by imposing time limits. Where circumstances change, modification or cancellation may be sought under the BNSS, 2023, but expiry clauses inserted at inception are unsustainable.

In such circumstances referred to above, we arrive at following conclusions in respect of a circumstance whereafter the grant of bail to an accused, further cognizable and non- bailable offences are added:-

(i) The accused can surrender and apply for bail for newly added cognizable and non-bailable offences. In the event of refusal of bail, the accused can certainly be arrested.

(ii) The investigating agency can seek order from the court under Sections 437(5) or 439(2) of Cr.P.C. respectively for arrest of the accused and his custody.

(iii) The Court, in exercise of its power under Sections 437(5) or 439(2) of Cr.P.C. respectively, can direct for taking into custody the accused who has already been granted bail after cancellation of his bail. The Court in exercise of its power under Section 437(5) as well as Section 439(2) respectively can direct the person who has already been granted bail to be arrested and commit him to custody on addition of graver and non-cognizable offences which may not be necessary always with order of cancelling of earlier bail.

(iv) In a case where an accused has already been granted bail, the investigating authority on addition of an offence or offences may not proceed to arrest the accused, but for arresting the accused on such addition of offence or offences it needs to obtain an order to arrest the accused from the Court which had granted the bail.

SLP(Crl.) No. 20215 of 2025; Vinay Kumar Gupta v. State of Madhya Pradesh; FEBRUARY 16, 2026

Recently granted anticipatory bail to one Vinay Kumar Gupta in a case registered under the Narcotic Drugs and Psychotropic Substances Act, 1985, despite not surrendering his mobile phone to police.

A bench of Justice Sanjay Kumar and Justice K Vinod Chandran observed that cooperation with investigation does not extend to violation of the constitutional right against self-incrimination.

“It is for the State to complete the investigation in accordance with due procedure but, in that regard, it cannot insist upon the appellant incriminating

himself. Cooperating with the investigation does not extend to violation of the Constitutional right against self-incrimination", the Court held.

{This judgment should be read to have decided the issue of Anticipatory bail. It should not be read as a hindrance to procure the material object here the mobile phone, as held by the Hon'ble court in its penultimate para}

2026 0 INSC 157; 2026 0 Supreme(SC) 169; Balmukund Singh Gautam Vs State of Madhya Pradesh and Another; Criminal Appeal No. 885 of 2026 [Arising Out of SLP (Criminal) No. 15349 of 2024]; 13-02-2026

on account of subsequent developments, the ground raised by the Accused that other co-accused in the Subject FIR have been acquitted by the trial Court vide judgment dated 24.06.2023 does not ipso facto entitle him to the relief of anticipatory bail on the ground of parity, particularly when the Accused himself failed to cooperate with the Court and delayed the trial of the other co-accused by absconding. Moreover, the accusations against the Accused have not been tried yet and are required to be independently examined and decided in the course of a separate trial.

48. In this regard, the full Bench of the Kerala High Court, in the case of Moosa v. Sub Inspector of Police, 2005 SCC Online Ker 605, had occasion to discuss the question of whether an absconding accused can seek quashing of the criminal proceedings pending against him, when the co-accused have been finally acquitted by the trial Court. The full Bench held this as impermissible on the grounds that in a trial against the co- accused, the prosecution is neither called upon nor expected to adduce evidence against the absconding accused, thus, the acquittal, or conviction for that matter, of the co-accused cannot have any bearing on the absconding accused. The relevant portion of Moosa (supra) is reproduced herein-below:

"53. […] In the light of the above discussions, we may summarise the legal position as follows:

xxx

(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 lender incriminating evidence or that his evidence will not be accepted in such later trial.

xxx

(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 S. 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 S. 482 of the Code of Criminal Procedure....” (Emphasis supplied)

50. It is apposite to mention that granting the relief of anticipatory bail to an absconding accused person sets a bad precedent and sends a message that the law-abiding co-accused persons who stood trial, were wrong to diligently attend the process of trial and further, incentivises people to evade the process of law with impunity.

51. Additionally, it was contended by the learned Counsel for the Accused that there are no allegations of post-bail misconduct or violation of bail conditions against him. However, the said contention is entirely misconceived and legally unsound since post-bail conduct is never a valid consideration while dealing with an appeal against grant of bail, and such conduct is only relevant in an application for cancellation of bail. Reference can be made to the judgment of this Court in Ashok Dhankad v. State of NCT of Delhi and Another, 2025 SCC Online SC 1690, wherein this Court laid down the relevant considerations for an appeal against order granting bail. The relevant portion is extracted as under:

“19. The principles which emerge as a result of the above discussion are as follows:
(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail.
(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail.
(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. [See: Y. v. State of Rajasthan (Supra); Jaibunisha v. Meherban and Bhagwan Singh v. Dilip Kumar @ Deepu]
(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant

factors not been taken into consideration including gravity of the offence and impact of the crime.
(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail.
(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above." (Emphasis supplied)

2026 0 INSC 160; 2026 0 Supreme(SC) 172; Gudipalli Siddhartha Reddy Vs. State C.B.I.; Criminal Appeal No. 457 of 2012 With Criminal Appeal Nos. 894-895 of 2012; Decided On: 17-02-2026

CONSEQUENCES OF PREMATURE AND DELIBERATE PUBLICATION

103. The premature and erroneous opinion of Dr. Muni Swamy unleashed a wave of public controversy. Media reports amplified his conclusions, leading to
widespread suspicion of investigators and calls for immediate action against alleged perpetrators. This demonstrates how a single erroneous report, when publicised prematurely, can distort public perception and derail the course of justice.
104. This Court is of the view that the impact of a doctor issuing an erroneous postmortem report and publicising it through the media goes far beyond individual misconduct. It spreads misinformation, erodes trust in investigative agencies and institutions such as the police and judiciary, prejudices public opinion, traumatises the victim's family, and undermines the rule of law. Such misconduct does not merely harm one case; it corrodes public trust in medicine, law, and governance, destabilising peace and harmony in society. It also violates the sub judice rule, which restricts commentary on matters under judicial consideration to preserve fairness and integrity.
105. The Court emphasises that justice is not served by following majority sentiment or public pressure. Justice is served by truth, established through evidence and impartial investigation. While public outrage is understandable in high-profile cases, it should never dictate the course of inquiry. Investigations require careful collection of evidence, impartial analysis, and conclusions grounded in fact. Allowing public sentiment to shape outcomes risks miscarriages of justice. A society committed to fairness must recognise that investigators and courts serve the truth, not popularity. Their independence is not a luxury but the foundation of justice itself.

106. Consequently, this Court holds that the conduct of Dr. Muni Swamy in furnishing an erroneous report, publicising it prematurely and thereby violating professional ethics and the sub judice rule constitutes contempt of Court. It also breaches medical ethics, which demand competence, honesty and diligence. However, in view of his demise, this Court refrains from imposing any further consequences.

It is pertinent to mention that TIPs are primarily meant to give an assurance to the investigating agency that their progress with the investigation into the offence is proceeding in the right direction. TIP or identification in Court is not sine qua non in every case if from circumstances the guilt is otherwise established. The fact that a particular witness has been able to identify the accused at an identification parade is only a circumstance corroborative of the identification in Court.

[See: Munna Kumar Upadhyay Alias Munna Upadhyaya vs. State of Andhra Pradesh Through Public Prosecutor, Hyderabad, Andhra Pradesh, (2012) 6 SCC 174 [1] ["76. If the accused gave incorrect or false answers during the course of his statement under Section 313 CrPC, the court can draw an adverse inference against him. In the present case, we are of the considered opinion that the accused has not only failed to explain his conduct, in the manner in which every person of normal prudence would be expected to explain but had even given incorrect and false answers. In the present case, the Court not only draws an adverse inference, but such conduct of the accused would also tilt the case in favour of the prosecution."]; State of W.B. vs. Mir Mohammad Omar & Ors., (2000) 8 SCC 382 [2] ["36. In this context we may profitably utilise the legal principle embodied in Section 106 of the Evidence Act which reads as follows: "When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him."

37. The section is not intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt. But the section would apply to cases where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding the existence of certain other facts, unless the accused by virtue of his special knowledge regarding such facts, failed to offer any explanation which might drive the court to draw a different inference."]; RajKumar vs. State of Madhya Pradesh, (2014) 5 SCC 353[3] ["22. The accused has a duty to furnish an explanation in his statement under Section 313 CrPC regarding any incriminating material that has been produced against him. If the accused has been given the freedom to remain silent during the investigation as well as before the court, then the accused may choose to maintain silence or even remain in complete denial when his statement under Section 313 CrPC

is being recorded. However, in such an event, the court would be entitled to draw an inference, including such adverse inference against the accused as may be permissible in accordance with law. (Vide Ramnaresh v. State of Chhattisgarh , Munish Mubar v. State of Haryana and Raj Kumar Singh v. State of Rajasthan."]; Munish Mubar vs, State of Haryana, (2012) 10 SCC 464 [4] [31. …… It is obligatory on the part of the accused, while being examined under Section 313 CrPC to furnish some explanation with respect to the incriminating circumstances associated with him, and the court must take note of such explanation, even in a case of circumstantial evidence, so as to decide, whether or not, the chain of circumstances is complete….."]]

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Also, in order to constitute abetment, the abettors must have intentionally aided the commission of offence. Aiding can be construed as an act of intentionally facilitating the commission of an offence.

SURVIVING PARTNER IN A MUTUAL SUICIDE PACT IS LEGALLY CULPABLE

117. Notwithstanding the culpability of the act of purchasing pesticide, the Accused's participation in a suicide pact renders him culpable under Section 107 IPC. A suicide pact involves mutual encouragement and reciprocal commitment to die together. The survivor's presence and participation acts as a direct catalyst for the deceased's actions. It is pertinent to mention that abetting as defined under Section 107 IPC is not limited to physical act of supplying means to commit suicide. Accordingly, any psychological assurance or instigation, as long as the same is intentional and directly related to the commission of offence, also constitutes abetment.

118. This Court is of the view that it is the reciprocal commitment of each party to commit suicide which provides necessary impetus/support to the other to go through with the act. In a suicide pact, it is implicit that each participant knows the intent of the other to commit the act knowing that their withdrawal from the pact will likely deter the other. Each party's resolve to commit the act is, therefore, reinforced and strengthened due to the participation of the other party. Suicide in a suicide pact is conditional upon mutual participation of the other. In other words, if not for the active participation of both the parties, the act would not occur. The law treats such conduct as abetment because the State has a fundamental interest in preserving life. Any assistance in ending life is treated as a crime against the State.

119. Consequently, this Court holds that the accused's conduct in entering into and acting upon the suicide pact falls squarely within all the three situations envisaged in Section 107 of the IPC. His participation directly facilitated the deceased's suicide. Notably, it is not his defence that the deceased was the dominant personality who pressured him into the pact. His culpability therefore stands established.

2026 0 INSC 161; 2026 0 Supreme(SC) 173; Rakesh Mittal Vs. Ajay Pal Gupta @ Sonu Chaudhary and Another; Criminal Appeal No. 957 of 2026 (@ Special Leave to Appeal (Crl.) No. 19708 of 2025);17-02-2026

In that view of the matter, it would always be open to a Magistrate, if he is of the opinion that any of the offences in the case are exclusively triable by a Court of Sessions, to commit the case to a Court of Sessions under Section 209 CrPC or Section 323 CrPC. It may be noted that under Section 323 CrPC, such power can be exercised by the Magistrate even during the course of the trial. Therefore, the assumption of the High Court that the case on hand is triable by a Magistrate is premature.

Even in cases of cancellation of bail, the power to do so is not just limited to occurrence of supervening circumstances as the Court has the inherent power and discretion to cancel the bail of an accused even in the absence of supervening circumstances (See Dolat Ram and others vs. State of Haryana, (1995) 1 SCC 349). One of the grounds enumerated therein, as relevant for exercise of such power, is where the past criminal record and the conduct of the accused are completely ignored while granting bail.

16. Neeru Yadav vs. State of Uttar Pradesh and another, (2014) 16 SCC 508 was a case where bail had been granted to a history-sheeter, charge-sheeted for a number of heinous offences, on the ground of parity. Observing that liberty is a priceless treasure for a human being and is a cardinal value on which civilization rests, this Court cautioned that liberty of an individual would however not be absolute as society, by its collective wisdom and through the process of law, can withdraw liberty that has been sanctioned to an individual when such an individual becomes a danger to the collective and to the societal order. It was further observed that the High Court must exercise its discretion cautiously and when there is likelihood of offences being repeated or there is a danger of justice being thwarted by grant of bail, these are factors which should be taken into consideration while dealing with an application for bail. It was further observed that cancellation of bail if the accused misconducted himself or due to some intervening circumstances is in a different compartment altogether from examination of an order granting bail which was unjustified, illegal or perverse. It was held that, if in a case, the relevant factors which should have been taken into consideration while dealing with the application for bail have not been taken note of or it is founded on irrelevant considerations; indisputably, the superior court can set aside such a bail order. Per this Court, such a case would belong to a different category and in a separate realm, as it delves into the justifiability and soundness of the order passed by the Court.

17. Again, in Neeru Yadav vs. State of UP and another, (2016) 15 SCC 422, this Court observed that a crime, though committed against an individual, may not retain an individual character as the victim may be an individual but, in the ultimate eventuate, it is the society which is the victim. Further, observing that a crime, as is understood, creates a dent in the law-and-order situation and disturbs orderliness, this Court held that an individual can enjoy his liberty which is definitely of paramount value but he cannot be a law unto himself and he cannot cause harm to others. It was held that an individual cannot be a nuisance to the collective or a terror to the society. Reference was made to the observations of E. Barrett Prettyman, Chief Judge of the US Court of Appeals (Retired), which read thus: -

"In an ordered society of mankind there is no such thing as unrestricted liberty, either of nations or of individuals. Liberty itself is the product of restraints; it is inherently a composite of restraints; it dies when restraints are withdrawn. Freedom, I say, is not an absence of restraints; it is a composite of restraints. There is no liberty without order. There is no order without systematised restraint. Restraints are the substance without which liberty does not exist. They are the essence of liberty. The great problem of the democratic process is not to strip men of restraints merely because they are restraints. The great problem is to design a system of restraints which will nurture the maximum development of man's capabilities, not in a massive globe of faceless animations but as a perfect realisation, of each separate human mind, soul and body; not in mute, motionless meditation but in flashing, thrashing activity."

Noting that the High Court, in that case, had totally ignored the criminal antecedents of the accused and what had weighed with the High Court was only the doctrine of parity, this Court set aside the bail granted to the accused therein.

18. In Sudha Singh vs. State of Uttar Pradesh and another, (2021) 4 SCC 781, a 3-Judge Bench of this Court was dealing with the validity of a bail order passed in favour of an alleged contract killer. This Court found that the High Court had simply ignored the criminal antecedents of that accused. It was observed that though liberty is important, even that of a person charged with crime, it is equally important for the Courts to recognize the potential threat to life and liberty of victims/witnesses, if such an accused is released on bail.

19. Though the observations made in some of the above cases were in the context of heinous offences, which is not the case presently, we may note that the value of life and liberty of members of society is not limited only to their 'person' but would also extend to the quality of their life, including their

economic well-being. In offences of a pecuniary nature, where innocent people are cheated of their hard-earned monies by conmen, who make it their life's pursuit to exploit and feast upon the gullibility of others, the afore stated factors must necessarily be weighed while dealing with the alleged offenders' pleas for grant of bail.

2026 0 INSC 176; 2026 0 Supreme(SC) 187; Dr. Naresh Kumar Garg Vs. State Of Haryana And Ors.; Criminal Appeal No. 1058 of 2026 (Arising Out Of SLP (Criminal) No. 5915 of 2025); 23-02-2026

While the search may be illegal, the materials or evidence gathered or collected in the course of such search can still be acted or relied upon subject to the rule of relevancy and the test of admissibility. We are fortified in adopting such a view by several decisions of this Court a couple of which are by Benches of larger strength.

Before finally concluding our discussion, we may also deal with two more submissions advanced by learned senior counsel for the appellant. Submission of Mr. Bhalla, learned senior counsel, is that though FIR No. 336 dated 17.09.2015 was registered against Dr. Abdul Kadir and the appellant following the illegal raid, the appellant was discharged by the learned Magistrate on the basis of an application filed by the police itself. The contention is that after discharge of the appellant, the criminal complaint is not maintainable since it is based on the same set of facts. We are afraid such a submission cannot be accepted. Section 28(1) of the PCPNDT Act, which we have already taken note of supra, specifically says that no court shall take cognizance of an offence under the PCPNDT Act except on a complaint made by the appropriate authority or by any officer authorized by the appropriate authority etc. Further, as per Rule 18A (3) (iv) of the PCPNDT Rules, the appropriate authority should not involve police for investigating cases under the PCPNDT Act as the cases under this Act are tried as complaint cases under the CrPC. In any case, the police in the discharge application mentioned that appellant had infact conducted ultrasound on the decoy pregnant woman but had not carried out sex determination. However, police investigation revealed discrepancies in the maintenance of record for which it was pointed out that there are provisions in the PCPNDT Act for filing of a complaint case. We have already noted that as per the proviso to sub-section (3) of Section 4 of the PCPNDT Act, it is the duty of the person conducting ultrasonography on a pregnant woman to keep complete record thereof in the clinic in such manner as may be prescribed and any deficiency or inaccuracy found therein shall amount to contravention of Sections 5 or 6 of the PCPNDT Act. Burden is on the person conducting such

ultrasonography to prove to the contrary. Similarly, Rule 9(1) read with Rule 9(4) and Rule 10(1A) of the PCPNDT Rules mandate the person conducting ultrasonography on a pregnant woman to maintain the complete record of such procedure in the prescribed format, the failure of which would be construed to be an offence under Section 23 of the PCPNDT Act. That apart, this Court has held that complete contents of Form F are mandatory. Therefore, discharge of the appellant in the police case would be of no consequence.

2026 0 INSC 181; 2026 0 Supreme (SC) 196; Shobha Namdev Sonavane Vs. Samadhan Bajirao Sonvane And Others; Criminal Appeal No(s). 1100 of 2026 (Arising out of SLP(Crl.) No(s). 12440 of 2023); 23-02-2026
We make it clear that there is a clear distinction between cancellation of bail on the considerations provided under Section 439(2) CrPC (corresponding Section 483(3) BNSS) and reversal of an order of bail by the superior Court. While cancellation should only be resorted to in cases where the accused misuses the liberty of bail granted to him or tempers with the evidence. On the other hand, the order granting bail can be interfered with by the superior Court considering the nature and gravity of the offences; if the order granting bail ignores the relevant material available on record or that the same is based on extraneous considerations.

https://indiankanoon.org/doc/61457806/; APHC010403922023; CRIMINAL PETITION No.5943 of 2023 Date: 19.02.2026; Bapireddy Balaji Reddy vs The State Of Andhra Pradesh;
Criminal proceedings ought not to be used as a means to intimidate parties or to achieve collateral objectives in settling civil disputes. The accused and de-facto complainant are parties to the aboe mentioned two civil suits. Therefore, they have to work out their remedies on civil side. The de- facto complainant cannot resort to criminal proceedings for taking vengeance against the petitioners/accused as the dispute is in civil nature of civil wrong and not a criminal wrong. The continuation of the proceedings in C.C. No.639 of 2020 on the file of the learned Trial Court would amount to an abuse of the process of law.

https://indiankanoon.org/doc/48192177/; APHC010278032025; Garikina Gali Raju vs The State Of Ap on 19 February, 2026;
In this regard it is apposite to refer to the judgment of he High Court of Allahabad, in Mukesh Bansal v. State of U.P 2022 SCC OnLine All 395, at paragraph Nos.48 and 49, held as under:

"48. Thus assesing the totality of the circumstances, object and the allegation of misuse of this piece of legislation in a shape of Section 498A IPC, the Court is proposing the safeguards after taking the guidace from the judgment of Hon'ble the Apex Court in the case of Social Action Forum for Manav Adhikar v. Union of India (Supra) keeping in view the growing tendency in the masses to nail the husband and all family members by a general and sweeping allegations.

49. Thus, It is directed that:--

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

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

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

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

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

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

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

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

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

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

(vii) Every complaint or application under Section 498A IPC and other allied sections mentioned above, be immediately referred to Family Welfare Committee by the concerned Magistrate. After receiving the said complaint

or FIR, the Committee shall summon the contesting parties along with their four senior elderly persons to have personal interaction and would try to settle down the issue/misgivings between them within a period of two months from its lodging.
The contesting parties are obliged to appear before the Committee with their four elderly persons (maximum) to have a serious deliberation between them with the aid of members of the Committee.
(viii) The Committee after having proper deliberations, would prepare a vivid report and would refer to the concerned Magistrate/police authorties to whom such complaints are being lodged after expiry of two months by inserting all factual aspects and their opinion in the matter.
(ix) Continue deliberation before the Committee, the police officers shall themselves to avoid any arrest or any coercive action pursuant to the applications or complaint against the named accused persons. However, the Investigating Officer shall continue to have a peripheral investigation into the matter namely preparing a medical report, injury report, the statements of witnesses.
(x) The said report given by the Committee shall be under the consideration of I.O. or the Magistrate on its own merit and thereafter suitable action should be taken by them as per the provision of Code of Criminal Procedure after expiry of the "Cooling-Period" of two months.
(xi) Legal Services Aid Committee shall impart such basic training as may be considered necessary to the members of Family Welfare Committee from time to time(not more than one week).
(xii) Since, this is noble work to cure abrasions in the society where tempos of the contesting parties are very high that they would melow down the heat between them and try to resolve the misgivings and misunderstanding between them. Since, this is a job for public at large, social work, they are acting on a pro bono basis or basic minimum honorarium as fixed by the District & Sessions Judge of every district.
(xiii) The investigation of such FIRs or complaint containing Section 498A IPC and other allied sections as mentioned above, shall be investigated by dynamic Investigating Officers whose integrity is certified after specialized training not less than one week to handle and investigate such matrimonal cases with utmost sincerity and transparency.
(xiv) When settlement is reached between the parties, it would be open for the District & Sessions Judge and other senior judicial officers nominated by him in the district to dispose of the proceedings including closing of the criminal case."

https://indiankanoon.org/doc/139276347/; APHC010626902025; Chevireddi Bhaskar Reddy Vs State of A.P; I.A.No.1 / 2025 & I.A.S.R.No.96274 of 2025 In CRLPNo: 12048/2025 Dt.24.02.2026;

The Hon'ble Delhi High Court in Sachin Kumar Saraf (supra) held that a co-accused or a third party has no locus standi to be impleaded in bail proceedings to oppose the grant of bail to another accused. It was observed that permitting such impleadment would lead to multiplicity of proceedings and divert the Court's attention from the core issue, namely, the entitlement of the applicant to bail. It was categorically held that a co-accused cannot be treated as a necessary or proper party in bail proceedings and dismissed the impleadment application as not maintainable.

In the opinion of this Court, the reliance placed by the learned Senior Counsel for Implead Petitioner on the judgment of the Hon'ble Supreme Court in P. Dharamaraj (supra) is of no avail, as it is inapplicable to the facts of the present case. In the said decision, the applicant seeking impleadment was a candidate who had participated in the recruitment process and specifically contended that he was denied selection on account of corrupt practices. Thus, he fell within the statutory definition of a "victim" under Section 2(w) of the Cr.P.C., having suffered a direct and personal injury. The recognition of locus in that case was founded upon his status as a victim with a concrete and subsisting personal stake in the criminal proceedings, and not on any remote, generalized, or collateral interest. Further, the proceedings in the said case arose in the context of an appeal challenging an order of quashing under Section 482 Cr.P.C. The scope and nature of adjudication therein were materially different from the present proceedings. In the case on hand, the question of locus is sought to be canvassed in the context of opposing a petition for anticipatory bail, which stands on a distinct legal footing. Therefore, the said judgment does not advance the case of Implead Petitioner.

Similarly, the judgment in Amanullah (supra), relied upon by the learned Senior Counsel for the implead petitioner is also not applicable to the facts of the present case. The said decision arose out of a murder prosecution wherein the High Court had exercised its inherent powers under Section 482 Cr.P.C. to quash the order taking cognizance against the accused therein. The appeal before the Hon'ble Supreme Court was preferred by the appellants whose locus standi was recognized solely on account of their direct and specific nexus with criminal proceedings. In that case, one of the appellants had been threatened by the informant, while the other appellant was falsely implicated in the very same murder case. Thus, their right to be heard was founded upon their immediate and personal involvement in the subject crime. In contrast, the implead petitioner herein has not shown any such direct, personal, or legally cognizable interest in the present proceedings. Therefore, this judgment also does not help.

When this Court posed a query as to whether the grievance of the implead petitioners was against the grant of anticipatory bail or against a possible tender of pardon, learned Senior Counsel for the Implead Petitioner submitted that it was

the latter which would affect them. In such circumstances, assuming the tender of pardon even before such an event occurred is clearly premature. A grievance must be founded on an existing cause. If and when any such action is taken, it is always open to the petitioners to avail appropriate remedies in accordance with law. Even assuming that their grievance is to be impleaded, it remains unclear what specific relief they seek in the present proceedings. In a petition for anticipatory bail, this Court's consideration is confined to assessing whether the applicant is entitled to protection from arrest based on the settled parameters governing such relief. The intervention of the implead petitioners does not and cannot expand this limited zone of consideration. Their apprehensions relating to a possible tender of pardon or any other speculative future event do not alter the framework within which anticipatory bail has to be decided. The scope of inquiry cannot be widened to accommodate collateral issues that fall outside the question of entitlement to an anticipatory bail.

https://indiankanoon.org/doc/175822160/; State Of Telangana vs Nalla Balu @ Durgam Shashidhar Goud on 2 February, 2026;SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 71178/2025

However, the State has something to say as regards the broad guidelines laid down by the High Court as contained in para 29 of the impugned judgment is concerned. According to Mr. Luthra, the guidelines issued by the High Court are inconsistent with each other and in such circumstances he urged that this Court should look into the guidelines and rectify the inconsistencies. Para 29 reads thus:-

“29. Before parting with this judgment, this Court considers it necessary to make certain observations. Having regard to the factual and legal position discussed herein, and with a view to safeguarding fundamental rights as well as preventing the criminal process from being invoked mechanically or arbitrarily, it is appropriate to prescribe a set of operational guidelines for police authorities and Judicial Magistrates when dealing with proceedings initiated on the basis of social media posts. These directions are particularly relevant in cases where the registration of First Information Reports (FIRs) is sought in connection with such posts. Accordingly, the police authorities are directed to adhere to the following guidelines:

I. Verification of locus standi: Before registering any FIR for alleged defamation or similar offences, the police must verify whether the complainant qualifies as the "person aggrieved" in terms of law. Complaints by unrelated third parties lacking standing are not maintainable, except where the report concerns a cognizable offence.

II. Preliminary inquiry in cognizable offences: Where a representation/complaint discloses a cognizable offence, the police shall, prior to registration of crime, conduct a preliminary inquiry to ascertain whether the statutory ingredients of the alleged offence are, prima facie, made out.

III. High threshold for media post/speech-related offences: No case alleging promotion of enmity, intentional insult, public mischief, threat to public order, or sedition shall he registered unless there exists prima facie material disclosing incitement to violence, hatred, or public disorder. This threshold must be applied in line with the principles laid down in Kedar Nath Singh v. State of Bihar, 1962 Supp (2) SCR 769, and Shreya Singhal v. Union of India, (2015) 5 SCC 1.

IV. Protection of political speech/post: The police shall not mechanically register cases concerning harsh, offensive, or critical political speech. Only when the speech amounts to incitement to violence or poses an imminent threat to public order may criminal law be invoked. Constitutional protections for free political criticism under Article 19(l)(a) of the Constitution must be scrupulously enforced.

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

VI. Compliance with arrest guidelines: In all cases, the police shall strictly comply with the principles laid down in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273. Automatic or mechanical arrests are impermissible, and the principle of proportionality in the exercise of criminal process must be observed.

VII. Prior legal scrutiny in sensitive cases: In matters involving political speech/post or other sensitive forms of expression, the police shall obtain prior legal opinion from the Public Prosecutor before registering an FIR, to ensure that the proposed action is legally sustainable.

VIII. Frivolous or motivated complaints: Where a complaint is found to be frivolous, vexatious, or politically motivated, the police shall close the matter under Section 176(1) of the BNSS, citing absence of sufficient grounds for investigation."

7. We have looked into para 29 threadbare. We are of the view that we should not interfere with the impugned judgment and order passed by the High Court including the guidelines issued by the High Court.

HIGH COURT OF JUDICATURE AT ALLAHABAD CRIMINAL MISC. BAIL APPLICATION No. 3821 of 2026 Sanu @ Rashid Vs State of U.P. ; 19.2.2026.

Therefore, this Court further observed that the CJMs of all the districts or the concerned Magistrates may randomly check the police stations, under their respective jurisdictions after court hours regarding the working of CCTV cameras in police stations, with prior intimation to their District Judge, and if

the CJM or the Judicial Magistrate having territorial jurisdiction over the concerned police station inspects the concerned police station to check the CCTV camera to verify whether the directions of the Apex Court in the case of Paramvir Singh Saini (supra) has been complied that would be considered as part of his/her official duty. During this inspection, all the police officials shall cooperate with him and any hinderance or disrespect to any judicial officer will be dealt with strictly

From the above discussion, it is clear that Human Rights Court at every district can entertain complaint regarding violation of Human Rights which also includes illegal detention by police or custodial violence in police station and proceed in accordance of law.

{ Shared by our patron Shri Arun Kumar Pathak, GRP, Allahabad}

NOSTALGIA

Framing of charges and Discharge:

Sajjan Kumar v. CBI, (2010) 9 SCC 368 which has been relied upon a bench of three judges in Ghulam Hassan Beigh v. Mohd. Maqbool Magrey, (2022) 12 SCC 657 formulated the following principles regarding the scope of the above quoted sections:

21. ...

(i) The Judge while considering the question of framing the charges under Section 227 Cr.P.C. 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.

BAIL PETITION- BASIC INGREDIENTS

a three-Judge Bench of the Hon'ble Supreme Court in Kaushal Singh v. State of Rajashtan, 2025 SCC OnLine SC 1473 recommended that all High Courts consider incorporating specific rules mandating disclosure of criminal antecedents and involvement in other criminal cases at the bail stage. The Court observed that such disclosure requirements would ensure informed adjudication and prevent abuse of judicial process, and accordingly directed circulation of the judgment to the Registrars General of all High Courts for appropriate consideration. The relevant paragraphs read thus:
"22. Before parting, we would like to state that, accounting for the criminal antecedents of the accused while considering the bail applications has been the subject matter of concern for Courts across the country. The rules and orders of the Punjab and Haryana High Court, to be specific, Rule 5 of Chapter 1-A(b) Volume-V specifically provide as below:
"5. Bail applications. - In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information."
23. We feel that every High Court in the country should consider incorporating a similar provision in the respective High Court Rules

and/or Criminal Side Rules as it would impose an obligation on the accused to make disclosures regarding his/her involvement in any other criminal case(s) previously registered.

24. It is, therefore, provided that a copy of this order shall be communicated to the Registrar Generals of all the High Courts so that incorporation of a similar Rule in the respective Rules can be considered, if such provision does not exist from earlier."

(Emphasis Supplied)

CRIMINAL ANTECEDENTS- BAR FOR GRANT OF BAIL

28. In Ash Mohammad v. Shiv Raj Singh @ Lalla Babu and another, (2012) 9 SCC 446 this Court underscored that criminal antecedents cannot be ignored, particularly where the nature of allegations and their societal impact are grave. The Court clarified that while a history-sheeter is not disentitled to bail as a rule, antecedents constitute a significant factor in the exercise of judicial discretion. The relevant passage reads as under:

"28. Coming to the nature of crime it is perceivable that two persons came on a motorcycle and kidnapped Bihari Lal and kept him in confinement for eight days. The role of the accused is clearly stated. It is apt to note that a history-sheeter has a recorded past. The High Court, in toto, has ignored the criminal antecedents of the accused. What has weighed with the High Court is that the accused had spent seven months in custody. That may be one of the factors but that cannot be the whole and the sole factor in every case. It depends upon the nature of the offence, the manner in which it is committed and its impact on the society. We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked. In the case at hand, as the prosecution case unfolds, the accused did not want anyone to speak against his activities. He had sent two persons to kidnap Bihari Lal, who remained in confinement for eight days. The victim was tortured. Kidnapping, as an offence, is on the increase throughout the country. Sometimes it is dealt with formidable skill and sometimes with terror and sometimes with threat or brute force. The crime relating to kidnapping has taken many a contour. True it is, sometimes allegations are made that a guardian has kidnapped a child or a boy in love has kidnapped a girl. They do stand on a different footing. But kidnapping for ransom or for revenge or to spread terror or to establish authority are in a different realm altogether. In the present case the victim had been kidnapped under threat, confined and abused. The sole reason for

kidnapping is because the victim had shown some courage to speak against the accused. This may be the purpose for sustaining of authority in the area by the accused and his criminal antecedents, speak eloquently in that regard. In his plea for bail the accused had stated that such offences had been registered because of political motivations but the range of offence and their alleged years of occurrence do not lend prima facie acceptance to the same. Thus, in the present case his criminal antecedents could not have been totally ignored."
(Emphasis Supplied)
29. Similarly, in Neeru Yadav v. State of Uttar Pradesh and another, (2016) 15 SCC 422 this Court set aside a bail order on the ground that relevant factors, including criminal antecedents, had been completely ignored, holding that such a grant of bail amounted to a deviant exercise of discretion warranting appellate interference. The relevant paragraphs are extracted below:
"15. This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history-sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightning having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner.
18. Before parting with the case, we may repeat with profit that it is not an appeal for cancellation of bail as the cancellation is not sought because of supervening circumstances. The annulment of the order passed by the High Court is sought as many relevant factors have not been taken into consideration which includes the criminal antecedents of the accused and that makes the order a deviant one. Therefore, the inevitable result is the lancination of the impugned order [Budhpal v. State of U.P., 2014 SCC OnLine All 14815]"
(Emphasis Supplied)
30. The principles reiterated by a three-Judge Bench in Brijmani Devi v. Pappu Kumar and another, (2022) 4 SCC 497 further emphasise that while personal liberty under Article 21 of the Constitution is invaluable, courts must balance such liberty against the nature of the accusations, supporting material, criminal antecedents, and the broader societal impact. Bail discretion must be exercised judiciously and supported by reasons grounded in the material on record. The following observations are apposite:

"21. In Gudikanti Narasimhulu v. Public Prosecutor, A.P. High Court, [(1978) 1 SCC 240 : 1978 SCC (Cri) 115], Krishna Iyer, J., while elaborating on the content and meaning of Article 21 of the Constitution of India, has also elaborated the factors that have to be considered while granting bail which are extracted as under: (SCC p. 244, paras 7-9)

"7. It is thus obvious that the nature of the charge is the vital factor and the nature of the evidence also is pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.

8. Another relevant factor is as to whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being. [Patrick Devlin : The Criminal Prosecution in England, (London) 1960, p. 75 — Mod. Law Rev. ibid., p. 54]

9. Thus the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record — particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance."

35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused." (Emphasis Supplied)

LEGAL PRINCIPLES GOVERNING ANNULMENT / CANCELLATION OF BAIL

13. It is trite that while personal liberty occupies a position of high constitutional value, an order granting bail does not enjoy immunity from

appellate scrutiny where it is shown to be arbitrary, perverse, or passed in disregard of material considerations. The discretion to grant bail, though wide, is structured by well-settled legal principles and is neither uncanalised nor unfettered.

14. In State of Karnataka v. Sri Darshan Etc., 2025 SCC OnLine SC 1702 and Yogendra Pal Singh v. Raghvendra Singh @ Prince and another, 2025 SCC OnLine SC 2580 this Court authoritatively clarified that cancellation of bail on account of post-bail misconduct stands on a fundamentally different footing from annulment of a bail order which is itself unjustified or legally unsustainable at its inception. An order granting bail is liable to be interfered with where it reveals reliance on irrelevant considerations, ignores relevant material, or suffers from perversity without the necessity of waiting for supervening circumstances.

15. In Manik Madhukar Sarve and others v. Vitthal Damuji Meher and others, (2024) 10 SCC 753 in which, one of us (Ahsanuddin Amanullah, J.) was a member of the Bench, this Court set aside the grant of bail in appeal, holding that the discretion exercised by the High Court was vitiated. The Court comprehensively restated the parameters governing the exercise of jurisdiction to grant bail, including the nature and gravity of the accusation, the role attributed to the accused, criminal antecedents, the likelihood of tampering with evidence or witnesses, the risk of abscondence, and the overall impact on society. The following paragraphs are pertinent:

"18. Courts while granting bail are required to consider relevant factors such as nature of the accusation, role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk et al. Speaking through Hima Kohli, J., the present coram in Ajwar v. Waseem [(2024) 10 SCC 768], apropos relevant parameters for granting bail, observed: (SCC paras 26-27)

"26. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer : Chaman Lal v. State of U.P. [2004) 7 SCC 525 : 2004 SCC (Cri) 1974] ; Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC

(Cri) 1977] ; Masroor v. State of U.P. [(2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368] ; Prasanta Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] ; Neeru Yadav v. State of U.P. [(2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527] ; Anil Kumar Yadav v. State (NCT of Delhi) [(2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425] ; Mahipal v. Rajesh Kumar [(2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]

27. It is equally well settled that bail once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a superior court if it transpires that the courts below have ignored the relevant material available on record or not looked into the gravity of the offence or the impact on the society resulting in such an order. In P v. State of M.P. [(2022) 15 SCC 211] decided by a three-Judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1) CrPC in the following words: (SCC p. 224, para 24)

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

(emphasis supplied)

19. In State of Haryana v. Dharamraj [(2023) 17 SCC 510 : 2023 SCC OnLine SC 1085], speaking through one of us (Ahsanuddin Amanullah, J.), the Court, while setting aside an order [Dharamraj v. State of Haryana, 2021 SCC OnLine P&H 4632] of the Punjab and Haryana High Court granting (anticipatory) bail, discussed and reasoned: (SCC paras 6-11)

"6. A foray, albeit brief, into relevant precedents is warranted. This Court considered the factors to guide grant of bail in Ram Govind Upadhyay v. Sudarshan Singh [(2002) 3 SCC 598 : 2002 SCC (Cri) 688] and Kalyan Chandra Sarkar v. Rajesh Ranjan [(2004) 7 SCC 528 : 2004 SCC (Cri) 1977]. In Prasanta

Kumar Sarkar v. Ashis Chatterjee [(2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765], the relevant principles were restated thus: (SCC p. 499, para 9)

'9. … It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.'

7. In Mahipal v. Rajesh Kumar [(2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558], this Court opined as under: (SCC p. 125, para 16)

'16.The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of the discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted.'

8. In Bhagwan Singh v. Dilip Kumar [(2023) 13 SCC 549 : 2023 INSC 761], this Court, in view of Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237] ; Kashmira Singh v. Duman Singh [(1996) 4 SCC 693 : 1996 SCC (Cri) 844] and X v. State of Telangana [(2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902], held as follows : (Bhagwan Singh case, SCC p. 557, para 13)

'13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail, cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducing to allow fair trial. This proposition draws support from the

judgment of this Court in Dolat Ram v. State of Haryana [(1995) 1 SCC 349 : 1995 SCC (Cri) 237], Kashmira Singh v. Duman Singh [(1996) 4 SCC 693: 1996 SCC (Cri) 844] and X v. State of Telangana [(2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902] .'

9. In X3 v. State (UT of Andaman) [(2023) 14 SCC 280 : 2023 INSC 767], this Court noted that the principles in Prasanta Kumar Sarkar v. Ashis Chatterjee, [(2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765] stood reiterated in Jagjeet Singh v. Ashish Mishra [(2022) 9 SCC 321 : (2022) 3 SCC (Cri) 560] .

10. The contours of anticipatory bail have been elaborately dealt with by five-Judge Benches in Gurbaksh Singh Sibbia v. State of Punjab [(1980) 2 SCC 565 : 1980 SCC (Cri) 465] and Sushila Aggarwal v. State (NCT of Delhi) [(2020) 5 SCC 1 : (2020) 2 SCC (Cri) 721]. Siddharam Satlingappa Mhetre v. State of Maharashtra [(2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514] is worthy of mention in this context, despite its partial overruling in Sushila Aggarwal. We are cognizant that liberty is not to be interfered with easily. More so, when an order of pre-arrest bail already stands granted by the High Court.

11. Yet, much like bail, the grant of anticipatory bail is to be exercised with judicial discretion. The factors illustrated by this Court through its pronouncements are illustrative, and not exhaustive. Undoubtedly, the fate of each case turns on its own facts and merits."

(emphasis supplied)

20. In Ajwar v. Waseem, [(2024) 10 SCC 768], this Court also examined the considerations for setting aside bail orders in terms below: (SCC paras 28-29)

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

29. In Jagjeet Singh v. Ashish Mishra, [(2022) 9 SCC 321 : (2022) 3 SCC (Cri) 560], a three-Judge Bench of this Court, has observed that the power to grant bail under Section 439 CrPC is of wide amplitude and the High Court or a

Sessions Court, as the case may be, is bestowed with considerable discretion while deciding an application for bail. But this discretion is not unfettered. The order passed must reflect due application of judicial mind following well-established principles of law. In ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate court would be well within its power to set aside and cancel the bail. (Also refer: Puran v. Rambilas [(2001) 6 SCC 338 : 2001 SCC (Cri) 1124] ; Narendra K. Amin v. State of Gujarat [(2008) 13 SCC 584 : (2009) 3 SCC (Cri) 813])"

(Emphasis Supplied)

16. Recently, in Salil Mahajan v. Avinash Kumar and another, 2025 SCC OnLine SC 2732 this Court once again crystallised the distinction between an appeal against grant of bail and an application seeking cancellation of bail. It was reiterated that in an appeal against grant of bail, the superior court is concerned with examining the legality, propriety, and correctness of the bail order itself, and not the subsequent conduct of the accused. Where the bail order suffers from perversity, illegality, non-consideration of relevant factors such as the gravity of the offence, impact on society, or criminal antecedents, interference is fully justified. The following observations are pertinent:

"7. At the outset, it is well settled by this Court that an appeal against the grant of bail and an application seeking cancellation of bail are on different footing. The grounds for testing the legality of an order granting bail are well settled. Recently, in Ashok Dhankad v. State (NCT of Delhi) [2025 SCC OnLine SC 1690], this Court had summarized the position of law as follows:

"19. The principles which emerge as a result of the above discussion are as follows:

(i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail;

(ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail;

(iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. [See: Y v. State of Rajasthan (Supra); Jaibunisha v. Meherban and Bhagwan Singh v. Dilip Kumar @ Deepu]

(iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors

not been taken into consideration including gravity of the offence and impact of the crime;
(v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and
(vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above."
(emphasis supplied)
8. We deem it appropriate to advert to the exposition of law, in Vipan Kumar Dhir v. State of Punjab [(2021) 15 SCC 518], where while setting aside the grant of anticipatory bail this Court observed:
"11. In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system. This Court has repeatedly viewed that while granting bail, especially anticipatory bail which is per se extraordinary in nature, the possibility of the accused to influence prosecution witnesses, threatening the family members of the deceased, fleeing from justice or creating other impediments in the fair investigation, ought not to be overlooked."
(emphasis supplied)
17. Thus, a consistent and well settled doctrinal thread emerges from the aforesaid decisions: the power to grant bail, though discretionary, is subject to judicial discipline and appellate oversight. While personal liberty remains a cherished constitutional value, a bail order is liable to be interfered with where the exercise of discretion is perverse, illegal, or manifestly unjustified; where it is founded on irrelevant or extraneous considerations; or where material and relevant factors bearing on the grant of bail have been ignored.
18. Equally well-settled is the distinction between an appeal against an order granting bail and an application seeking cancellation of bail founded on post-bail conduct or supervening circumstances. In an appeal against the grant of bail, the focus of judicial scrutiny is the legality, propriety, and sustainability of the bail order as it stood at the time of its grant. Where such an order is shown

to suffer from non-application of mind, reliance on disputed or prima facie suspect material forming the subject-matter of trial, suppression or non-consideration of material facts, or disregard of binding legal principles, annulment of the bail order is not only permissible but warranted in order to avert a miscarriage of justice.

19. Accordingly, where a bail order is demonstrated to be legally untenable or fundamentally perverse, interference by the appellate court is not an exception, but a judicial imperative. Such interference does not trench upon the sanctity of personal liberty; rather, it subserves the rule of law by ensuring that discretionary relief is granted in conformity with settled legal standards and that the administration of criminal justice is not undermined by arbitrary or capricious orders.

Illegal Search does not vitiate admissibility of the seized evidence

In Radha Kishan Vs. State of Uttar Pradesh, AIR 1963 SC 822, a three-Judge Bench of this Court in the context of search operations in the premises of the appellant under Section 103 and 165 of the old Cr.P.C. which accidently led to discovery of a large number of letters and postcards, held that even if it is assumed that the search was illegal, the seizure of the articles is not vitiated. Of course, because of the illegality of the search, the court may be inclined to examine carefully the evidence regarding the seizure. This Court held thus:

5…….So far as the alleged illegality of the search is concerned it is sufficient to say that even assuming that the search was illegal the seizure of the articles is not vitiated. It may be that where the provisions of Sections 103 and 165 of the Code of Criminal Procedure are contravened the search could be resisted by the person whose premises are sought to be searched. It may also be that because of the illegality of the search the court may be inclined to examine carefully the evidence regarding the seizure. But beyond these two consequences no further consequence ensues. The High Court has chosen to accept the evidence of the prosecution with regard to the fact of seizure and that being a question to be decided only by the court of fact, this Court would not re-examine the evidence for satisfying itself as to the correctness or otherwise of the conclusions reached by the High Court……..

R.M. Malkani Vs. State of Maharashtra, 1973 (1) SCC 471 is a two- Judge Bench decision of this Court. In that case, this Court was examining admissibility of tape recorded conversation. In that context, this Court held that tape recorded conversation is admissible provided, firstly, the conversation is relevant to the matter in issue; secondly, there is identification of the voice; and thirdly, the accuracy of the tape recorded conversation is proved. Rejecting the contention

of the appellant that the tape recorded conversation was obtained by illegal means, this Court held that even if evidence is illegally obtained, it is admissible. However, by expressing a word of caution, this Court observed that the Judge has a discretion to disallow evidence in a criminal case if the strict rules of admissibility would operate unfairly against the accused. This Court referred to with approval its earlier decision in Magraj Patodia Vs. R.K. Birla, AIR 1971 SC 1295 which held that a document which was procured by improper or even by illegal means could not bar its admissibility provided its relevance and genuineness were proved. Referring to English decisions, this Court held that as long as evidence is not tainted by an inadmissible confession of guilt evidence even if it is illegally obtained is admissible.

A Constitution Bench of this Court in Pooran Mal Vs. Director of Inspector (Investigation), New Delhi, (1974) 1 SCC 345 was examining a challenge to search and seizure of certain premises under Section 132 of the Income Tax Act, 1961 on the ground that the authorisation for the search as also the search and seizure were illegal. After referring to various provisions of the Indian Evidence Act, 1872, this Court opined that it had permitted relevancy as the only test of admissibility of evidence; the Indian Evidence Act or any other similar law in force does not exclude relevant evidence on the ground that it was obtained under an illegal search or seizure. Elaborating further, this Court held that courts have a discretion to admit evidence obtained as a result of illegal search. Unless there is an express or necessarily implied prohibition in law, evidence obtained as a result of illegal search or seizure is not liable to be shut out. Finally, the Constitution Bench concluded as under:

25. In that view, even assuming, as was done by the High Court, that the search and seizure were in contravention of the provisions of Section 132 of the Income Tax Act, still the material seized was liable to be used subject to law before the Income tax authorities against the person from whose custody it was seized and, therefore, no Writ of Prohibition in restraint of such use could be granted. It must be, therefore, held that the High Court was right in dismissing the two writ petitions. The appeals must also fail and are dismissed with costs.

Duty of Appellate Court

In Bani Singh v. State of Uttar Pradesh, (1996) 4 SCC 720 the Court held that the appellate Court cannot dispose of a criminal appeal in a cursory manner and must itself examine the evidence and the reasoning of the Trial Court. Similarly, in Chandrappa v. State of Karnataka, (2007) 4 SCC 415 this Court reiterated that the appellate Court has full power to reappreciate, reconsider, and review

the evidence upon which the order of the lower court is founded and to arrive at its own conclusions.

Grounds to be considered for deciding Discharge petition

Sajjan Kumar v. CBI, (2010) 9 SCC 368 which has been relied upon a bench of three judges in Ghulam Hassan Beigh v. Mohd. Maqbool Magrey, (2022) 12 SCC 657 formulated the following principles regarding the scope of the above quoted sections:

> 21. …
> (i) The Judge while considering the question of framing the charges under Section 227 Cr.P.C. 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.

Time limit for completion of Trial

The Hon'ble Apex Court in Abdul Rehman Antulay v. R.S. Nayak (1992) 1 SCC 225, at paragraph No.86 (10) held as under:

"(10) It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of USA too has repeatedly refused to fix any such outer time-limitin spite of the Sixth Amendment. Nor do we think that not fixing any such outer limit ineffectuates the guarantee of right to speedy trial."

5. The Hon'ble Apex Court in High Court Bar Association, Allahabad v. State of U.P AIROnline 2024 SC 143, at paragraph No.32 held as under:

"32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of- turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations."

EXPERTS SPEAK

Question:-

Whether presence of all the accused persons is necessary for conducting examination under sections 251, 239 and 313 Cr.P.C.? Whether piecemeal examination is permissible.?

Answer:-

Whether the presence of all the accused persons is mandatory for conducting examination under sections 251, 239 and 313 of the Code of Criminal Procedure, and whether such examination can be conducted in

piecemeal when some of the accused are absent. In practice, many trial courts insist upon the presence of all accused on the date fixed for first examination under section 251 & 239 Cr.P.C, and for examination under section 313 Cr.P.C. Some courts even impose conditional orders directing that all accused must be present on the same day before proceeding further. However, such a practice is not mandated by the scheme of the Code.

A plain reading of sections 251, 239 and 313 Cr.P.C indicates that the requirement is to hear and examine “the accused” individually. The provisions do not contemplate collective or simultaneous examination of all accused. The right of hearing and the obligation of personal examination under section 313 Cr.P.C are individual rights and obligations.

The Code nowhere provides that examination must be postponed merely because one or more co-accused are absent. Therefore, in the absence of any statutory prohibition, there is no legal impediment for the court to conduct examination of the accused who are present, and to defer the examination of the absent accused to another date.

This position has been judicially recognized. The Hon’ble High Court of Andhra Pradesh in 'Yarlagadda Venkata Krishna Rao Vs The State of Andhra Pradesh through Public Prosecutor and another' - '2007(1) Law Summary 86' held that even on dates fixed for examination under section 239 Cr.P.C or under section 313 Cr.P.C, if some of the accused are absent, nothing prevents the trial court from proceeding with the examination of the accused present in piecemeal, in the interest of quick disposal of cases and to avoid harassment to the co-accused. The court emphasized that insistence on collective presence results in avoidable delay and is not supported by procedural law.

Similarly, the Hon’ble Supreme Court in 'Kishore Bhadke Vs State of Maharashtra' - '2017 ALLMR (Crl) 1316' considered a contention that recording statements of accused under section 313 Cr.P.C on different dates would vitiate the trial. The Supreme Court rejected the contention and held that separate statements of each accused recorded on different dates constitute substantial compliance of section 313 Cr.P.C. The Court clarified that what is impermissible is recording a joint statement by putting all questions collectively and recording a single composite answer. However, recording separate statements of individual accused persons, even if done on different dates, does not invalidate the proceedings.

Though sections 251 and 239 operate at pre-trial or threshold stages, and section 313 operates after completion of prosecution evidence, the common thread is that each provision contemplates consideration of the case qua each accused individually. None of these provisions mandate simultaneous or collective examination of all accused persons.

Insisting on the presence of all accused persons before conducting examination often results in repeated adjournments, particularly in cases involving multiple accused. Such a practice unnecessarily prolongs trials and causes hardship to those accused who are regularly attending court. It also runs counter to the mandate of speedy trial implicit in Article 21 of the Constitution of India. The procedural law is intended to advance the cause of justice and ensure expeditious disposal, not to create technical hurdles.

However, while piecemeal examination is legally permissible, the court must ensure that no prejudice is caused to any accused. The questions put under section 313 Cr.P.C must reflect the entire incriminating material appearing against that particular accused, and the opportunity must be real and meaningful.

In view of the statutory scheme and the judicial pronouncements referred to above, it is clear that the presence of all accused persons simultaneously is not a precondition for conducting examination under sections 251, 239 or 313 Cr.P.C. The court is legally empowered to conduct piecemeal examination of accused persons who are present and to examine the remaining accused on subsequent dates. Such a course does not vitiate the trial, provided that the examination of each accused is conducted separately and in compliance with the requirements of law.

✍ D. Vijaya Saradhi Raju,
Principal Civil Judge (Senior Division),
Tirupati.

NEWS

- Prosecution replenish thanks Sri D. Vijaya Saradhi Raju, Principal Civil Judge (Senior Division), Tirupati, for his contribution
- Prosecution replenish wishes Dr Ajay, Legal Advisor, DGP, Telangana, a very Happy healthy, wealthy retired life.
- G.S.R. 110(E)- Law Officers (Conditions of Service) Amendment Rules, 2026.

- S.O. 888(E).- Declaration of prohibited places
- The Telangana Bharatiya Nagarik Suraksha Sanhita (Attachment, Forfeiture or Restoration Of Property) Rules, 2026. The Telangana Bharatiya Nagarik Suraksha Sanhita (Attachment, Forfeiture or Restoration of Property) Rules, 2026.
- The Andhra Pradesh State And District Police Complaints Authority (Administration & Procedure) Rules, 2026. [G.O.Ms.No.43, Home (Legal-.I), 25th February, 2026]
- ROC.No.05/2026-SCMS SECTION Dated 02.02.2026 pertaining to disposal of old cases - Regarding.

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ON A LIGHTER VEIN

Two girls' Activas collided.

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After half an hour of heated arguments,

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it was discovered that the mistake...

.

was of the Panipuri vendor standing 300 meters away.

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it belonged to Bhaiya's.

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