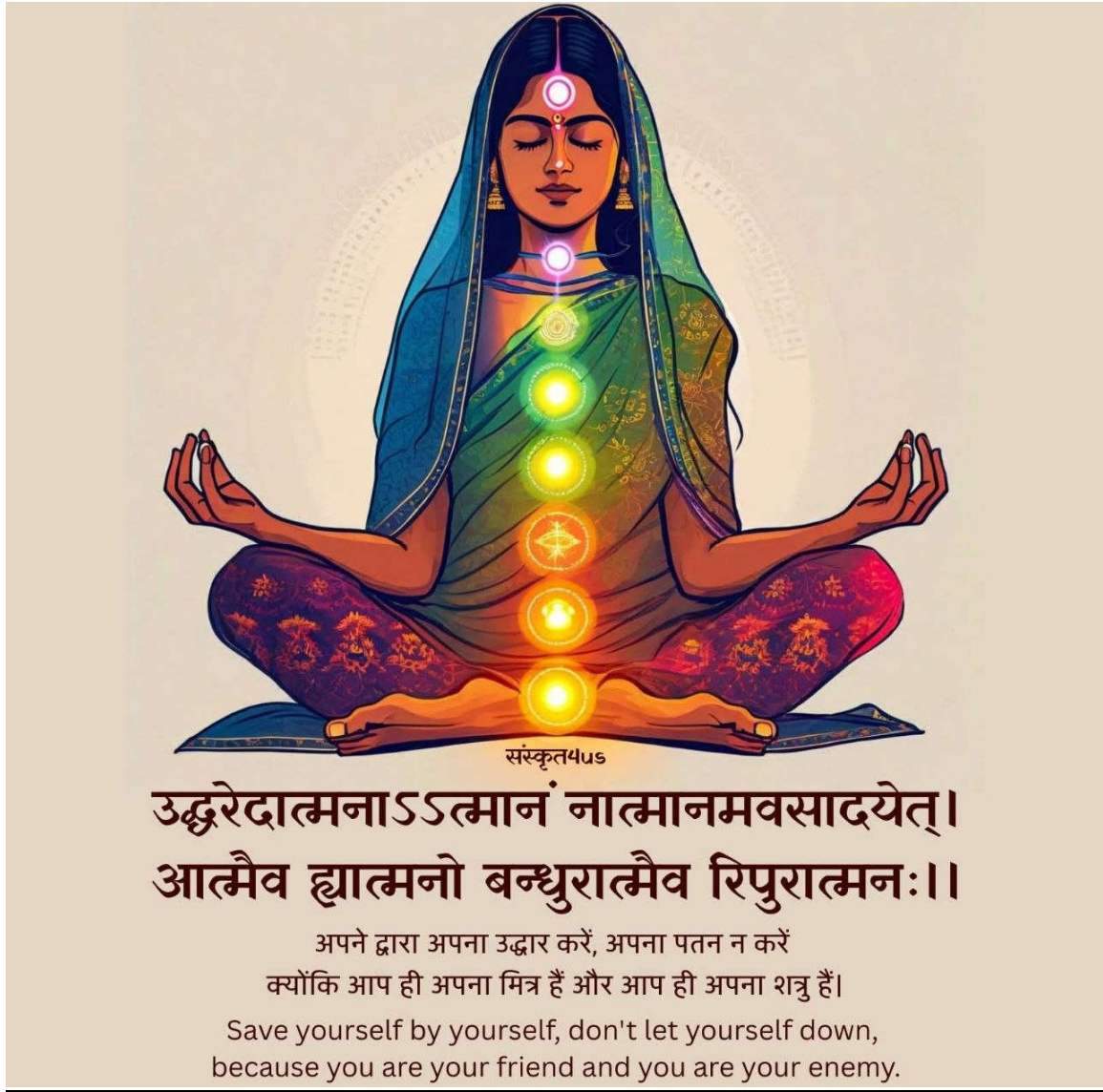




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LEGAL AID: A CONCEPTUAL AND LEGAL INTRODUCTION

6. Legal aid, simply put, refers to the provision of free or affordable legal services to individuals who lack the economic or social capacity to access justice through conventional means. It rests on the idea that equality before the law must be real and not symbolic. Legal aid helps ensure that rights are not confined to those who can afford legal representation, but are available to all, including the poor and marginalized. In this sense, it plays a crucial role in making legal protections meaningful. In India, the concept of legal aid is closely tied to the vision expressed in the Preamble of the Constitution, which promises justice be it social, economic, and/or political, along with equality of status and opportunity, and affirms the secular character of the State. Social justice, in this context, requires the State to reduce structural inequalities and protect vulnerable groups from exclusion and exploitation. Legal aid contributes directly to this goal by

enabling disadvantaged individuals to assert their rights and seek remedies against injustice. Political justice, on the other hand, is concerned with ensuring meaningful participation in democratic processes and equal access to institutions of governance. Without access to legal advice and representation, many citizens would find it difficult to exercise these rights effectively, whether in matters of voting, representation, or challenging arbitrary state action. The commitment to secularism further strengthens the case for legal aid, as it demands that the legal system remain neutral and accessible to all individuals irrespective of religion, ensuring that justice is administered without discrimination or bias. This commitment was given a clear constitutional expression through the insertion of Article 39A by the 42nd Constitutional Amendment Act, 1976. Article 39A directs the State to promote justice on the basis of equal opportunity and to provide free legal aid so that no individual is denied access to justice due to economic or other disadvantages. While the legacy of the 42nd Amendment remains contested because of its enactment during the Emergency period from 1975 to 1977, Article 39A is arguably one of its most constructive and enduring contributions. It firmly situates access to justice within the Directive Principles of State Policy. Over time, the Judiciary has further strengthened this framework by linking legal aid to Article 21 of the Constitution, which guarantees the right to life and personal liberty. Courts have interpreted this right to include fair legal procedures and access to legal representation, thereby reinforcing the centrality of legal aid in a just legal system. On the whole these developments show that legal aid in India is not merely a matter of policy, but a constitutional responsibility that advances the broader ideals of justice, equality, secularism, and fairness envisioned in the Preamble.

7. The development of this concept through judicial pronouncements is important to note for the purposes of the directions issued in this Judgment. At the outset, it be noted that in *Sunil Batra v. Delhi Administration*, [\(1978\) 4 SCC 494](#) held that prisoners do not surrender their fundamental rights at the prison gate. In that context, let us proceed further.

The most recognizable name in the line of cases of this Court, furthering the Directive Principles of State Policy as mentioned in Article 39A of the Constitution of India, is *Hussainara Khatoon v. State of Bihar*, [\(1980\) 1 SCC 81](#) in which the Court held that the speedy trial to be a facet of Article 21 and free legal aid is an essential component of fair, just and reasonable procedure in law. It was emphasized that the State had an obligation to ensure access to justice and that the Court was required to take steps to provide legal representation and expedite criminal trials. Even before this, in the year 1978, this Court in *Madhav Hayawadanrao Hoskot v. State of*

Maharashtra, [\(1978\) 3 SCC 544](#) held that the right to counsel was a fundamental right traceable to Article 21.

We take note of another case from the same year i.e., *Khatri (II) v. State of Bihar*, [\(1981\) 1 SCC 627](#) in which it was held that free legal aid is a fundamental right and that it attaches from the moment the accused is first produced before a Magistrate and not only at the commencement of the trial. Further, it was held that the right to legal aid does not depend on a request to that effect from the accused, thereby placing a positive obligation on the State to provide the same.

Most recently, this Court in *Suhas Chakma v. Union of India*, [2024 INSC 813](#) speaking through K.V. Viswanathan, J. extensively dealt with this issue of systemic deficiency in access to free legal aid for prisoners, particularly the under trials. The Court discussed the Standard Operating Procedures prepared by NALSA, on “Access to Legal Aid to Prisoners and the Functioning of Prison Legal Aid Clinics-2022”; “Standard Operating Procedures for the smooth functioning of Under Trial Review Committees”, among others, including the e-prison module/e-kiosks in prisons. Some of the relevant extracts of the judgment including the directions issued therein are as follows:-

“Pre-litigation assistance

34. One of the important areas where legal aid, was in the initial days found wanting was in the pre-litigation arena. NALSA has risen to the occasion by introducing “Early Access to Justice at Pre-Arrest, Arrest and Remand Stage Framework”, under which all DLSAs upon receiving the intimation of request of the suspect/arrestee to have free legal assistance during interrogation, shall inform the deputed lawyer as per the duty roster. The assigned lawyer is to then to go to the police station concerned to provide legal assistance to such persons.

... ..

37. NALSA lawyers step in to obtain translated copies of documents wherever necessary; ensure that in case of a foreign national, the High Commission concerned is informed and also make submissions if the suspect/arrestee appears to be a child/juvenile. Statistics reveal that as of June 2024, 17,894 suspects have been given legal assistance at the pre-arrest stage at the police station. Of them, 7466 were not arrested. It is set out that 13,747 accused were provided assistance at the police station before producing them in courts, 94,875 at the remand stage, 37,929 bail applications were filed at the remand stage in which 20,182 accused were granted bail. While we commend NALSA for the steps taken, we also direct that they continue to keep up the momentum and plug the gaps, if any, which they themselves have fairly identified and placed before the Court.

Directions

48. In view of the above, we dispose of the matter by issuing the following directions:

48.1. While commending the work already done by NALSA, the SLSAs and the DLSAs, we have no reason to doubt that the Legal Services Authorities at different levels will continue to work with the same momentum to achieve the constitutional objectives and objectives of the Legal Services Authorities Act, 1987.

48.2. NALSA in cooperation with the SLSAs and the DLSAs will ensure that the SOP on Access to Legal Aid Services to prisoners and functioning of PLACs are operated efficiently in practice. NALSA will periodically update and improve the measures prescribed under the SOP-2022 so as to address any of the inadequacies that may emerge while operating the same at the field level.

48.3. The Legal Services Authorities at different levels will adopt methods to strengthen the monitoring of PLACs and to review their functioning periodically.

48.4. The Legal Services Authorities will periodically update the statistical data and after analysing the results take steps to address the shortcomings that may come to light.

48.5. The Legal Services Authorities, at all levels, should ensure that the Legal Aid Defence Counsel System, which is a pioneering measure, functions to its full potential. In this regard, periodic inspection and audit of the work of the Legal Aid Defence Counsel should be carried out. Steps should also be taken to improve the service conditions of the personnel working in the Legal Aid Defence Counsel System, whenever it is felt necessary and appropriate.

48.6. For the success of the functioning of the legal aid mechanism, awareness is the key. A robust mechanism should be put in place and periodically updated to ensure that the various beneficial schemes promoted by the Legal Services Authorities reaches the nook and corner of the nation and particularly, to those whose grievances it has set out to address. Adequate literature including in the local languages in the States and appropriate promotional methods should be launched so that the consumers of justice to whom the schemes are intended can make best use of the same.

48.7. In this regard, inter alia, the following measures to create awareness could be undertaken through the length and breadth of the nation to spread the message of the availability of legal aid:

(a) In public places like police stations, post offices, bus-stands, railway stations, etc. boards in prominent places be displayed furnishing the address for contact and the phone numbers of the nearest legal aid office. This should be done in the local language and in English.

(b) Promotional campaigns in the local language be undertaken through radio/All India Radio/Doordarshan. This will be in addition to the promotional measures undertaken through the digitalisation process — like hosting of websites and prominent mention thereon on the landing page of the legal services authority wherever permissible.

(c) To create complete awareness about the existence of legal aid schemes, promotional campaigns may include such other creative measures including organisation of street corner plays (nukkad natak) in rural areas so that the poor rural masses comprehend the facility available to them through the legal aid scheme. These should be undertaken without dislocating the normal life of citizens. Further, these measures will not only create awareness about legal aid to the accused but will also create awareness for the victims and for those whose civil rights have been infringed.

48.8. The Legal Services Authorities will periodically review and update SOP-2022 for the Undertrial Review Committee (UTRC).

48.9. The huge gap between total number of persons identified by the UTRC and the number of persons recommended for release should be looked into and adequate corrective measures be taken. Similarly, the difference between the number of prisoners/inmates recommended for release and the number of bail applications filed should be particularly looked into by NALSA/SLSAs/DLSAs and adequate corrective measures taken.

48.10. The “Early Access to Justice at Pre-arrest, Arrest and Remand Stage Framework” established by NALSA for pre-litigation assistance should be diligently pursued and the work undertaken under the framework be periodically reviewed.

48.11. Interaction by the Legal Service Authorities at different levels with convicts who had not preferred appeals should be periodically undertaken and the convicts be informed of their right to free legal aid.

48.12. Periodic interaction should be held with jail visiting lawyers (JVLs) and Para Legal Volunteers (PLVs). This is to ensure updation of their knowledge so that the system functions efficiently as a whole.

48.13. Steps for continuing education of lawyers involved in pre-litigation assistance and those associated with the Legal Aid Defence Counsel set-up should be provided by Legal Services Authorities. Apart from this, it should also be ensured that adequate law books and access to online libraries are available to lawyers engaged at the pre-litigation assistance stage and those involved with the Legal Defence Counsel setup.

48.14. Periodic reports should be submitted by the DLSAs to the SLSAs and the SLSAs to NALSA, if not already done. NALSA should digitise the whole process whereby at the Central level NALSA can, on the click of a

button, get details of the updates done by SLSAs and DLSAs on regular basis.

48.15. The Union of India and the State Governments shall continue to extend their cooperation and assistance to the Legal Services Authorities at different levels for the effective implementation of the measures taken by them.

48.16. We direct the Registry to forward a copy of this judgment to all the High Courts in the country. The High Courts may consider the feasibility of issuing a practice direction to the effect that all courts including the High Court while furnishing the copy of the judgment of conviction/dismissal/reversal of acquittal/dismissal of bail applications, may append a coversheet to the judgment informing the convict about the availability of free legal aid facilities for pursuing higher remedies. The coversheet may set out the contact address and phone number of the legal aid committee attached to the court for seeking appropriate guidance. Similar information may be made available in the notices issued to the respondents by the courts concerned in appeals against acquittal. The High Courts may on their webpage carry information about the legal aid facilities available in the State.”

DELIBERATIONS AND THE RESULTS THEREOF

8. The purpose of the deliberations before this Court should aim to take forward the position as it stands after the above judgment. The end result of the continued deliberations carried out by Ms. Makhija, learned amicus curiae has resulted in the preparation of the following Standard Operating Procedure, duly seconded by Ms. Aparna Bhat, learned senior counsel for SCLSC and Ms. Rashmi Nandakumar, learned counsel appearing for NALSA.

“STANDARD OPERATING PROCEDURE (SOP) FOR TRANSLATION AND TRANSMISSION OF RECORDS FOR FILING LEGAL AID APPEALS AND SPECIAL LEAVE PETITIONS (SLPS), 2025

1. OBJECTIVE

1.1 The primary objective of this SOP is to establish a structured, efficient, and accountable framework for the timely translation, transmission, and monitoring of case records in legal aid matters. This is particularly critical in criminal cases where procedural delays can significantly hinder the filing of appeals or Special Leave Petitions (SLPs) before higher courts, infringing on the rights of convicts to speedy justice.

1.2 This SOP aims to:

- (i) Minimise delays in the legal aid process by setting clear timelines and responsibilities.
- (ii) Ensure high-quality, accurate translations of judicial documents to facilitate effective representation.

(iii) Promote coordination among various stakeholders, including High Court Legal Services Committees (HCLSCs), District Legal Services Authorities (DLSAs), State Legal Services Authorities (SLSAs), Supreme Court Legal Services Committee (SCLSC), National Legal Services Authority (NALSA), jail authorities, and translators.

(iv) Incorporate digital tools for real-time tracking and transparency.

(v) Uphold constitutional principles under Articles 21, 39A, and 142 of the Constitution of India, ensuring access to justice for all legal aid beneficiaries.

(vi) Address systemic issues such as translator shortages, communication gaps, and documentation errors through proactive monitoring and accountability measures.

1.3 This SOP applies to all legal aid cases filed/pending before the High Courts and the Supreme Court.

2. SCOPE AND DEFINITIONS

2.1 Scope

This SOP covers the entire lifecycle of record handling in legal aid cases, appeals and SLPs, from the pronouncement of judgment in the Trial Court to the filing of appeals/SLPs before the High Courts and the Supreme Court. It includes translation, digitisation, transmission, monitoring, and quality control processes. It is mandatory for all HCLSCs, DLSAs, SLSAs, SCLSC, NALSA, and associated jail authorities across India.

2.2 Definitions

(a) Certificate of True Translation: A sworn affidavit certifying the accuracy and fidelity of the translated document.

(b) Declaration of Non-Association: A statement by the translator affirming no personal or professional connection to the case or parties involved.

(c) Impugned Judgment: The judgment or order being challenged before the High Courts and/or the Supreme Court.

(d) Legal Aid Matter: Cases where free legal services are provided to eligible persons under the Legal Services Authorities Act, 1987, at any level.

(e) Source Language: Language in which the vernacular records of the particular High Court are maintained.

(f) Video Conferencing (VC): Secure digital meetings using platforms compliant with data protection standards as per court procedures.

3. CATEGORIZATION OF CASES

To prioritise resources and ensure expedited handling for urgent matters, cases shall be categorised based on the nature and severity of the case. Prioritisation shall influence timelines, resource allocation, and monitoring frequency.

3.1 Category A1: High-Priority Criminal Cases

3.1.1 Includes cases involving death sentences, life imprisonment, or sentences of ten years or more, of persons in custody and cases of Juvenile Offenders.

3.1.2 Rationale: These cases involve severe liberty deprivations and require immediate action to prevent prolonged injustice.

3.1.3 Additional Requirements: Mandatory daily status updates during the initial 15 days post-judgment.

3.2 Category A2: High-Priority Civil Cases

3.2.1 Matters relating to the imminent apprehension of the demolition of property.

3.2.2 Matters relating to dispossession, eviction etc.

3.2.3 Matters pertaining to medical termination of pregnancy.

3.2.4 Matters pertaining to the custody of children.

3.2.5 Any other category of cases duly notified by the HCLSCs

3.3 Category B: Medium-Priority Criminal Cases

3.3.1 Includes cases involving sentences of less than ten years but more than one year, or cases with significant human rights implications (e.g., women, or SC/ST atrocity cases).

3.3.2 Rationale: Balances urgency with resource constraints for less severe but still critical matters.

3.3.3 Additional Requirements: Bi-weekly reviews and prioritised translator assignment.

3.4 Category C: Civil and Other Cases

3.4.1 Includes all other civil matters, family disputes, property cases, and criminal cases with sentences of one year or less.

3.4.2 Rationale: These are handled on a standard timeline unless escalated due to exceptional circumstances (e.g., involving vulnerable groups).

3.4.3 Additional Requirements: Quarterly audits for compliance.

3.4.4 Escalation Protocol: Any case may be re-categorised upon review by the HCLSC Monitoring Committee if new facts emerge (e.g., health deterioration of the convict).

4. TRANSLATION AND DOCUMENTATION

4.1 Initiation of Translation

4.1.1 Translation shall commence immediately upon:

- (a) Admission of an appeal for final hearing in the High Court, or
- (b) Receipt of the convict's consent for appeal in criminal cases, and
- (c) Acknowledgment of eligibility for grant of legal aid by the Legal Service Institution i.e., HCLSC/SCLSC.

4.1.2 All documents shall be scanned and digitised before and after translation to enable secure sharing.

4.2 Priority Documents for Translation

4.2.1 The following documents shall be translated on a priority basis to be filed along with the appeal/SLP:

- a. judgment, (full text, including reasoning and operative part), orders and pleadings
- b. Statements of at least two principal witnesses including cross-examination.
- c. First Information Report (FIR) and chargesheet (including annexures)
- d. Relevant exhibits, such as medical reports, forensic evidence, or property documents
- e. Trial court records, including depositions of key experts (e.g., doctors, ballistic experts)
- f. Bail applications, interim orders, and any prior appellate decisions
- g. Convict's personal details, including socio-economic background for legal aid eligibility.

4.2.2 The rest of the lower court record shall be fully translated ensuring completeness of the record, which will be filed within 60 days of filing the appeal/SLP.

4.3 Translation Standards

4.3.1 Translations must be from the original language (e.g., regional languages) to English, unless specified otherwise by the appellate court

4.3.2 Use legal terminology consistent with standard judicial glossaries

4.3.3 Every translated document shall include:

(a) A unique reference number linking it to the original (b) Page-wise cross-references.

(c) Certificate of True Translation signed by the translator and supervisor

(d) Declaration of Non-Association with the case or the parties signed by the translator and supervisor to avoid conflicts of interest

4.3.4 Formats: Translations shall be in PDF with searchable text, watermarked for authenticity.

4.4 Handling Sensitive Information

4.4.1 Redact personal identifiers (e.g., names of the victims/Protected witnesses' addresses, Aadhaar numbers etc.) in compliance with data protection laws

4.4.2 Ensure that translations of sealed documents (e.g., in-camera proceedings) are handled confidentially and sensitively.

5. TIMELINES AND RESPONSIBILITIES

5.1 The following table outlines key stages, responsible authorities, actions, and timelines. All timelines are mandatory and subject to extensions only with documented justification and approval from the SCLSC.

APPEAL BEFORE THE HIGH COURT – CRIMINAL CASES

STAGE	RESPONSIBLE AUTHORITY	ACTION	TIMELINE	CATEGORY SPECIFIC NOTES
Pronouncement of judgment	Trial Court	Supply a copy of the judgment of conviction along with the order on sentence. A translated copy of the Trial Court judgment to be provided to the Convict	On the same day, in case the accused is present in court or within 24 hours if the accused is present through VC Within 15 days.	For Category A: Notify HCLSC via email/SMS alert immediately on pronouncement.
Communication of judgment	Trial Court	Transmit judgment to HCLSC and DLSA.	Within 7 days	Include case categorization and convict details.
Obtaining convict's consent to appeal	HCLSC / DLSA / Jail Authorities	Conduct VC or in person interaction; document consent in writing.	Within 7 days of receiving judgment	For Category A: Daily follow-ups if consent is delayed.
Document Collection and Digitization	DLSA/Jail Superintendent	Gather all trial records; scan and	Within 10 days	Ensure completeness; flag missing documents.

		upload to platform.		
Translator Assignment	HCLSC Secretary / Registrar High Court	Assign from empanell ed list based on language expertise .	Within 15 days (Category A); 20 days (B); 30 days (C) from the date on which the appeal was admitted by the High Court.	Prioritize LL.B. degree holders for complex cases.
Translation of Priority Documents	Assigned Translator/ Supervisor	Translate , vet, and certify documents.	Within 15 days (Category A); 20 days (B); 30 days (C)	Daily progress reports for Category A.

SLP/APPEAL BEFORE THE SUPREME COURT – CRIMINAL CASES

STAGE	RESPONSIBLE AUTHORITY	ACTION	TIMELINE	CATEGORY SPECIFIC NOTES
Pronouncement of judgment	High Court	Upload certified copy to the integrated digital platform.	Immediate (within 24 hours)	For Category A: Notify HCLSC via email/SMS alert.
Communication of judgment	Registrar (Judicial), High Court	Transmit judgment to HCLSC	Within 7 days	Include case categorization and convict details.

Obtaining convict's consent to appeal	HCLSC / DLSA /Jail Authorities	Conduct VC or in person interaction ; document consent in writing.	Within 7 days of receiving judgment	For Category A: Daily follow-ups if consent is delayed.
Document Collection and Digitization	DLSA /Jail Superintendent	Gather all trial records; scan and upload to platform.	Within 10 days of consent	Ensure completeness; flag missing documents.
Translator Assignment	HCLSC Secretary	Assign from empanelled list based on language expertise.	Within 3 days of consent	Prioritize LL.B. degree holders for complex cases.
Translation of Priority Documents	Assigned Translator / Supervisor	Translate, vet, and certify documents.	Within 15 days (Category A); 20 days (B); 30 days (C) of consent	Daily progress reports for Category A. nt
Transmission of Translated Records	HCLSC	Compile, verify, and transmit to SCLSC/legal aid lawyer for filing.	Within 30 days (A); 45 days (B); 60 days (C) of consent.	Use secure digital channels; obtain acknowledgment.
Filing of Appeal/SLP	Legal Aid Lawyer / SCLSC	Prepare and file based on	Within 15 days of receipt	Report any deficiencies immediately.

		transmitted records.	of consent	
Monitoring of Jail Cases	Jail Superintendent with DLSA	Update Legal Proceedings	Reviewed every 15 days of consent	Escalate delays to HCLSC.
		Register; conduct VC reviews.		

APPEAL BEFORE THE SUPREME COURT – CIVIL CASES

STAGE	RESPONSIBLE AUTHORITY	ACTION	TIMELINE	CATEGORY SPECIFIC NOTES
Pronouncement of judgment	High Court	Upload certified copy to the integrated digital platform.	Immediate (within 24 hours)	For Category A: Notify HCLSC via email/SMS alert.
Communication of judgment	HCLSC	Email/ Handover a copy of the judgment to the Legal Aid Beneficiary	Within 24 Hours for Category A Cases and within 7 days for other cases	Include case categorization
Consideration of application for grant of Legal aid	SCLSC	Consider eligibility of the Legal Aid Beneficiary and fitness of case for	Within 24 Hours for Category A Cases and	For Category A: Daily followups

		filing an SLP/Appeal.	within 14 days for other cases from the date of receipt of application for grant of legal aid.	
Document Collection and Digitization	HCLSC in case the legal aid beneficiary received legal aid before the High Court, otherwise the Legal Aid Beneficiary	Gather all trial records; scan and upload to platform.	Within 10 days	Ensure completeness; flag missing documents.
Assignment of case to a lawyer	SCLSC	Assign the case to a lawyer on the panel of SCLSC	Within 24 Hours for category A cases and within 7 days for other cases	
STAGE	RESPONSIBLE AUTHORITY	ACTION	TIMELY	CATEGORY SPECIFIC NOTES

Of Translation documents	SCLSC	All documents to be translated by the lawyer assigned the case through a translator of repute. Fees for translation to be reimbursed by SCLSC on a bill being produced by the lawyer.	Within 5 days for category A cases and 20 days for other cases.	
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Note: Non-compliance with timelines will trigger automatic alerts and may result in potential disciplinary action.

6. TRANSLATOR ENGAGEMENT AND OVERSIGHT

6.1 Recruitment and Empanelment

6.1.1 All High Courts to create and sanction regular/ contractual posts of Translators and Translation Supervisors which must not be less than one third the judge strength of the respective High Courts, and fill all posts within 90 days of vacancy

6.1.2 Additionally, panel Translators to be paid market per page rates to be determined by respective High Courts, the expenses of which will be borne by the respective High Courts.

6.1.3 Minimum Eligibility Criteria for Translators:

(a) Bachelor's degree in source language and/or English; preference for LL.B. or legal certification;

(b) Minimum 2 years of translation experience in legal/judicial contexts;

(c) Proficiency in at least two languages (source and English).

6.1.4 Minimum Eligibility for Translation Supervisors:

(a) Post Graduate Diploma in Translation (PGDT), and/or Bachelor's Degree in Source Language or English;

(b) LL.B. degree;

(c) Minimum 5 years of translation experience in legal/judicial contexts;(d) in at least two languages (source and English).

6.1.5 Empanelment Process:

(a) Open advertisement and screening by a committee (HCLSC Secretary, judicial officer, language expert);

(b) Written proficiency test (legal text translation) and interview;(c) Background verification for integrity.

6.2 Training and Development

6.2.1 Mandatory induction training on legal terminology, ethical standards, and digital tools (duration: 5 days).

6.2.2 Annual/Periodic refresher courses and workshops on emerging legal issues.

6.2.3 Performance Metrics: Accuracy rate >95%, turnaround time adherence.

6.3 Oversight Mechanisms

6.3.1 All translations shall be assigned as per the time-lines indicated above.

6.3.2 All translations shall be verified within 15 to 30 days of submission, failing which the concerned officer shall be required to furnish an explanation for the delay.

6.3.3 Each translation shall be checked, verified and vetted by the Translation Supervisor.

6.4 Remuneration and Incentives

6.4.1 Fixed salary for permanent posts as per the respective High Court pay-scales; 6.4.2 per-page rates for panel translators at market rates; and

6.4.3 Incentives for timely completion in Category A cases.

6.4.4 Periodic revisions of rates are made commensurate with prevailing market rates.

7. DIGITAL COORDINATION

7.1 Platform Integration: SCLSC, HCLSCs and Jail authorities shall integrate their systems into a unified digital platform to ensure seamless coordination, monitoring and timely exchange of information. NALSA shall be given access to this platform for realtime oversight and data analysis.

7.2 Key Features:

(a) Secure uploading/downloading of documents with encryption.

(b) Real-time tracking dashboards for case status, timelines, and alerts.(c) Role-based access: View-only for litigants; edit for authorities.

(d) Automated reminders (e.g., SMS/email) 48 hours before deadlines. (e) Audit logs for all actions to ensure traceability.

7.3 Technical Support: MTNL or the designated service provider agency shall provide 24/7 helpdesk, regular updates, and cybersecurity audits.

7.4 Data Backup and Recovery: Daily backups; compliance with the IT Act, 2000.

7.5 Training: Mandatory digital literacy sessions for all stakeholders.

8. MONITORING AND ACCOUNTABILITY

8.1 Monitoring Committee Composition of SCLSC & HCLSC as per Regulation 10 of The National Legal Services Authority (Free & Competent Legal Services) Regulations, 2010:

8.1.1 Every High Court and Supreme Court shall have a Monitoring Committee which shall consist of:

(a) One Senior Advocate of high repute, having a practice of not less than 15 years;

(b) Three Senior Advocates/ Advocates of high repute having a practice of not less than 10 years; and

(c) Member Secretary, SCLSC/HCLSC (Ex-Officio)

8.1.2 The tenure of the Members of the Monitoring Committee shall be three years, except the Member Secretary, who shall be ex officio.

8.1.3 The HCLSC/ SCLSC shall share the data regarding the marking of matters and progress of filing of matters with the Monitoring Committee on a weekly basis.

8.1.4 The Monitoring Member Committee shall meet at least on a fortnightly basis virtually or physically to review the progress of the matters and will be responsible for issuing necessary recommendations to the HCLSC/SCLSC Member Secretary to maintain the efficiency of the system.

8.2 Committee Functions:

8.2.1 Monthly reviews of progress, delays, and compliance.

8.2.2 Monitor the compliance of timelines set above.

8.2.3 Performance evaluation of lawyers, translators, and jail staff.

8.2.4 Recommend actions: Warnings, training, or removal for defaults.

8.2.5 Investigate complaints within 15 days.

8.3 Reporting:

8.3.1 Monthly reports to SCLSC/NALSA in a standardised format.

8.3.2 Annual consolidated report highlighting trends and recommendations.

9. COORDINATION WITH JAIL AUTHORITIES

9.1 VC Meetings:

9.1.1 Mandatory every 15 days involving HCLSC, DLSA, Jail Superintendent, and convict (where feasible).

9.1.2 Agenda: Case status updates, consent verification, document needs.

9.1.3 Minutes recorded and uploaded to the platform.

9.1.4 SALSAs and SCLSC will coordinate virtual meeting between the SALSAs lawyer handling the matter at the High Court to brief the SCLSC lawyer assigned to the case with the issues involved in the

case within one week of the SCLSC lawyer being assigned to the case.

9.2 Legal Proceedings Register

9.2.1 To be maintained by the Jail Superintendent.

9.2.2 Columns: Convict ID, Case Details, Appeal Status, Communication Logs, Updates.

9.2.3 Updated weekly; shared digitally with DLSA.

9.3 Support for Convicts: Provide access to legal aid kiosks in jails for document review.

10. INTER-AGENCY COMMUNICATION

10.1 Document Sharing: All judgments, translations, and filings shared via digital platform with copies to HCLSC, SLISA, and SCLSC.

10.2 Acknowledgement Protocol: Each communication requires a digital receipt within 24 hours; escalations for non-response.

10.3 Escalation Matrix: Level 1 (DLSA), Level 2 (HCLSC), Level 3 (SCLSC) for unresolved issues.

10.4 Annual Joint Workshops: To foster collaboration and address bottlenecks.

11. QUALITY ASSURANCE

11.1 Audits: Quarterly random audits of 20% translations by independent panels.

11.2 Certification: Supervisors must certify accuracy; dual-check for Category A.

11.3 Feedback Mechanism: Post-filing reviews from lawyers on translation utility.

11.4 Continuous Improvement: Incorporate feedback into annual training.

12. AUDIT, REVIEW AND AMENDMENTS

12.1 Review of the implementation of the SOP: Annually by SCLSC and NALSA, or sooner if directed by the Supreme Court.

12.2 Consultation Process: Inputs from HCLSCs, SLISAs, jail authorities, and stakeholders via workshops.

12.3 Amendments: Approved versions disseminated digitally; training on changes mandatory.

12.4 Effective Date: This SOP is effective from .

13. DELAY EXPLANATION

This SOP ensures a robust, transparent system to uphold justice in legal aid matters. Compliance is mandatory; violations may invite accountability measures under relevant laws. A checklist in the following Format shall be incorporated by all HCLSCs and SCLSC to be submitted in all applications filed seeking condonation of delay before the High Court/Supreme Court.

Date on which the impugned order was uploaded on the website of the High Court/Trial Court:	
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Date on which the impugned order was communicated to the convicted person:	
Date on which consent to file SLP/Appeal was given:	
Date on which translated documents along with relevant papers were transmitted to SCLSC/HCLSC:	
Date on which a lawyer was appointed by SCLSC/HCLSC:	
Date on which documents were handed over to the lawyer by SCLSC/HCLSC:	
Date of filing of the SLP/Appeal:	
Explanation/Remarks (if any):	

{Extracted from 2026 0 INSC 369; 2026 0 Supreme(SC) 400; SUPREME COURT OF INDIA; SANJAY KAROL, NONGMEIKAPAM KOTISWAR SINGH, JJ.; Shankar Mahto – Appellant Versus State of Bihar – Respondents; Criminal Appeal No. 1971 of 2026 (Arising out of SLP (Crl.) No (s) of 2026 @ Crl.MP. 7862 of 2017); Decided On: 16-04-2026}

CITATIONS

2026 0 INSC 304; 2026 0 Supreme(SC) 330; Samarendra Nath Kundu & Anr. Vs Sadhana Das & Anr.; Criminal Appeal No. 654 of 2013; Decided On : 01-04-2026

The bar of sub-sections (1) and (2) of Section 197 is on Court's power to take cognizance of an offence allegedly committed by a public servant or member of a Force while acting or purporting to act in the discharge of official duty save with the previous sanction of the Government. If the bar applies, the Court cannot take cognizance of the offence and therefore, it cannot proceed to try the same. In other words, the court cannot try an offence of which it cannot take cognizance. In *Baijnath v. State of M.P.*, [AIR 1966 SC 220](#); [\(1966\) 1 SCR 210](#); 1965 SCC OnLine SC 294 it was held that a post-cognizance sanction will not save the proceedings. Reason is simple, when cognizance was taken the bar applied. Conversely, if there is no bar on the date when cognizance of the offence is taken, the court can proceed to try the offence. This is so, because the bar applies at the stage of cognizance. Therefore, in our view, a subsequent bar on the power of the court to take cognizance of an offence is of no consequence to those proceedings where cognizance was taken when there was no such bar. As a sequitur, the notification(s) would not affect those proceedings where cognizance was not barred when taken.

Besides, there is nothing in the notification(s) or Cr.P.C. which may nullify a valid cognizance order.

2026 0 INSC 315; 2026 0 Supreme(SC) 341; Shankar Vs. State of Rajasthan; Criminal Appeal No. 1735 of 2026 [Special Leave Petition (Crl.) No. 13899 of 2025]; Decided On : 02-04-2026

Section 32 of the Indian Evidence Act, 1872 and Section 26 of its successor, Bhartiya Sakshya Adhinyam, 2023 deal with dying declarations. Generally speaking, these declarations enjoy a special position given the timing and the nature thereof. This position rests on a philosophical understanding that when a person is about to meet his maker or in other words the oncoming of death and its finality is imminent, considerations which may force a person to speak other than the truth pale into insignificance and what does fall from them would, therefore, be only the truth. They are exceptions to the rule of hearsay and, if a Court finds them consistent, believable and free of tutoring, it can convict the person named therein. This Court has, in a number of judgments including one by one of us (Sanjay Karol, J.) in Manjunath v. State of Karnataka, 2023 SCC Online SC 1421 after considering the law on the issue culled out the applicable principles.

The fact that it (Medical certificate) was on the flip side of the same paper does not affect the sanctity thereof.

The offence in question is of the year 2011. At that point in time, we were 64 years into being an independent country. The Constitution promises equality, non-discrimination on the basis of sex and the right to life and liberty amongst others. However, cases such as these, demonstrate that even after so many years, rights enshrined in the founding Charter are still elusive for many.

It could be argued and very well proved that a further fourteen years down the line, in spite of incremental progress the issues highlighted by the incidence such as in the present case, largely remain the same. Over the years numerous legislations were enacted, schemes brought into force, and judgments delivered, focussed on the upliftment of women and eradication of difficulties faced by them arising out of inherent social stigma and deep-rooted patriarchal and conservative practices.

The process of unshackling the society from these deeply stigmatic understandings of women and their roles, began immediately after independence. Early legislative efforts such as the Dowry Prohibition Act, 1961 were aimed at dismantling one of the most deep-rooted practices of patriarchal control, i.e. dowry. This was followed by introduction of provisions like Section 498A, IPC addressing cruelty by husbands and relatives, and later the Protection of Women from Domestic Violence Act, 2005³ [DVA] which recognized domestic abuse as a civil wrong requiring

immediate relief and protection. When it comes to equality in workplace, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 institutionalized safeguards following the Vishaka guidelines laid down by this Court.

The interpretation of these rights and their expansion into varied aspects of women's life has taken place through a series of judicial pronouncements. In *Shayara Bano v. Union of India*, [\(2017\) 9 SCC 1](#) the practice of instant triple talaq was declared unconstitutional, affirming women's rights within personal law frameworks. In *Joseph Shine v. Union of India*, [\(2018\) 2 SCC 189](#) the Court struck down the adultery law, emphasizing equality and autonomy. In *Secretary, Ministry of Defence v. Babita Puniya*, [\(2020\) 7 SCC 469](#) the Court upheld the right of women officers to be granted permanent commission in the Indian Army, rejecting institutional stereotypes about gender roles. In *Vineeta Sharma v. Rakesh Sharma*, [\(2020\) 9 SCC 1](#) daughters were recognized as equal coparceners in Hindu joint family property. The Court has also addressed the complexities of domestic violence, in *Arnesh Kumar v. State of Bihar*, [\(2014\) 8 SCC 273](#) while cautioning against misuse of Section 498A, it reaffirmed the seriousness of cruelty against married women, and in *Hiral P. Harsora v. Kusum Narottamdas Harsora*, [\(2016\) 10 SCC 165](#) it expanded the scope of the DVA to include complaints against female relatives within the household. The Court has further intervened in matters of personal liberty and choice. In *Shakti Vahini v. Union of India*, [\(2018\) 7 SCC 192](#) it issued detailed guidelines to prevent honour killings, recognizing that societal and familial control over women's choices in marriage is a direct assault on their fundamental rights. Similarly, in *Shafin Jahan v. Asokan K.M.* [\(2018\) 16 SCC 368](#) the Court upheld an adult woman's right to choose her partner, affirming that neither the State nor the family can dictate personal decisions central to individual dignity and autonomy.

15. Parallel to legal reform, the State has also invested in welfare and social transformation schemes. Programmes such as Beti Bachao, Beti Padhao, are aimed at correcting gender imbalances and improving girls' education, while initiatives like Sukanya Samridhi Yojana and Ujjwala Yojana aim to enhance financial security and improve living conditions for women.

16. Yet, despite this sustained intervention from different branches of Government, empirical data shows that all is not well. It presents a sobering picture indeed. As per the National Crime Records Bureau, more than 4.48 lakh crimes against women were recorded in 2023.⁴ [<https://www.ncrb.gov.in/uploads/files/1CrimeinIndia2023Part1.pdf>] Dowry-related violence continues to claim over 6,000 lives annually, revealing the persistence of practices that have long been outlawed.

Complaints before the National Commission for Women also consistently show domestic violence as one of the most reported grievances. ⁵ [<https://ncwapps.nic.in/frmReportNatureState.aspx?Year=2023>; <https://ncwapps.nic.in/frmReportNatureState.aspx?Year=2024>; <https://ncwapps.nic.in/frmReportNatureState.aspx?Year=2025>] What makes this reality particularly troubling is the context in which it exists. India has experienced significant economic growth, rising literacy, and increased participation of women in education and the workforce. Gender Roles do not apply strictly anymore in many urban areas. One cannot assume that all house-hold related work falls to the woman, whereas it is only the male who is tasked with bread winning. Yet, in rural and semi-urban scenarios, patriarchy remains a facet of everyday life. Authority within the household is still overwhelmingly male, and women's autonomy is often conditional and constrained. Even if the woman earns, it would still be expected of her that she would set the house right before leaving for work and busily engage herself in similar work including preparation of meals, when she returns from work.

17. The coexistence of progress and violence signals to a paradox. Legal and economic advancements are visible on a macro-level, but patriarchy still permeates the everyday. Dowry is outlawed and has been for decades but the social legitimacy that sustains it is yet to be dismantled. Welfare schemes can incentivize education, but cannot alter long-held beliefs about women's roles within marriage and family. As a result, practices such as domestic abuse or even extreme acts like burning a wife (such as in this case) persist not as aberrations, but as indications of a disease afflicted social order.

18. After decades of laws, schemes, reforms, and judicial recognition of equality across workplaces, homes, personal relationships, and even the armed forces, why does the control over women's bodies, choices, and lives still persist so deeply within society? Perhaps, the answer lies only with "We, the People of India."

2026 0 INSC 318; 2026 0 Supreme(SC) 344; Sivakumar Vs State Rep. by the Inspector of Police; Criminal Appeal No. 1807 of 2019 WITH Senthil @ Janakiram Vs. State Rep. by the Inspector of Police; Criminal Appeal No. 677 of 2020; Decided On : 06-04-2026

mere use of the word 'bastard' by itself, is not sufficient to arouse prurient interest of a person. More so, when such words are commonly used in modern era during heated conversations. We are, therefore, of the view that conviction of the appellants for offence punishable under Section 294(b) IPC is not sustainable and is hereby set aside.

To convict an accused for commission of an offence punishable under Section 304 Part II IPC, it must be proved that the accused has committed culpable homicide as defined in Section 299 IPC.

On a careful scrutiny of the evidence on record, we do not find any error in the conclusion of the High Court that A-2 is guilty of an offence of culpable homicide. However, whether A-2 was liable to be convicted for culpable homicide not amounting to murder punishable under Section 304 Part I of IPC, is a question which we refrain to address in absence of an appeal by the State, or the victim of the crime, for altering the conviction to a graver offence. In the circumstances, we confirm the conviction of A-2 under Section 304 Part II IPC.

2026 0 INSC 319; 2026 0 Supreme(SC) 345; Dr. S. Balagopal Vs. State Of Tamil Nadu & Anr.; Criminal Appeal No. 1753 of 2026 (Arising out of SLP (Crl) No.14803 of 2023) Decided On : 06-04-2026

In the instant case, the dispute is not regarding negligence on part of the appellant, therefore the law laid down in Jacob Mathew (supra) may not *stricto sensu* apply. However, the importance of Medical Review Board's report cannot be undermined. It highlights the importance of Orchidectomy in cases related to undescended testicle. Though it is alleged by the *de facto* complainant that he had not consented for Orchidectomy, it is clear from the materials on record that prior to the surgery consent form was obtained from the father of the child. Thus, the issue is whether the consent was limited to surgical procedure of Orchidopexy. According to the appellant, the consent form had limited space in the column where the nature of surgery had to be mentioned therefore, Orchidectomy was written by putting a slash just below Orchidopexy in the consent form. What is important is that the consent form was sent by the Investigating Officer to the Director of the Medical and Rural Health Services for his opinion. The Director had not found any fault in the consent form. Rather, the Medical Board opines that Orchidectomy is an alternative procedure which may be undertaken to obviate chances of malignancy in future. Thus, in the opinion of the Medical Board the procedure adopted was appropriate. Moreover, the operating surgeon is the best judge of which one of the two procedures is to be adopted. Therefore, the only issue which requires consideration is whether there was any interpolation in the consent form to add the alternative procedure (i.e., Orchidectomy).

18. Ordinarily, an issue of tampering/ interpolation in a document being a question of fact is to be determined in a trial based on evidence led therein and, therefore, courts must be loath to examine such issues in a summary proceeding, like the one under Section 482 Cr.P.C. However, there can be no absolute bar on High Court's power to consider questions of fact in

exercise of jurisdiction under Section 482 Cr.P.C., particularly when such consideration is necessary to prevent the abuse of the process of the court or to secure the ends of justice.

19. In the instant case, no malice is attributed to the doctor and there is no dispute that the consent form was executed for undertaking a medical procedure. Further, the medical opinion is to the effect that the procedure adopted by the doctor was one of the alternatives recognized to meet such a medical exigency. No doubt, Medical Board's opinion indicates that such procedure should be carried out after obtaining consent, but there is nothing to indicate that the consent form already obtained was not in order or that no consent was obtained. Besides, the consent letter has been brought on record as Annexure P-2. A perusal thereof would indicate that in the column where the nature of proposed surgery is to be mentioned, both types of surgery i.e., Orchidopexy and Orchiectomy are mentioned by putting a slash (/), which means that the other surgery, namely, Orchiectomy, was one of the options available.

20. Taking a conspectus of all the facts and circumstances as also that there is no material on record that alternative surgery, namely, Orchiectomy, was entered by a different ink or in a different handwriting, and having regard to the Medical Board's opinion that in such medical situations Orchiectomy is a normal alternative, we are of the view that continuance of criminal proceeding against the appellant would be nothing but abuse of the process of the court and, therefore to secure the ends of justice, the same is liable to be quashed.

2026 0 INSC 325; 2026 0 Supreme(SC) 351; Gautam Satnami Vs. State of Chhattisgarh; Criminal Appeal No. 1782 of 2026 [Arising Out of S.L.P. (Criminal) No. 11080 of 2022] Decided On : 07-04-2026

We now turn to the next major incriminating circumstance relied upon by the prosecution. Needless to say, under Section 25 of the Evidence Act, any 'confession' made to a police officer shall not be admissible at all. The accused in this case have supposedly given 'memorandums' or disclosure statements under Section 27 of Evidence Act. We will examine if the recoveries supposedly made as a consequence of these statements withstand legal scrutiny.

21. Both accused put forth substantially similar narratives in the respective disclosure statements. In fact, the language in many places is reproduced verbatim in both statements, except the conclusions, where they state that the axe and clothes worn at the time of the incident are concealed in their respective rooms. The axes and clothes were consequently recovered from these spots.

22. Dr. Chandekar had recommended that the seized axes and clothes be sent for forensic examination to determine whether the bloodstains

present on them were human, and whether the hair adhering to the axes belonged to the deceased. It was further opined that the injuries on the deceased had been inflicted by a hard, sharp-edged object. The FSL report confirmed that it was human blood that was present on the axes and clothes; however, (i) the blood group of either the deceased or of the blood present on the weapons or clothes was not determined; (ii) though it was observed the hair present on the axes was similar in morphological and microscopical characteristics to the hair recovered from the spot, no conclusive opinion was given if it belonged to the deceased; and (iii) there was no definitive link made between the recovered axes and the deceased's injuries. In fact, Khuman Sahu (PW-5) had stated in cross-examination that every farmer in the village kept an axe. In order to bring home the guilt of the accused, the seized weapons ought to have at least been shown to the doctor for an opinion as to whether they had caused the injuries in question.

23. Now, without even embarking on an independent re-evaluation, we note that the Trial Court had considered the entire recovery circumstance against accused No. 2 and acquitted him in the following terms:

“24. On the intimation of the accused Dwarika (No. 2), his clothes and axe had been seized by the prosecution and as per the Report Exhibit P-22 from the Forensic Science Lab, blood had been found on them. There is no evidence on the document regarding the presence of the accused Dwarika on the scene during the incident. It has not been proved that the blood found on the axe and the clothes seized from the accused Dwarika is human blood and there is not any other circumstances proved against the accused. It has been held in the case of *Nehru versus C.G. State, 2005 (1) Manisa 90 (C.G.)* that the only circumstance of blood found on the weapon and cloth is enough to connect it to murder. It has been held in the case of *Hanumant Govind Nardandurkar vs. State, AIR 1960 SC 29* that the link of the circumstances from which the conviction of the accused to be concluded has been proved completely. Even if a single link is missed, so the accused persons cannot be held guilty. It has not been proved that the blood found on the axe seized from the accused was human blood and the said blood was related to the deceased. Therefore on the basis of the only circumstance it cannot be said firmly that the accused Dwarika was involved in the murder of the deceased Dhumman.”

24. We feel this reasoning adopted applies with equal force to the case of the present appellant. The major distinction between the case of the present appellant and that of accused No. 2 (Dwarika Jangde) is the 'last-seen' testimony of Raja Ram, which, as we have discussed above, does not inspire confidence. If that circumstance is excluded from consideration, the position of the present appellant is similar enough to that of accused No. 2 (Dwarika Jangde) that it would be unsafe to sustain

the conviction of the former, at least preponderantly on the basis of this circumstance. In this regard, we refer to the observation made by this Court in *Javed Shaukat Ali Qureshi vs. State of Gujarat*, [2023 INSC 829](#) : [2023\(6\) Supreme 525](#) :

“15. When there is similar or identical evidence of eye-witnesses against two accused by ascribing them the same or similar role, the Court cannot convict one accused and acquit the other. In such a case, the cases of both the accused will be governed by the principle of parity. This principle means that the Criminal Court should decide like cases alike, and in such cases, the Court cannot make a distinction between the two accused, which will amount to discrimination.” (Emphasis supplied)

This was reaffirmed in *Ram Singh vs. State of U.P.* [2024 INSC 128](#) at 32. Therefore, the acquittal of accused No. 2 (Dwarika Jangde) persuades us to resolve any doubt vis-à-vis the recoveries in favour of the present appellant.

2026 0 INSC 332; 2026 0 Supreme(SC) 358; Hem Raj Vs. The State of Himachal Pradesh; Criminal Appeal No. of 2026 [Arising Out of SLP (Crl.) No. 19691 of 2025] Decided On : 08-04-2026

NDPS- Reading Sections 15 to 19, 21 to 24, 25A, 27 as well as Section 20 which is relevant to the present case, it would be noticed that all these sections prescribed punishment and sentence separately for the offence related to contraband mentioned therein. Section 25 however says that a person who is found to be owner or occupier or having the control or use of any house, room, enclosure, space, place, animal or conveyance, is found to be knowingly permitting it to be used for the commission by any other person of an offence punishable under any provision of this Act shall be punishable with “the punishment provided for that offence.” Similar phraseology is employed in respect of punishment in Section 29 which says that a person found guilty of abetment and criminal conspiracy to commit an offence under Chapter IV “be punishable with the punishment provided for the offence” notwithstanding anything contained in Section 116 of the IPC.

The argument is sought to be founded on the variation of language in Section 20 (as also noticeable in other sections mentioned above) vis-à-vis Sections 25 and 29 that since Section 20 specifically provides for a particular punishment and Sections 25 and 29 only says that punishment for the said offences which may be imposed would be the same “as provided for that offence”, the conviction under Sections 25 and 29 could not have attracted a separate and distinct punishment. What is contended is that punishment imposed under Section 20 on the appellant would take care of the punishment for the conviction under Section 25 and Section

29 of the Act, which according to learned counsel of the appellant, are only part of substantive offence.

There exists an apparent fallacy in what is sought to be canvassed that separate sentence is not permissible to be awarded. Various sections in Chapter IV of the Act relate to different independent offences pertaining to the contraband. Section 25 and Section 29, which are part of the group of sections, also speak of the offences. Allowing premises etc. to be used for commission of an offence is conceived by the legislature to be a separate offence and engrafted in the Act accordingly as an independent offence under Section 25.

In a given case, an offender may have permitted the other person to use the house, room, space, place, animal or conveyance etc. to facilitate the commission of any offence under the Act. This conduct would fall squarely within Section 25 to become a distinct and independent offence by that person who so permits the use of house, conveyance etc. for the purpose of committing an offence by the other person.

Looking at Section 29, it speaks of punishment for the offence of abetment and criminal conspiracy. An abetment of a thing is an independent offence mentioned in the IPC. Section 116, IPC mentions about the abetment of offence punishable with imprisonment - if offence be or be not committed. Now, Section 29 says that "notwithstanding anything contained in Section 116 of the IPC, be punishable with the punishment provided for the offence." What it contemplates is that whoever abets the offence under the NDPS Act in Chapter IV shall be punished for the 'punishment provided for the offence'. In other words, the fetter and limitation about the term of imprisonment mentioned in Section 116 IPC, is done away with in relation to offence of abetment under Section 29 of the NDPS Act.

The offence of criminal conspiracy which is inherently covert and rarely leaves behind direct traces and whose existence could be inferred from the surrounding facts and circumstances, where any overt commission of act not always present, is seldom capable to be proved by direct evidence. Section 120B, IPC is the punishment for the offence of criminal conspiracy.

5.8.1. It is well settled that conspiracy is an independent offence. In *Gurdeep Singh v. State of Punjab*, (2025) SCC Online SC 1669 this Court referred to its earlier decision in *State (NCT of Delhi) v. Navjot Sandhu*, [\(2005\) 11 SCC 600](#) as also in *Noor Mohammad Mohd. Yusuf Momin v. State of Maharashtra*, [\(1970\) 1 SCC 696](#) to underline that conspiracy is an independent offence and may be punishable even if the substantive offence committed by the conspirators does not ultimately materialise.

5.8.2. It was held in *Noor Mohammad* (supra) that Section 120B, IPC makes criminal conspiracy a substantive offence which postulates an

agreement between two or more persons to do or cause to be done an act by illegal means. Thus, criminal conspiracy, which is an independent offence, is so incorporated in Section 29 of the NDPS Act.

6. When the offence under Section 25 is entirely possible to be committed separately as an independent offence to remain distinct in itself, and when the offences of abetment and criminal conspiracy mentioned in Section 29 are in themselves independent offences, it is entirely logical to deduce and conclude that commission of these offences once established, would attract separate punishment and sentence.

6.1. It would not be right to say that when Section 25 and Section 29 mention the punishment for allowing premises to be used for the offence or for abetment and criminal conspiracy in the commission of an offence under the Chapter, and that punishment is not expressly mentioned, but what is mentioned is "punishment for that offence," it would mean that the imposition of separate punishment is not contemplated. Both the Sections 25 and 29 mention that the commissioner of offence in question shall be punishable with the punishment provided for "that offence" or "the offence."

7. Section 25 and Section 29 insofar as they provide that the punishment for the respective offences mentioned therein is same which would be for the principal offence, is an instance of legislation by reference. The legislature has referred to the punishment mentioned in the particular section to be referred to and applied for the purpose of punishment and sentence to be imposed under another section. Stating differently, the punishment provided for the offence under Section 20 of the Act is mentioned by way of reference under Section 25 and Section 29 to be read into it in a similar way to be applied for the imposition.

7.1. The doctrine of reference is a well-recognised tool of legislation. It is a process whereby the legislature refers to the provision of one statute in the provisions of the other statute to be read into the other statute. In that way, the provision in one statute becomes part of the provisions of the other statute in which it is referred to. Analogous is the doctrine of incorporation, which bears a fine distinction with the doctrine of reference where provision from one statute is bodily lifted to be incorporated to be part of provision in another enactment.

7.2. While the Court is not concerned in this case with the distinction, it would suffice to say that the provisions of Section 20, or as the case may be, vis-à-vis Sections 25 and 29 in the NDPS Act, when refers to the punishment under Section 20 conforming to the main offence, as the case may be, to be also the punishment under Section 25 and Section 29 of the Act, it also becomes legislation by incorporation, since provision in one section of the statute is made to be referred, to be read into, and to be applied in the provision of other sections of the same statute. Given this

legislative mandate, the contention has to be negated that no separate punishment and sentence is contemplated in respect of Section 25 and Section 29 of the Act.

8. However, a riding clarification may be necessary. Even though punishment for the offences under Section 25 and Section 29 of the Act is separately contemplated and could be imposed independently and additionally, in a given case and in most of the cases these offences have a connect and an interaction with any of the main offences mentioned in Sections 15 to 19, 20 to 24 and others. It may happen in large number of cases that offences under Section 25 and 29, as the case may be, take place along with the other substantive offences mentioned in Chapter IV, in course of the same transaction. The two offences may be part of an inclusive transaction. In other words, though separately punishable, the offences under Sections 25 and 29 could be parasitic and derivative.

8.1. The conviction is possible for two offences which may be inclusive or interdependent arising out of same course of action or the transaction. However, since the offences committed for their kind and nature, would be distinct offences, would entail separate punishment. Therefore, even while imposing separate punishment for such different offences, it would be the rule of wisdom to be followed by the court that in such cases, the sentence is made to run concurrently. In the instant case, the sentences are ordered to run concurrently.

8.2. The punishment and sentence should not result in double jeopardy. One of the objects of concurrent running of the sentence is to avoid double punishment. This principle would readily apply when two separate punishments are awarded, and sentences are imposed for two offences relatable to one set of facts. It would call for applying concurrent sufferance of punishment.

9. This takes the Court to the second remaining question as to whether the fine imposed separately as part of the punishment of two offences would be liable to be treated concurrent along with the sentences of imprisonment.

9.1. Section 53 IPC deals with the punishments. It says that punishments for which the offenders are liable under the provisions of this Code are death, imprisonment whether rigorous or simple, forfeiture of property and fine. Both imprisonment and fine are treated as punishments.

9.2. In the present case, the appellant is sentenced by the High Court to undergo 10 years rigorous imprisonment, and to pay fine of Rs. 1,20,000/- and in default to undergo further rigorous imprisonment for one year. This is a default imprisonment. In *Shahejadh Khan Maheeb Khan Pathan v. State of Gujarat*, [\(2013\) 1 SCC 570](#) this Court observed that the term of imprisonment in default of payment of fine is not a sentence it is a penalty which a person incurs on account of non-payment of fine. On the other

hand, it was further observed, if sentence is imposed, an offender must undergo unless it is modified or varied in part or whole in the judicial proceedings.

9.3. What it implies is that although the default imprisonment clause is taken out of the concept of sentence and is treated as penalty for not observing sentence of fine, the amount of fine imposed required to be paid by the convict is a sentence and has to be treated as part of sentence. Section 53, IPC mentioned above also includes fine as a punishment to be part of sentence. In that view when the sentence is directed to run concurrently, the appellant cannot be made to pay fine twice.

2026 0 INSC 336; 2026 0 Supreme(SC) 364; Roma Ahuja Vs. The State And Another; Criminal Appeal Nos. 1831-1832 of 2026 (Arising out of SLP (Cri.) Nos.9971-9972 of 2025); Decided On : 09-04-2026

In the present case, learned counsel for the respondents made a vain attempt by referring to the definition of 'complaint' in Section 2(d) as well as definition of 'police report' in Section 2(r), Cr.PC, and further taking resort to the provisions of Section 173, which deals with the 'Report to Police Officer on Completion of Investigation', and Section 190 under which the Magistrate takes cognizance of the offences upon receiving a complaint of facts which constitute the offence or upon a police report of such facts or upon information received from any person other than police, submitted that the Constitution Bench judgment in Sarah Mathew (supra) was related to a case where the complaint was filed before the Magistrate, whereas in the instant case, the FIR was filed and subsequently, the Magistrate took cognizance.

7.1 It was submitted that in view of the difference in working of the provisions, especially under the provisions of Section 173 onwards, and having regard to the distinction between 'complaint' defined in Section 2(d) and the 'police report' defined in Section 2(r), Cr.PC, and when the 'complaint' in Section 2(d) does not include the police report, the Constitution Bench judgment is distinguishable and the instant being the complaint case, the principle laid down in Sarah Mathew (supra) will not apply.

7.2 The above submission is stated to be rejected. The computing point of limitation for the purpose of Section 468, Cr.PC is held to be the date of filing complaint – the date of initiation of criminal proceedings. Whether the case belongs to one instituted before the Magistrate under Section 173 or it is upon a complaint filed before the police, what matters is the date of initiation of criminal proceedings.

7.3 The criminal proceedings can be said to have been initiated in both categories of complaint when the complaint is filed before the Magistrate or FIR is lodged before the police, as the case may be. It remains a

complaint made either to the Magistrate or to the police to become the starting point of initiation of criminal proceedings.

7.4 The relevant date as held by Sarah Mathew (*supra*) would be the date of filing of complaint or, differently stated, the date of initiation of criminal proceedings. Therefore, the submission on behalf of the respondents on this count falls flat.

8. As disclosure of honest and full facts before the Court is part of the fair conduct on the part of lawyers, respecting the binding precedence of the judgments and conceding its applicability in a case is also a duty in fairness to be discharged by the advocates in conducting their case. They are part of the system of administration of justice and are not expected to breach the rules of the game to argue against settled principles or contrary to well settled law, just for the sake of doing it. Giving up an argument where a point of law is already decided is a professional virtue. It is part of ethics in professional conduct before the Court.

8.1 As the courts are bound by the law of precedent and to follow the law laid down in the binding judgment of the Constitution Bench, the lawyers are also expected to respect the strong-operated precedent emanating from a judgment holding the field unless exceptional grounds exist to distinguish the decision are available. Merely for the purpose of demonstrating the argumentative skill, the lawyers ought not to eat up the valuable public time of the court by making the submissions, which are worthless against binding precedent.

8.2 It is to be noticed that even in *Amritlal* (*supra*), a failed contention was advanced seeking to submit that the date of cognizance by the Magistrate was required to be applied inasmuch as the decision in *Sarah Mathew* (*supra*) needed reconsideration on the ground that several aspects relating to the purpose of Chapter XXXVI, Cr.PC, have not been taken into consideration and the Court had not comprehensively dealt with the provisions relating to the bar of limitation.

8.3 Rejecting such contention, the Court in *Amritlal* (*supra*) observed, and this Court reiterates the same,

‘A decision of the Constitution Bench of this Court cannot be questioned on certain suggestions about different interpretation of the provisions under consideration. It remains trite that the binding effect of a decision of this Court does not depend upon whether a particular argument was considered or not, provided the point with reference to which the argument is advanced, was actually decided therein [*Vide Somawanti v. State of Punjab*, 1962 SCC OnLine SC 23 : [AIR 1963 SC 151](#), para 22] . This is apart from the fact that a bare reading of the decision in *Sarah Mathew*, [\(2014\) 2 SCC 62](#) would make it clear that every relevant aspect concerning Chapter XXXVI Cr.PC has been dilated upon by the Constitution Bench in necessary details.’

(Para 13)

9. It has to be asserted that the Constitution Bench judgment is a beckoning binding precedent and the courts are bound by it. There cannot be any room to travel beyond the four corners of the binding nature thereof by raising spacious argument that the particular aspect was missed or that the particular contentions was not canvassed. Such stock contentions cannot dilute the law laid down by the Constitution Bench and its unimpeachable precedential value.

<https://indiankanoon.org/doc/100668514/>; **Raj Kumar Deshpande vs The State Of Telangana on 1 April, 2026; CRIMINAL PETITION Nos.4296 and 4309 of 2026**

In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to supra, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

<https://indiankanoon.org/doc/24540709/>; **Diddi Varalaxmi vs The State Of Telangana on 1 April, 2026; CRLP No.4575 of 2023**

With regard to the offence under [Section 498-A](#) IPC, the petitioner cannot be construed to be a relative of accused No.1 as per the law laid down by the Apex Court in the case of Dechamma I.M. alias [Dechamma Koushik Vs. State of Karnataka and another](#) 2024 SCC Online SC 3853, vide Para 18 of its judgment which reads as under:-

"By no stretch of imagination would a girlfriend or even a concubine in an etymological sense be a "relative". The word "relative" brings within its purview a status. Such a status must be conferred either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise."

<https://indiankanoon.org/doc/16624704/>; **CRLA NO.341 OF 2026; 02.04.2026; Gade Innaiah Alias Gade Inna Reddy vs The State Of Telangana;**

In the meanwhile, the Investigating Officer has filed another application vide CrI.M.P.No.514 of 2026 in the said crime seeking custody of the appellant on the ground that the subsequent to the premature completion of the earlier police custody, several witnesses were examined, several financial transactions of the appellant were scrutinized. Several facts have come up regarding which the accused needs to be confronted. Several suspicion transactions have been identified for which only the appellant

can offer explanation. The data extracted from the electric devices seized in the case has been provided by CFSL on 20.02.2026. Voluminous data has been thoroughly analyzed and several incriminating documents, chats etc were found, which again needs to be confronted with the accused, as such the appellant is the only person who can offer explanation to the contents found therein. It is further contended that the said information cannot be ascertained/extracted unless the appellant is interrogated one to one in police custody of NIA.

Admittedly, the Investigating Officer has filed the aforesaid application seeking police custody second time within time lines, it is maintainable. In the present case, they have specifically mentioned reasons, however, they have not mentioned the number of witnesses examined subsequent to premature completion of earlier police custody, the number of transactions etc. Specifically, in paragraph No.10 of the said application. Further there is mention with regard to examination of witnesses subsequent to premature completion of earlier police custody, financial transactions. There is specific mention with regard to data provided on CFSL dated 20.02.2026 and analyzation of the said incriminating documents including chats etc. On consideration of the said aspects only, the learned Designated Court allowed the said application filed by the Investigating Officer and granted police custody second time for five days i.e., from 02.04.2026 at 10.00 a.m., to 06.04.2026 till 04.30 p.m., on imposition of certain conditions. There is no error in it.

<https://indiankanoon.org/doc/146345032/>; **Samadan Kantilal Bhise vs The State Of Telangana on 6 April, 2026; Crl.P.No.4068 of 2026**

In view thereof, [Section 37](#) of the NDPS Act mandates that offences involving commercial quantities be non- bailable, requiring reasonable grounds to believe the accused is not guilty and unlikely to commit further offences while on bail. Given the serious allegations against the petitioner, this Court is not satisfied that conditions for granting bail under [Section 37](#) are met. Therefore, the criminal petition lacks merit and the same is liable to be dismissed.

<https://indiankanoon.org/doc/123711415/>; **Mr. Md Zaheeruddin vs The State Of Telangana Through Sho, ... on 6 April, 2026; CRIMINAL PETITION No.4919 of 2026**

It is very much relevant to mention that in [Sunil Bharati Mittal v. Central Bureau of Investigation](#) 1 the Hon'ble Supreme Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has to record reasons for summoning a person. In [GHCL Employees Stock Option Trust v. India Infoline Limited](#) 2, the Hon'ble Apex Court found fault with the

order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In [Chief Enforcement Officer v. Videocon International Limited](#) 3, the Hon'ble Supreme Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would involve application of mind by the Magistrate to the suspected commission of an offence. The Hon'ble Supreme Court in [Sunil Bharati Mittal's](#) case (Supra), further held as follows:

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, (2015) 4 SCC 609 (2013) 4 SCC 505 (2008) 2 SCC 492 would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not."

8. In [Fakhruddin Ahmad v. State of Uttaranchal and another](#) 4, it is held as follows:

"Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender."

9. In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to supra, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

<https://indiankanoon.org/doc/118240355/>; **Kandukuri Praveen Teja vs The State Of Telangana on 7 April, 2026; CRLP No. 4127 of 2026**

Insofar as the other contentions raised by the learned counsel for the petitioner that the Investigating Officer issued notice under [Section 35\(3\)](#) of the BNSS to accused Nos. 5 to 9 and the petitioner is also entitled for the same benefit, is concerned, the specific case of prosecution is that accused Nos.5 to 9 are only the customers, whereas the petitioner is a peddler. Hence, this Court is not inclined to issue such direction to the Investigating Officer to issue notice under [Section 35\(3\)](#) of the BNSS to the petitioner, especially this Court on 13.02.2026 dismissed CrI.P.No.956 of 2026 filed by the petitioner seeking pre-arrest bail.

<https://indiankanoon.org/doc/80426701/>; **Shaik Madhar Saheb vs The State Of Telangana on 8 April, 2026; WP No.295 of 2025**

As regard the issue of closure of the criminal case, this Court notes a procedural lapse on the part of the investigating agency. From the Final Report submitted by the police (Final Report No.28 of 2015 dated 22.09.2015), it is evident that the informant, i.e., the former CEO of the A.P. State Wakf Board was not issued any notice before filing of the final report before the Magistrate. The final report merely states that "a notice to the complainant has been served and acknowledged copy of the same is submitted herewith", however, no such notice or acknowledgment is brought on record. More importantly, prior to the learned XII Additional Chief Metropolitan Magistrate accepting the Final Report and closing the criminal case on 14.10.2016, no notice was issued to the informant. The informant, being the original complainant, was thus not afforded an opportunity of being heard on the question whether the case should be treated as civil in nature and closed. This omission violates the principle that complainant has a right to be heard before the closure of a criminal case, as recognized under [Section 173\(2\)\(ii\)](#) of Code of Criminal Procedure and the well settled law [laid down by](#) the Hon'ble Supreme Court in [Bhagwant Singh v. Commissioner of Police and others](#)

<https://indiankanoon.org/doc/104502984/>; **T. Krishnamma & 7 Others vs Khaza Vazir Ali (Minor) on 10 April, 2026; MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 69/2012**

Date of accident is 12.09.2002. Death of deceased is 31.01.2003. The time gap between the death and the accident is 3½ months. In the interregnum period, admittedly, there was admission and discharge of the deceased from the hospital. Absence of post-mortem by itself cannot straightway lead to an inference that the death is not due to accident injuries. Disposal of the criminal case before the concerned Judicial First Class Magistrate on admission was done for the offences for which the

accused was charge-sheeted by the date of such judgment and admission.

P.W.5 / Dr. B. Venkataswamy stated that injury No.1 i.e. swelling of the lower end of the left humerus, is grievous and due to fat embolism, it may cause death. Thrombus, i.e. clotting of blood in a local area of a blood vessel, may also be occasioned due to the age factor of an elderly person; this does not by itself make out that death cannot be related to the accident injuries. To the extent of injuries sustained/stated by the deceased, treatment undergone, expenditure incurred, attendant charges, transportation expenditure etc. are also factors to be taken note of, but unfortunately, the learned MACT has discarded the entire claim without any empathetical concern in respect of the claim made by the poor victims, forgetting the social welfare nature of the legislation. Empathetical concern on the part of the stakeholders in administration including the Tribunal is necessary, in respect of social welfare legislations and holistic approach towards the cases necessary, which, in fact, has been advised by the Hon^{ble} Supreme Court while examining motor accident claims.

2026 0 INSC 362; 2026 0 Supreme(SC) 391; ACCAMMA Sam Jacob Vs. The State of Karnataka and Another; Criminal Appeal No. 1927-1929 of 2026 [SLP (Criminal) No. 6693-6695 of 2026] [Diary No. 20175 of 2022], Criminal Appeal No. 1930-1932 of 2026 [SLP (Criminal) Nos. 1749-1751 of 2024], Criminal Appeal No. 1933-1935 of 2026 [SLP (Criminal) No. 6696-6698 of 2026] [Diary No. 20213 of 2022]; Decided On : 13-04-2026

The Magistrate had merely exercised jurisdiction under Section 156(3) of Cr.P.C. and directed investigation by the police. It cannot be gainsaid that while exercising jurisdiction under Section 156(3) of Cr.P.C. the Magistrate is required to merely peruse the application filed by the complainant and examine whether the facts disclosed therein prima facie disclose the necessary ingredients of cognizable offences requiring investigation by police. The Magistrate is not expected to undertake an exhaustive evaluation of evidence nor adjudicate upon the merits of the allegations. If the Magistrate arrives at the conclusion that prima facie a cognizable offence is disclosed, then he would be fully justified in directing the concerned SHO to register an FIR and proceed with investigation in accordance with law. The High Court, while exercising its inherent jurisdiction under Section 482 of Cr.P.C. must remain circumspect in interfering with such an exercise of power and ought to intervene only where it is evident that the order lacks any legal foundation; suffers from perversity or that the same may result in failure of justice.

The facts in the case at hand manifest that the High Court proceeded to examine documents relied upon by the accused-respondents, including

the sale deeds executed in their favour, and treated the same as determinative of the dispute and observed that the sale deeds must be cancelled and delivered up first, before the criminal law could be set into motion. Such an exercise was clearly beyond the permissible scope of scrutiny in a petition for quashing under Section 482 of Cr.P.C. Consideration of defence material, including sale deeds or other title documents would necessarily involve adjudication on disputed questions of fact, which fall squarely within the domain of investigation and, if necessary, trial. Any such exercise at the stage of Section 156(3) of Cr.P.C. would amount to conducting a mini-trial and would be wholly impermissible. Permitting such defence material to be weighed at the threshold would frustrate and defeat the very purpose of directing an investigation by the police.

55. This Court has, time and again, emphasised that criminal investigation ought not to be scuttled at the threshold except in cases where the complaint ex facie does not disclose the commission of any cognizable offence or where continuation of the proceedings would amount to an abuse of the process of law. The power of the High Court under Section 482 of Cr.P.C. or Article 226 of the Constitution of India to interdict investigation is to be exercised with great circumspection, bearing in mind the statutory duty of the investigating agency to inquire into cognizable offences. The said position has been eruditely explained by this Court in *Neeharika Infrastructure (P) Ltd. v. State of Maharashtra*, [\(2021\) 19 SCC 401](#), wherein it was observed as under:

“In a given case, there may be allegations of abuse of process of law by converting a civil dispute into a criminal dispute, only with a view to pressurise the accused. Similarly, in a given case the complaint itself on the face of it can be said to be barred by law. The allegations in the FIR/complaint may not at all disclose the commission of a cognizable offence. In such cases and in exceptional cases with circumspection, the High Court may stay the further investigation. However, at the same time, there may be genuine complaints/FIRs and the police/investigating agency has a statutory obligation/right/duty to enquire into the cognizable offences. Therefore, a balance has to be struck between the rights of the genuine complainants and the FIRs disclosing commission of a cognizable offence and the statutory obligation/duty of the investigating agency to investigate into the cognizable offences on the one hand and those innocent persons against whom the criminal proceedings are initiated which may be in a given case abuse of process of law and the process. However, if the facts are hazy and the investigation has just begun, the High Court would be circumspect in exercising such powers and the High Court must permit the investigating agency to proceed

further with the investigation in exercise of its statutory duty under the provisions of the Code.” [Emphasis supplied]

In the facts and circumstances noted above, it was not at all justified for the High Court to have quashed proceedings merely on the ground that the dispute appeared to be civil in nature. It is well settled that the mere existence of a civil remedy does not by itself bar criminal proceedings where the allegations prima facie disclose commission of a cognizable offence. By entering into an evaluation of the dispute on merits and proceeding to quash the order directing investigation, the High Court effectively stifled the investigative process at its inception. Such an approach runs contrary to the principles consistently laid down by this Court.

2026 0 INSC 370; 2026 0 Supreme(SC) 401; Deepa Joshi Vs. Gaurav Joshi; Criminal Appeal No. 1974 of 2026 [Arising Out of SLP (Crl.) No. 15662 of 2025]; 16-04-2026

It is also not in dispute that the appellant has no independent source of income and has been residing separately shortly after the marriage. The maintenance awarded must therefore enable her to sustain herself with a reasonable degree of dignity, consistent with the status of the parties. At the same time, it is necessary to ensure that the determination remains fair and reasonable and does not impose an excessive burden upon the respondent. The exercise is one of achieving a just balance between competing considerations.

15. Insofar as the financial capacity of the respondent is concerned, it is borne out from the compliance affidavit filed pursuant to the order dated 06.02.2026 that the respondent is employed as a Manager with Canara Bank and is drawing a gross monthly income of Rs. 1,15,670/-. The Courts below have taken note of certain deductions from the said income, including repayments towards loans. However, it is well settled that repayments of loans, particularly where such repayments result in creation or acquisition of assets, partake the character of capital investment and cannot be equated with essential or unavoidable expenditure. Such financial commitments, being voluntary in nature, cannot be accorded precedence over the statutory and legally enforceable obligation of maintenance.

16. The obligation of the husband to maintain his spouse is a primary and continuing duty, which must be discharged in a manner that enables the wife to live with dignity and in a standard commensurate with that enjoyed during the subsistence of the marriage. Viewed thus, deductions on account of asset-generating repayments cannot be permitted to substantially dilute the respondent’s real earning capacity for the purpose of determining maintenance. We are of the opinion that a sum of Rs.

25,000/- per month would be just, fair and reasonable in the facts of the present case.

2026 0 INSC 374; 2026 0 Supreme(SC) 405; Rahul Gupta Vs. Station House Officer and others; Special Leave Petition (Crl.) No. 13755 of 2025; Decided On : 16-04-2026

Significantly, in Neera Singh (supra), a learned Judge of the Delhi High Court observed that the complaint made by the wife therein showed that dowry demands were made even before the marriage and despite being well-educated, the wife went ahead with the marriage. Opining that these kinds of allegations made after the breakdown of marriage indicated the mentality of the complainants, the High Court concluded that such allegations should result in the police registering a case under the DP Act against the parents of the wife as well, who had gotten their daughter married despite demand for dowry. Reference was made to Section 3 of the Act, which prohibits 'giving and taking' of dowry but, surprisingly, the High Court failed to notice Section 7(3), which specifically states that a statement made by the 'person aggrieved' by the offence shall not subject such person to prosecution under the DP Act. Failing to stop short at this blunder, the High Court went on to state that Metropolitan Magistrates should take cognizance under the DP Act in respect of the offence of 'giving' dowry whenever allegations were made that dowry was given as a consideration for the marriage.

15. Notably, Neera Singh (supra) was a case where the wife's complaint of dowry harassment was not accepted by the learned Magistrate and, thereafter, the learned Sessions Judge held that no prima facie case was made out under Section 498A IPC against the husband and his family. This was, thus, not even a case involving an allegation as to the wife's family being liable for prosecution for 'giving' dowry. The observations and comments made by the High Court in that regard were, therefore, completely uncalled for and unnecessary.

16. Section 7(3) of the DP Act did fall for consideration before various High Courts thereafter. The Delhi High Court had occasion to deal with it in Pooja Saxena vs. State and another, 2011(1) Crimes 378 (Del) = 2010 SCC OnLine Del 3652. Therein, the wife had sought quashing of the FIR registered against her under Section 3 of the DP Act for the offence of 'giving' dowry. Adverting to Neera Singh (supra), the learned Judge held that the observations made therein were in the nature of obiter dicta. Further, the learned Judge noted that Section 7(3) of the DP Act had not been taken into account and, therefore, Neera Singh (supra) was not of guidance. On facts, the learned Judge held that Section 7(3) of the DP Act would come to the rescue of the wife and she could not, therefore, be subjected to prosecution under Section 3 of the DP Act. This Court

confirmed the view taken by the learned Judge, as SLP (Cri.) Nos. 1339-1340 of 2011 filed against his order were dismissed on 07.03.2011. Again, in *Yashpal Kumar vs. Bhola Nath Khanna and another*, (2012) 2 DLT (Cri) 41, the Delhi High Court followed the view taken in *Pooja Saxena (supra)*. 17. The Madras High Court had occasion to consider the provision in *Ajita David vs. State, by Inspector of Police, and another*, (2009) 2 MWN (Cri) 257. Therein, the Madras High Court held that Section 7(1)(b)(ii) of the DP Act could not be interpreted to mean that a parent of the bride would not fall within the category of a 'person aggrieved'. It was observed that the parent of the victim girl is definitely a person aggrieved by the offence and, by no stretch of imagination, the legislature would have thought of excluding the parent from the purview of the 'person aggrieved' by the offence, while drafting Section 7(3) of the DP Act. The High Court concluded that, at any rate, the phrase 'person aggrieved by the offence' employed in Section 7(3) of the DP Act could not be construed in such a manner that it would only refer to the bride as, in its considered opinion, the parents and other relatives of the bride can safely be classified as 'persons aggrieved' by the offence, as contemplated under Section 7(3) of the DP Act.

18. Similar views were expressed by the Jharkhand High Court in *Ram Gopal Sah vs. State of Jharkhand*, [2009 \(1\) JLR 432](#) (HC) and by the Madhya Pradesh High Court in *Haji Sayyad vs. State of M.P. and another*, ILR 2012 MP 2610. The Allahabad High Court also followed suit in *Ram Charitra Tiwari and others vs. State of UP and another*, ILR (2021) 7 ALL 379. Given the weighty judicial thought process reflected in the aforesaid decisions, with which we are in complete agreement, the decision in *Neera Singh (supra)*, relied upon by the petitioner, has no value. The observations therein have no precedential effect, having been made in ignorance of Section 7(3) of the DP Act.

19. However, as rightly pointed out by the learned amicus curiae, we may clarify that a second FIR can be registered on the strength of a complaint, which presents a rival version or a counter claim (See *Upkar Singh vs. Ved Prakash and others*, [\(2004\) 13 SCC 292](#)). Elaborating on this principle in *Anju Chaudhary vs. State of Uttar Pradesh and another*, [\(2013\) 6 SCC 384](#), this Court opined that there cannot be two FIRs registered for the same offence but where the incident is separate; offences are similar or different, or even where the subsequent crime is of such magnitude that it does not fall within the ambit and scope of the first FIR, then a second FIR can be registered. The recent decision of this Court in *State of Rajasthan vs. Surendra Singh Rathore*, [2025 INSC 248](#) = 2025 SCC OnLine SC 358 culled out five principles on the issue of registration of a second FIR: -

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

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

9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.

9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.

9.5 Where the incident is separate; offences are similar or different.’

20. Therefore, had it been a case where independent evidence was presented with regard to the ‘giving’ of dowry and reliance was not placed only upon the complaint and statements made by the persons aggrieved, i.e., the wife and her family members, it would have been possible to register an FIR for the offence of ‘giving’ dowry under Section 3 of the DP Act as, in such a situation, the protection afforded to the ‘persons aggrieved’, under Section 7(3) of the DP Act, would not be available to them. However, if in a given case all that is projected to establish the offence of ‘giving’ dowry under Section 3 of the DP Act is the complaint and/or the statements made by the wife and her family members, it would invariably mean that they, being the ‘persons aggrieved’, would be fully covered by the shield of immunity raised under Section 7(3) of the DP Act and would not be liable to be prosecuted on the strength thereof.

21. On the above analysis, we find no grounds made out to interfere with the orders passed by the learned Magistrate and the learned Sessions Judge, which stood confirmed by the impugned order passed by the High Court, though on the grounds cited hereinabove. To sum up, we find that the grievance of the petitioner has no merit as his attack against his wife, Radhika Gupta, respondent No.7, and her family members was based only upon her complaint and the statements recorded by her and her family members, under Section 161 CrPC, and the statutory protection under Section 7(3) of the DP Act was, therefore, applicable to them.

2026 0 INSC 365; 2026 0 Supreme(SC) 394; The State of Kerala Vs. K.A. Abdul Rasheed; Criminal Appeal No. 1956 of 2026 (@Special Leave Petition (Crl.) No. 1808 of 2026); Decided On : 15-04-2026

PW2 who was the independent witness spoke of he being summoned to the vigilance office by 9:30 in the morning. On reaching there he found the Special Tahsildar also present there along with the Dy.S.P. and the complainant who were introduced. PW1 made an oral complaint which was taken down by the Dy.S.P. and PW1 confirmed to the independent witnesses that what has been stated by him and later read over were correct. The further trap proceedings regarding the marking of note and

so on were spoken of as deposed by PW1 itself. PW17 also spoke of the complaint having been made by PW1 in the presence of the independent witness, orally, which he had taken down and read over to the complainant in the presence of the witnesses. Ext. P1 confronted to PW17 was further proved to be the FIS as recorded by PW17 on the oral recital by PW1. The statements made in Ext. P1 having been affirmed by PW1, his further statements regarding his inference, personal feelings and the denial of various statements in the Section 161 statement regarding the demand, pales into insignificance. So much of the evidence of PW1 is creditworthy and despite PW1 having accepted every suggestion made by the defense in the cross examination, the credible portion cannot be eschewed. True, PW1 prevaricated, but so much of the facts brought out by the prosecution on his examination brings forth a demand having been made by the accused to the complainant. The earlier demand, hence, stands established despite the non-examination of the other independent witness who could have only spoken of what transpired in the course of the trap.

2026 INSC 401; CIVIL APPEAL NO. OF 2026 ARISING OUT OF SLP (C) NO. 4774 OF 2023; MESSER GRIESHEIM GMBH (NOW CALLED AIR LIQUIDE DEUTSCHLAND GMBH) Vs. GOYAL MG GASES PRIVATE LIMITED; APRIL 21, 2026.

Upon careful consideration, we find that the English Court possessed jurisdiction over the parties and the subject matter. The Loan Agreement executed between the parties expressly provided that the contract would be governed by English law and that disputes arising therefrom would be subject to the jurisdiction of the English Courts. A reading of clause 12.5, 31.1 and 31.2 leads to inescapable conclusion that English Court was a competent court. Likewise, no case of fraud within the meaning of Section 13(e) CPC has been made out. To that extent, the judgment of the English Court cannot be faulted under clauses (a), and (e) of Section 13 CPC. However, for the reasons already recorded, we are of the considered opinion that the foreign judgment suffers from fundamental infirmities under clauses (b), (c), (d) and (f) of Section 13 CPC. The adjudication by way of summary judgment in the presence of bona fide triable issues renders the judgment one not delivered on merits within the meaning of Section 13(b). Further, the failure of the English Court to give due effect to statutory permissions and conditions imposed under Indian foreign exchange law attracts the mischief of Section 13(c). Despite triable issues, respondent was not granted leave to defend which stands in teeth of clause (d) of Section 13. The enforcement of liability contrary to binding statutory conditions also brings the decree within the prohibition contained in Section 13(f), being opposed to the law in force in India. Accordingly, while the foreign judgment satisfies certain procedural requirements, it

nonetheless fails the substantive tests mandated under clauses (b), (c), (d) and (f) of Section 13 CPC.

SLP(Crl.) No. 16838 of 2025; Debraj Dutta v. State of West Bengal & Anr. 2026 LiveLaw (SC) 401; 07-04-2026

Upon careful consideration, we find that the English Court possessed jurisdiction over the parties and the subject matter. The Loan Agreement executed between the parties expressly provided that the contract would be governed by English law and that disputes arising therefrom would be subject to the jurisdiction of the English Courts. A reading of clause 12.5, 31.1 and 31.2 leads to inescapable conclusion that English Court was a competent court. Likewise, no case of fraud within the meaning of Section 13(e) CPC has been made out. To that extent, the judgment of the English Court cannot be faulted under clauses (a), and (e) of Section 13 CPC. 86. However, for the reasons already recorded, we are of the considered opinion that the foreign judgment suffers from fundamental infirmities under clauses (b), (c), (d) and (f) of Section 13 CPC. The adjudication by way of summary judgment in the presence of bona fide triable issues renders the judgment one not delivered on merits within the meaning of Section 13(b). Further, the failure of the English Court to give due effect to statutory permissions and conditions imposed under Indian foreign exchange law attracts the mischief of Section 13(c). Despite triable issues, respondent was not granted leave to defend which stands in teeth Page 60 of 61 of clause (d) of Section 13. The enforcement of liability contrary to binding statutory conditions also brings the decree within the prohibition contained in Section 13(f), being opposed to the law in force in India. Accordingly, while the foreign judgment satisfies certain procedural requirements, it nonetheless fails the substantive tests mandated under clauses (b), (c), (d) and (f) of Section 13 CPC.

<https://indiankanoon.org/doc/120307004/>; **APHC010156882026; CRIMINAL PETITION NO: 2394/2026 Dt.16.04.2026; V Jagadeesan vs State Of Andhra Pradesh;**

Learned counsel for the petitioner would submit that the petitioner herein is Accused No. 8. Learned counsel would further submit that the **investigation is completed and charge sheet is also filed in this matter**, but there is no material collected by the Investigating Agency to connect the petitioner to the crime. The case is lodged against the petitioner basing on the confession of the co-accused i.e., Accused Nos. 2 and 3. Initially, the case was registered against unknown persons and on suspicion the petitioner was implicated. Learned counsel would further submit that Accused Nos. 1 to 3 alone are alleged to have participated in the incident, and the allegation against the petitioner is that he conspired

with Accused Nos. 1 to 3. Call data records are not collected and no witness has spoken about the petitioner herein. The presence of the petitioner at the place of incident is also not established. Learned counsel would further submit that, according to the de facto complainant, who is the brother of the deceased, the petitioner threatened the witnesses, and to that effect a case has been registered in Crime No. 127 of 2025; however, the de facto complainant in Crime No. 127 of 2025 is not a witness in the present case as per the charge sheet. Learned counsel would further submit that the presence of the petitioner at the time of the alleged conspiracy is stated to be at Arumbakkam, since he is a resident of that place and an agriculturist. The deceased had disputes with several other persons in the village. The petitioner undertakes to abide by any conditions that this Court may impose while granting bail.

5. Learned counsel for the respondent No.2/defacto complainant would submit that the Accused Nos. 5 to 9 threatened the eye witnesses in this matter. He would further submit that the defacto complainant in Crime No.127 of 2025 is a panch witness for inquest and is managing the property of the deceased. He was threatened by the present petitioner. Learned counsel finally prays for dismissal of the petition.

6. Learned Assistant Public Prosecutor vehemently opposed the petition and would submit that there is previous enmity between the petitioner and the deceased. The investigation would reveal that the petitioner played a role in the conspiracy to commit the murder of the deceased. The earlier bail application was dismissed by this Court vide order dated 18.02.2026 in Crl.P.No.406 of 2026. She would further submit that there are no changes of circumstances from the date of dismissal of earlier bail application. She finally prays for dismissal of the petition.

7. Considering the submissions and on perusal of the material on record and in view of the nature and gravity of the offence alleged against the petitioner and the fact that there are **no change of circumstances** from the date of dismissal of the earlier bail application, this Court is not inclined to enlarge the petitioner/accused No.8 on bail at this stage.

<https://indiankanoon.org/doc/95689821/>; APHC010177132026;
**Somaraju Alias V Usha Rani vs Cbi And Another; CRIMINAL
PETITION NO: 2575 OF 2026; 16.04.2026**

<https://indiankanoon.org/doc/35458873/>; APHC010175032026;
**Manukonda Mary Jothsna vs Cbi And Another2 on 16 April, 2026;
CRIMINAL PETITION NO: 2547/2026**

The instant Criminal Petition is filed under [Section 482](#) of the Bharatiya Nagarik Suraksha Sanhita, 2023, by the Petitioner/Accused No.5 seeking anticipatory bail in connection with Crime No.37 of 2026 on the file of

Ponnur Town Police Station, Guntur District for the offences under Sections 120B, [420](#), [465](#), [467](#), [468](#), [471](#) r/w 34 of [Indian Penal Code](#).

Considering the submissions made and on perusal of the material on record, the fact remains that no specific allegations are made against the present petitioner; they are only omnibus allegations that she has also played a part in the conspiracy. This is not the stage to decide the culpability by accepting the allegations. Be that as it may, the investigation is not completed and is at a nascent stage, what is the role of the petitioner and her complicity is also not established by this date. In that view, taking into consideration the facts of the case, and that she has no criminal antecedents

In the event of any coercive action sought to be taken against the Petitioner, concerned Police Authorities are directed to scrupulously follow the procedure prescribed under [Section 35\(3\)](#) of BNS and the guidelines laid down by the Hon'ble Supreme Court in [Arnesh Kumar v. State of Bihar](#)¹, which is reiterated in [Satender Kumar Antil vs. CBI](#) and another
{ Section 467 IPC is punishable with upto 10 years of punishment }

<https://indiankanoon.org/doc/71121862/>; APHC010174442026; **Pariti Venkata Jagadish Kumar vs The State Of Andhra Pradesh on 16 April, 2026; CRIMINAL PETITION NO: 2540/2026.**

Learned Assistant Public Prosecutor vehemently opposed the petition and submitted that the petitioner has been in judicial custody since 21.12.2025. It is further submitted that Accused Nos.1 and 2 were caught red-handed while they were in possession of a commercial quantity of white crystalline meth. She would further contend that the investigation is still pending.

6. Considering the submissions made and on perusal of the material on record, this Court observes that the Section 65-B Certificate filed along with the photographs by the learned counsel for the petitioner is not in accordance with law. This Court is of the view that this is not the stage to examine the genuineness or otherwise of the contention raised regarding the timing of arrest of the accused, whether it was at 06:30 a.m. or 08:30 p.m., as the same pertains to disputed questions of fact and falls within the realm of defence, which cannot be gone into at this stage. Be that as it may, Accused Nos. 3 to 5 have already been enlarged on bail by the Trial Court. In the absence of criminal antecedents against the petitioner and having regard to the fact that similarly placed co-accused have been granted bail, and considering the submissions advanced, this Court is inclined to grant bail to the petitioner/Accused No.1.

{No discussion regarding Section 37 of NDPS Act}

<https://indiankanoon.org/doc/197825826/>; **Laxminagar Welfare Association vs The State Of Telangana And 5 Others on 16 April, 2026; WRIT PETITION No. 27852 OF 2019**

It is an admitted position that the parties are in settled possession of the subject property and that civil disputes concerning title and possession are presently sub judice before the competent Civil Court. In such circumstances, the record reveals that respondent No. 4, having issued only a preliminary order, failed to undertake the mandatory subsequent steps contemplated under Section 145 Cr.P.C., including conducting an inquiry, affording an opportunity of hearing. Thus, except for passing the impugned preliminary order, no effective or substantive proceedings were undertaken by the authority.

It is well settled that proceedings under Section 145 Cr.P.C. are preventive in nature and are intended solely to maintain public order by addressing disputes likely to cause breach of peace, without adjudicating title. However, such jurisdiction must be exercised strictly in compliance NTR,J with procedural safeguards, including affording a fair hearing to the parties. The Ram Sumer Puri Mahant v. State of Uttar Pradesh, (1985) 1 SCC 427, held that when a civil dispute regarding possession is already pending before a competent Civil Court, parallel proceedings under Section 145 Cr.P.C. should ordinarily not be continued, as the Civil Court is competent to adjudicate the rights of the parties comprehensively. Similarly, in Ashok Kumar v. State of Uttarakhand, (2013) 3 SCC 366, it was reiterated that failure to follow due procedure under Section 145 Cr.P.C., including conducting an inquiry and passing a reasoned order, vitiates the proceedings.

In the present case, not only were the mandatory procedural requirements not complied with, but the very substratum of invoking Section 145 Cr.P.C. stands weakened in light of the pending civil litigation and the admitted possession of the parties. Furthermore, no consequential action has been taken pursuant to the preliminary order. Therefore, the impugned proceedings have, in effect, become redundant and unsustainable in law.

<https://indiankanoon.org/doc/121893773/>; **Kadugudu Jayawanth , Raju, Medchal Dt vs The State Of Telangana; 16 April, 2026; CRIMINAL APPEAL No.757 OF 2017**

Nonetheless, as inquest panchanama is only a procedural aspect and not substantive evidence, the failure or non-support of one or more panch witnesses is not by itself fatal, if the prosecution is otherwise able to establish its case through reliable and cogent evidence on record.

It is a settled principle of law that a confession made to the police is not substantive evidence, except to the limited extent permissible under law and its evidentiary value is already weak unless properly proved in

accordance with legal requirements. Therefore, notwithstanding the fact that both the panch witnesses to the confessional statement turned hostile, the prosecution case does not fail. The remaining evidence on record is sufficient to prove the guilt of the accused beyond reasonable doubt.

As per law, a dying declaration is considered highly reliable and requires no corroboration, though corroboration strengthens the case. It is well-settled in criminal jurisprudence that dying declaration is a substantive piece of evidence and can form the basis for conviction. Its credibility depends on the state of mind, voluntariness and consistency with other evidence, all of which are satisfied in this case. Thus, the dying declaration directly implicates the accused as the person who caused the fatal burns. The minor discrepancies pointed out by the defence are formal in nature and cannot undermine the substance of the declaration.

<https://indiankanoon.org/doc/115483046/>; **APHC010199642026;**
Pangi Govind Alias Govindu Alias Kondal rao vs The State Of Andhra Pradesh on 16 April, 2026; CRLP NO: 2998/2026 Dt.16.04.2026;

Considering the submissions and upon keen perusal of the material placed on record and in the light of the facts and circumstances of the case, that the petitioner has been in judicial custody since 26.11.2025, the fact that the contraband involved in the present crime is only 20 Kgs of Ganja, that the petitioner was arrayed as accused No.3 basing on the confession of the co-accused, that the statutory period is over and no report has been filed before the Special Court by the prosecution, this Court is inclined to enlarge the petitioner/accused No.3 on bail.

{ The case is registered for offences punishable under Sections 20(b)(ii)(B) r/w 8(C) of Narcotic Drugs and Psychotropic Substances Act; Sec 36A(4) NDPS is attracted to offences u/s. 19,24, 27A NDPS Act or offences involving commercial quantities. The Learned PP submitted that no report had been filed for extension of statutory period and the Hon'ble Court too had held so.}

<https://indiankanoon.org/doc/55175518/>; **APHC010180342026;**
Praveen Raj Purohit vs State A.P; CRLP NO: 2618/2026 16.04.2026;

Considering the submissions and upon keen perusal of the material placed on record and in the light of the facts and circumstances of the case, that the petitioner has been in judicial custody since 17.06.2025, the fact that the petitioner was arrayed as accused No.3 basing on the confession of the co-accused, that after completion of investigation, charge sheet is also filed and that except confession statement, nothing is unearthed against the petitioner, this Court is inclined to enlarge the petitioner/accused No.3 on bail

{ Case involved 337.460 Kgs of Ganja. Sec 37 NDPS Act not discussed }

<https://indiankanoon.org/doc/174276637/>; **APHC010108792026; Sajjala Bharghav Reddy vs Asstt; 17 April, 2026; WP NO: 6748/2026**

Before parting with this order, having considered the **social media posts**, which are the basis for registration of multiple criminal cases, this Court intends to place the following observations on record:

(1) Article 19(1)(a) of the Constitution of India guarantees "Freedom of Speech and Expression". But, it is not an absolute right. This right is subject to certain restrictions against the Rights of others "to live with dignity". Article 19(2) imposes reasonable restrictions including decency, morality, defamation and incitement to an offence.

(2) In the present case, this Court noticed from the material on record that the accused in 14 cases registered by different police stations ventured to damage the dignity of the Hon^{ble} Chief Minister, Deputy Chief Minister, Ministers and their family members including women by posting in social media. Such type of un-civilized, un-ethical, barbaric, un-cultural and vulgar behavior and actions should be dealt seriously in accordance with law.

(3) False and abusive content on social media can cause serious harm both to individuals and to society. When such content targets celebrities, political leaders, their families, or ordinary citizens, it can damage their reputation, invade their privacy, and cause emotional distress. At a personal level, victims may suffer anxiety, fear, and loss of dignity. At a societal level, the spread of misinformation and abusive language weakens public trust, promotes hatred and disrupts social harmony. It can also mislead people and affect fair public opinion. Therefore, such misuse of social media is harmful, irresponsible, and requires strict regulation and accountability.

(4) Nobody has right to damage the dignity and reputation of others.

(5) One can express their opinion or dissent on any issues or policies. But, it should be confined to express his opinion graciously and subject to restrictions under Article 19(2) of the Constitution of India.

(6) The Investigating Agencies should conduct proper and prompt investigations by following due process of law and frame charges against culprits basing on the evidence and produce them before proper Court of Law within time frame provided under procedural laws.

(7) Stringent action should be initiated against such persons, whoever they may be or whatever high they may be and clear message should be sent to all that "Law is above all" and "The Arms of the law are long."

{ The Hon'ble Apex Court judgment in State of Telangana Vs Nalla Balu @ Shashidhar Goud, appears to have not been brought to the notice of the Hon'ble High Court}

<https://indiankanoon.org/doc/73505920/>; Chitari Prasad vs The State Of Telangana on 17 April, 2026; CRLP No.3510 OF 2024

The Hon'ble Supreme Court in Dara Lakshmi Narayana v. State of Telangana, 2024 INSC 953, has categorically held that vague and omnibus allegations against relatives, without specific particulars indicating their active involvement, cannot form the basis for criminal prosecution, and that courts must be vigilant to prevent misuse of criminal law in matrimonial disputes. Similar principles have been reiterated in Neelu Chopra v. Bharti, (2009) 10 SCC 184, and Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599, wherein it has been held that continuation of proceedings against relatives based on general and sweeping allegations would amount to abuse of the process of law.

9. Insofar as the offences under Sections 3 and 4 of the D.P. Act are concerned, the essential ingredients require proof of demand, acceptance, or abetment of dowry. In the present case, even if the statements of the complainant and witnesses are taken at face value, they merely indicate that dowry was given in the presence of the petitioners at the time of marriage. There is no allegation that the petitioners either demanded, accepted, or abetted the giving of dowry. In the absence of such foundational facts, the prosecution under the provisions of the D.P. Act cannot be sustained.

10. Thus, upon a holistic consideration of the material on record and the settled legal principles, this Court is of the considered view that the allegations against the petitioners are vague, omnibus, and devoid of the essential ingredients necessary to constitute the offences alleged. Continuation of proceedings against the petitioners would, therefore, amount to abuse of the process of law.

<https://indiankanoon.org/doc/74096330/>; APHC010224902026; Shaik Siraj vs The State Of Andhra Pradesh on 24 April, 2026; CRIMINAL PETITION NO: 3461/2026

This Criminal Petition, under Sections 480 and 483 of the BNSS, has been filed by the Petitioners herein/Accused Nos.2 and 3, seeking regular bail, in Crime No.223 of 2025 of Santhapeta Police Station, Nellore City, registered for the offences punishable under Sections 8(C) r/w 20(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act (for short "NDPS Act").

Accordingly, this Criminal Petition is allowed.

{No discussion regarding Section 37 NDPS Act}

<https://indiankanoon.org/doc/74136881/>; **APHC010221422026;**
Balipogu Anjamma vs Union Of India on 24 April, 2026; WRIT
PETITION NO: 11172 OF 2026

It is brought to the notice of this Court by both the learned counsel that the subject matter of this writ petition is squarely covered by the common order passed in W.P.No.5602 of 2026 and batch, dated 07.04.2026, which is as follows:

"12. For the aforesaid reasons and in the light of the law laid down by the Apex Court and High Courts as referred above, these writ petitions are allowed directing the Passport Authorities to issue or re-issue or renew of the passports of the petitioners.

13. However, in the event of charge sheets being filed after investigation in criminal cases, the petitioners would be required to obtain necessary orders from the concerned Courts where the charge sheets are filed. These orders shall be in relation to the further period of validity of the said passports and conditions, if any that may be imposed by the concerned Court in relation to his/her travel abroad.

14. In the event, the petitioners do not take steps for obtaining such orders, it would be open to the Passport Authorities to revoke the passports of the petitioners after due notice to the petitioners."

<https://indiankanoon.org/doc/125028629/>; **APHC010187632026; M**
Jagan Kumar vs The State Of Andhra Pradesh on 23 April, 2026;
CRIMINAL PETITION NO: 2776/2026

The instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') has been filed by the Petitioners / Accused Nos.1, 2, 4 and 5, seeking anticipatory bail in connection with Crime No.65 of 2026 on the file of III Town Police Station, Eluru District, which is registered for the offences under Sections 143(4) read with 3(5) of BNS and [Sections 81, 87](#) of Juvenile Justice (Care and Protection of Children) Act, 2015.

Considering the submissions made and on a perusal of the record, this Court finds that the allegation against Accused Nos.4 and 5 is that they have obtained custody of a female child through Accused Nos.1 to 3, and that such transaction amounts to an illegal purchase of a child. On the other hand, the contention of the Petitioners is that Accused Nos.4 and 5, being issueless, intended to adopt a child and, in that process, were introduced to Accused No.3 through Accused Nos.1 and 2.

A careful reading of the material placed on record would disclose that the prosecution has alleged purchase of a minor child. However, the contention that there is no money trail, at this stage, has to be substantiated through investigation. Further, it is not in dispute that

Accused Nos.4 and 5 are childless. This Court also takes note of the fact that no criminal antecedents have been attributed to Accused Nos.4 and 5. The contention of the learned Assistant Public Prosecutor that the investigation is at a nascent stage has been duly considered. In the present case, there is no material placed before this Court to indicate that the Petitioners / Accused Nos.4 and 5 are likely to abscond, tamper with evidence, or influence witnesses. The apprehension of the prosecution, though not unfounded, can be adequately addressed by imposing appropriate conditions.

8. In view of the above, this Court is of the considered opinion that, while the allegations require thorough investigation, the custodial interrogation of Accused Nos.4 and 5 is not warranted at this stage. Accordingly, this Court finds that Accused Nos.4 and 5 are entitled to the benefit of protection under [Section 35\(3\)](#) of the BNSS, subject to stringent conditions to ensure their cooperation with the investigation. However, considering the stage of investigation and the nature of accusations, this Court is of the view that it is not a fit case to extend the discretionary relief of anticipatory bail to Accused Nos.1 and 2.

{Sec 143(4) BNS is punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine. Sec 35(3) BNSS notice is directed to be served on the accused}

<https://indiankanoon.org/doc/49603389/>; **Mrs. Rehana Banu vs The State Of Telangana on 22 April, 2026; WRIT PETITION No.12542 OF 2019**

Upon perusal of the material on record and careful consideration of the rival submissions, the core issue that arises for determination is whether the alleged failure of the police to register appropriate cognizable offences warrants interference at this stage. This Court is of the considered opinion that, although the grievance of the petitioner regarding non-registration of appropriate offences may have some substance, particularly in light of the mandatory duty cast upon police officers under [Section 154](#) Cr.P.C., the undisputed factual position remains that the incident dated 16.03.2019 has already culminated in prosecution. The respondent No.4 was tried in Petty Case No.291 of 2019 (STC No.277 of 2019), found guilty under [Section 323](#) IPC, and sentenced to pay a fine, thereby attaining finality.

7. In such circumstances, the bar under [Section 300](#) Cr.P.C., which embodies the principle of *autrefois convict*, read with [Article 20\(2\)](#) of the Constitution of India (protection against double jeopardy), squarely applies. These provisions prohibit a second prosecution for the same

offence, or for any other offence arising out of the same set of facts, where such offence could have been charged in the earlier trial.

8. The Hon'ble Supreme Court in [State of Bombay v. S.L. Apte](#), AIR 1961 SC 578, has authoritatively held that the test for applicability of double jeopardy is whether the offences are identical in their ingredients and arise out of the same facts. It was further clarified that once a person has been prosecuted and punished, a subsequent trial for offences that could and ought to have been included in the earlier prosecution is impermissible.

9. Applying the aforesaid legal principles, this Court finds that any direction to register a fresh FIR or to conduct a de novo or further investigation in respect of the same incident would amount to subjecting respondent No.4 to a second prosecution for the same cause of action, which is constitutionally impermissible. Even if there were lapses or irregularities on the part of the investigating agency in not invoking appropriate penal provisions at the initial stage, such deficiencies cannot override the statutory and constitutional bar against double jeopardy.

10. Therefore, this Court holds that the relief sought by the petitioner for registration of a fresh case and further prosecution cannot be granted.

2026 0 INSC 417; 2026 0 Supreme(SC) 453; Anand Jakkappa Pujari @Gaddadar Vs. The State of Karnataka; Criminal Appeal No. 1864 of 2024 [Arising out of SLP (Crl.) No. 3788 of 2022] With Mahadev Sidram Hullolli Vs. The State of Karnataka; Criminal Appeal No. 2180 of 2026 [Arising out of SLP (Crl.) No. 15426 of 2025]: 27-04-2026

An accomplice is one who is associated with an offender or offenders in the commission of a crime or one who knowingly or voluntarily helps and cooperates with others in the commission of the crime. In other words, a guilty associate or partner in crime or who is somehow connected with the crime. He is an associate in the crime committed whether as a principal or accessory. In the New Oxford Dictionary, it is stated that the word "accomplice" may be spelt as "a complice" meaning a partner in crime, an associate in guilt.

35. It was held by the Oudh High Court in the case of Jagannath v. Emperor, reported in [AIR 1942 Oudh 221](#), that contribution to a crime could take place in several ways. Accomplice is categorized as follows:-

- i. Principal in the First Degree
- ii. Principal in the Second Degree
- iii. Accessory Before the Fact
- iv. Accessory After the Fact

36. By a 'principal in the first degree' means the actual offender. In other words, the man in whose guilty mind lay the latest blamable mental cause of the criminal act. Almost always, of course, he will be the man by whom this act itself was done. A 'principal in the second degree' is a person who

aids and abets another in the perpetration of a crime and common law has always been equally punishable with the actual doer of the deed. In other words, the principal in the second degree is one by whom the actual perpetrator of the felony is aided and abetted at the very time when it is committed. [See: Kenny's Outlines of Criminal Law]

The last seen theory comes into play where the time gap between the point of time when the accused and the deceased were last seen alive and the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible. Even in such a case, the courts should look for some corroboration.

42. In State of U.P. v. Satish reported in [\(2005\) 3 SCC 114](#), this Court observed:-

"22. The last-seen theory comes into play where the time-gap between the point of time when the accused and the deceased were last seen alive and when the deceased is found dead is so small that possibility of any person other than the accused being the author of the crime becomes impossible. It would be difficult in some cases to positively establish that the deceased was last seen with the accused when there is a long gap and possibility of other persons coming in between exists. In the absence of any other positive evidence to conclude that the accused and the deceased were last seen together, it would be hazardous to come to a conclusion of guilt in those cases. In this case there is positive evidence that the deceased and the accused were seen together by witnesses PWs 3 and 5, in addition to the evidence of PW 2." (Emphasis Supplied)

43. By now, it is a well settled position of law that the circumstance of "last seen together" does not by itself and necessarily lead to the inference that it was the accused who committed the crime. There must be something more establishing the connectivity between the accused and the crime. The Courts should look for some corroboration.

By now, it is a well settled position of law that the circumstance of "last seen together" does not by itself and necessarily lead to the inference that it was the accused who committed the crime. There must be something more establishing the connectivity between the accused and the crime. The Courts should look for some corroboration.

The information should directly and distinctly relate to the facts discovered. Where, therefore, a fact has already been discovered any information given in that behalf afterwards cannot be said to lead to the discovery of the fact. There cannot be a rediscovery. Where the information as to the fact said to have been discovered is already in the possession of the police, the information given over again does not actually lead to any discovery so that its discovery over again in consequence of the information given by the accused is rightly inadmissible under Section 27 of the Evidence Act.

65. We can, of course, envisage a situation wherein more than one accused makes an oral statement giving the same type of information one after the other in quick succession. But even in such a case, unless the guarantee of the truth and voluntary nature of such statements is obtained by the discovery of a distinct fact, the provisions of Section 27 would not, in any manner, help the prosecution. Take for instance, two or three accused persons make statements in quick succession giving an information of some or similar nature, and then proceed to discover different facts from different places. In such a case even though the statements made by them is treated as "joint" yet the discovery is not joint because it is the discovery of different facts from different places. Such discoveries guarantee the protection contemplated by Section 27 and therefore can be of good use to the prosecution. In our opinion, the cases of Lachhman Singh (supra) and Chhotelal Mohanlal (supra) referred above were the cases of this type.

<https://indiankanoon.org/doc/122273330/>; **Gowtham Kapoor vs The State Of Telangana on 20 April, 2026; CRLP No.17540 of 2025**

3. Learned counsel for the petitioner submitted that the learned Magistrate without recording prima facie satisfaction and without assigning any reasons has taken cognizance on 31.12.2016 and issued summons to the petitioner and the same is contrary to the principle laid down in [Sunil Bharati Mittal v. Central Bureau of Investigation](#)¹.

4. The above said submissions are not disputed by the learned Additional Public Prosecutor.

5. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the learned Magistrate has taken cognizance on 31.12.2016 without recording satisfaction, especially taken cognizance against the accused and not against the offences.

6. It is very much relevant to mention that in [Sunil Bharati Mittal](#) (supra) the Hon'ble Supreme Court held that the order of issuing process to accused to face criminal trial is a serious issue. Such summoning cannot be done on mere asking and the Court has to record reasons for summoning a person. In [GHCL Employees Stock \(2015\) 4 SCC 609 Option Trust v. India Infoline Limited](#) 2, the Hon'ble Apex Court found fault with the order of the Magistrate in issuing summons when the Magistrate has not recorded his satisfaction about the prima facie case against the accused. In [Chief Enforcemnet Officer v. Videocon International Limited](#) 3, the Hon'ble Supreme Court while discussing the expression 'cognizance' held that in criminal law 'cognizance' means becoming aware of and the word used with respect to Court or a Judge initiating proceedings in respect of an offence. Taking cognizance would

involve application of mind by the Magistrate to the suspected commission of an offence. The Hon'ble Supreme Court in [Sunil Bharati Mittal's](#) case (Supra), further held as follows:

"Sine Qua Non for taking cognizance of the offence is the application of mind by the Magistrate and his satisfaction that the allegations, if proved, would constitute an offence. It is, therefore, imperative that on a complaint or on a police report, the Magistrate is bound to consider the question as to whether the same discloses commission of an offence and is required to form such an opinion in this respect. When he does so and decides to issue process, he shall be said to have taken cognizance. At the stage of taking cognizance, the only consideration before the Court remains to consider judiciously whether the material on which the prosecution proposes to prosecute the accused brings out a prima facie case or not." (2013) 4 SCC 505 (2008) 2 SCC 492

7. In [Fakhruddin Ahmad v. State of Uttaranchal](#) and another⁴, it is held as follows:

"Nevertheless, it is well settled that before a Magistrate can be said to have taken cognizance of an offence, it is imperative that he must have taken notice of the accusations and applied his mind to the allegations made in the complaint or in the police report or the information received from a source other than a police report, as the case may be, and the material filed therewith. It needs little emphasis that it is only when the Magistrate applies his mind and is satisfied that the allegations, if proved, would constitute an offence and decides to initiate proceedings against the alleged offender, that it can be positively stated that he has taken cognizance of the offence. Cognizance is in regard to the offence and not the offender."

8. In view of the observations and directions of the Hon'ble Supreme Court in the judgments referred to supra, the act of issuing process of summoning the accused to face criminal trial is a serious issue and such orders directing summons to a person to face criminal trial cannot be on the basis of cryptic orders and it should be an order reflecting application of mind by the Presiding Officer while taking cognizance and issuing process.

<https://indiankanoon.org/doc/157745095/>; [Dr. Pachipala Namratha @ Athaluri ... vs The Union Of India on 21 April, 2026](#); **WRIT PETITION No.6550 of 2026**

When legality of an arrest made under the Special Acts like PMLA, UAPA, Foreign Exchange, Customs Act, GST Acts etc. is challenged, the Court should be extremely loath in exercising its power of judicial review. In such cases, the exercise of the power should be confined only to see whether the statutory and constitutional safeguards are properly complied with or

not, namely, to ascertain whether the officer was an authorized officer under the Act, whether the 'reason to believe' that the person was guilty of the offence under the Act, was based on the "material" in possession of the authorized officer or not, and whether the arrestee was informed about the grounds of arrest as soon as may be after the arrest was made. Sufficiency or adequacy of material on the basis of which the belief is formed by the officer, or the correctness of the facts on the basis of which such belief is formed to arrest the person, could not be a matter of judicial review. It hardly needs to be reiterated that the power of judicial review over the subjective satisfaction or opinion of statutory authority would have different facets depending on the facts and circumstances of each case. The criteria or parameters of judicial review over the subjective satisfaction applicable in service related cases cannot be made applicable to the cases of arrest made under the Special Acts. The scrutiny on the subjective opinion or satisfaction of the authorized officer to arrest the person could not be a matter of judicial review, in as much as when the arrest is made by the authorized officer on he having been satisfied about the alleged commission of the offences under the [Special Act](#), the matter would be at a very nascent stage of the investigation or inquiry. The very use of the phrase "reasons to believe" implies that the officer should have formed a prima facie opinion or belief on the basis of the material in his possession that the person is guilty or has committed the offence under the relevant special Act. Sufficiency or adequacy of the material on the basis of which such belief is formed by the authorized officer, would not be matter of scrutiny by the Courts at such a nascent stage of inquiry or investigation.

<https://indiankanoon.org/doc/184948527/>; [Seeloju Shiva Kumar vs The State Of Telangana on 21 April, 2026](#); **CRIMINAL PETITION Nos.5635 and 5738 of 2026**

In [Laxmi Das](#) case (2025 SCC OnLine SC 120), the Hon'ble Supreme Court held that for the purpose of [Sections 306](#) and [107](#) IPC, mere allegations of harassment, strained relations, or isolated utterances are not sufficient to constitute abetment to suicide. What is required is a clear, proximate, and intentional act of instigation, incitement, or aiding, coupled with mens rea, which must be of such a nature that it creates a compelling situation leaving the deceased with no option but to commit suicide. The Courts have consistently held that "instigation" implies a positive act either direct or indirect having a live link and proximity with the act of suicide, and casual remarks, emotional outbursts, or remote conduct, even if offensive, do not ordinarily satisfy the threshold of abetment under [Section 306](#) IPC.

13. The above said order relied upon by the learned counsel for the petitioner in CrI.P.No.5635 of 2026 is not applicable to the facts and circumstances of the present on the ground that there are specific allegations are levelled in the complaint that accused Nos.2 and 3 gave an interview on Vedhan Media TV of the petitioner/accused No.6 in the presence of the petitioner/accused No.7, wherein they made defamatory statements against the deceased and assassinated her character. The said interview was uploaded on a YouTube channel and circulated on social media. Thereafter, basing on the said reason, the deceased committed suicide. The allegations levelled in the complaint against the petitioners prima facie disclose a cognizable offence under [Section 108](#) of the BNS and the Investigating Officer has seized the suicide note of the accused of the deceased and the investigation is under progress.

<https://indiankanoon.org/doc/189781425/>; **APHC010216952009;**
Gurram Venkateswarlu vs The State Of A P Rep By Pp on 22 April, 2026; **CRIMINAL APPEAL No:351 of 2009**

on the fact that the sentence of imprisonment imposed in the case is seven years only, and trial was conducted by the Assistant Sessions Judge i.e., to say on a trial held by any other Court, in which a sentence of imprisonment not for more than seven years, as referred in Sub-Section (2) of [Section 374](#) Cr.P.C., the appeal shall be preferred before the Court of Sessions only.

11. In that view matter, Registry is directed to return the original bundle, to enable the appellant to prefer the appeal before the Sessions Court within thirty (30) days from the date of receipt of copy of this judgment.

<https://indiankanoon.org/doc/49603389/>; **Mrs. Rehana Banu vs The State Of Telangana on 22 April, 2026;** **WRIT PETITION No.12542 OF 2019**

6. Upon perusal of the material on record and careful consideration of the rival submissions, the core issue that arises for determination is whether the alleged failure of the police to register appropriate cognizable offences warrants interference at this stage. This Court is of the considered opinion that, although the grievance of the petitioner regarding non-registration of appropriate offences may have some substance, particularly in light of the mandatory duty cast upon police officers under [Section 154](#) Cr.P.C., the undisputed factual position remains that the incident dated 16.03.2019 has already culminated in prosecution. The respondent No.4 was tried in Petty Case No.291 of 2019 (STC No.277 of 2019), found guilty under [Section 323](#) IPC, and sentenced to pay a fine, thereby attaining finality.

7. In such circumstances, the bar under [Section 300 Cr.P.C.](#), which embodies the principle of autrefois convict, read with [Article 20\(2\)](#) of the Constitution of India (protection against double jeopardy), squarely applies. These provisions prohibit a second prosecution for the same offence, or for any other offence arising out of the same set of facts, where such offence could have been charged in the earlier trial.

8. The Hon'ble Supreme Court in [State of Bombay v. S.L. Apte](#), AIR 1961 SC 578, has authoritatively held that the test for applicability of double jeopardy is whether the offences are identical in their ingredients and arise out of the same facts. It was further clarified that once a person has been prosecuted and punished, a subsequent trial for offences that could and ought to have been included in the earlier prosecution is impermissible.

9. Applying the aforesaid legal principles, this Court finds that any direction to register a fresh FIR or to conduct a de novo or further investigation in respect of the same incident would amount to subjecting respondent No.4 to a second prosecution for the same cause of action, which is constitutionally impermissible. Even if there were lapses or irregularities on the part of the investigating agency in not invoking appropriate penal provisions at the initial stage, such deficiencies cannot override the statutory and constitutional bar against double jeopardy.

10. Therefore, this Court holds that the relief sought by the petitioner for registration of a fresh case and further prosecution cannot be granted.

<https://indiankanoon.org/doc/64668070/>; [Katuri Subbarao vs The State Of Andhra Pradesh on 22 April, 2026](#); APHC010206462026; **CRIMINAL PETITION NO: 3265/2026**

The Criminal Petition has been filed under [Section 482](#) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity 'the BNSS') by the petitioner/Accused, for granting of pre-arrest bail in connection with FIR No.05/RCO-ACB-GNT/2026 on the file of ACB, Guntur Range Police Station, Guntur, Guntur District, registered for the offences punishable under [Section 7](#) of Prevention of Corruption Act, 1988.

In the event of any coercive action sought to be taken against the petitioner, concerned police authorities are further directed to scrupulously follow the procedure prescribed under Section 35 (3) of BNSS., [[Section 41-A Cr.P.C](#)] and the guidelines [laid down by](#) the Hon'ble Supreme Court in [Arnesh Kumar's](#) case (supra). (2014) 8 SCC 273 c. The petitioner shall make himself available for investigation and shall cooperate with the investigating officer for further investigation. d. The petitioner is directed to appear for the voice test scheduled to be conducted on 27.04.2026 without any fail.

APHC010194732026; <https://indiankanoon.org/doc/191751721/>;
Vanthala Bujji Babu vs The State Of Andhra Pradesh on 22 April, 2026; CRIMINAL PETITION NO: 2908/2026

Learned Assistant Public Prosecutor on behalf of the State vehemently opposed the petition and contended that the investigation is still pending and the contraband involved in the present case is 1 Kg of liquid ganja/hash oil, which is a commercial quantity and 05 Kgs of ganja. She would further submit that the investigating agency filed a petition seeking extension of remand, but the same was dismissed. She finally submits that the Court may pass appropriate orders.

6. Considering the submissions and upon keen perusal of the material placed on record and in the light of the facts and circumstances of the case, that the petitioner has been in judicial custody since 14.10.2025, that the statutory period is over and the petition filed for extension of time by the investigating agency was dismissed by the Special Court, this Court is inclined to enlarge the petitioner/accused No.1 on bail

NOSTALGIA

Previous Sanction is required for prosecuting only such public servants who could be removed by sanction of the Government

In *Nagraj v. State of Mysore*, [AIR 1964 SC 269](#) : [\(1964\) 3 SCR 671](#): 1963 SCC OnLine SC 249, this Court held that if the Inspector General of Police can dismiss a Sub-Inspector, no sanction of the State Government would be necessary for such an officer even if he had committed the alleged offence while acting or purporting to act in the discharge of his official duty. Following the above decision, in *Fakhruzamma v. State of Jharkhand*, [\(2013\) 15 SCC 552](#), paragraph 6 it was held that previous sanction is required for prosecuting only such public servants who could be removed by sanction of the Government.

OBSCENE

The word “obscene” is not specifically defined in IPC. However, by referring to Section 292 of IPC, it has been construed as something which has the potential to appeal to prurient interest of a person. [See: *Director General, Directorate General of Doordarshan and Others v. Anand Patwardhan and Another*, [\(2006\) 8 SCC 433](#)]

In *Apoorva Arora and Another v. State (Govt. of NCT of Delhi) and Another*, [\(2024\) 6 SCC 181](#), this Court, by referring to Section 292 of IPC and Section 67 of Information Technology Act, 2000, observed:

“17. It is evident that “obscenity” has been similarly defined in Section 292 and Section 67 as material which is:

- (i) lascivious.
- (ii) appeals to the prurient interest.
- (iii) its effect tends to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.”

Besides, it was observed, obscenity must be judged having regard to contemporary mores and national standards. Additionally, it was observed:

“41.....It is well established (as per Para 41, SCC) from the precedents cited that vulgarity and profanities do not per se amount to obscenity. While a person may find vulgar and expletive-filled language to be distasteful, unpalatable, uncivil, and improper, that by itself is not sufficient to be “obscene.” Obscenity relates to material that arouses sexual and lustful thoughts, which is not at all the effect of the abusive language or profanities that have been employed in the episode. Rather, such language may evoke disgust, revulsion, or shock.....”

MEDICAL NEGLIGENCE – BOLAM TEST

The criminal law has invariably placed medical professionals on a pedestal different from ordinary mortals. The IPC enacted as far back as in the year 1860 sets out a few vocal examples. Section 88 in the Chapter on General Exceptions provides exemption for acts not intended to cause death, done by consent in good faith for person’s benefit. Section 92 provides for exemption for acts done in good faith for the benefit of a person without his consent though the acts cause harm to the person and that person has not consented to suffer such harm. Based on above, and upon a review of various decisions and reports, in *Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1 this Court observed:

“48 (7). To prosecute a medical professional for negligence under criminal law it must be shown that the accused did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses and prudence would have done or failed to do. The hazard taken by the accused doctor should be of such a nature that the injury which resulted was most likely imminent.”

Having observed so, this Court proceeded to hold:

“52. ... A private complaint may not be entertained unless the complainant has produced prima facie evidence before the court in the form of a credible opinion given by another competent doctor to support the charge of rashness or negligence on the part of the accused doctor. The investigating officer should, before proceeding against the doctor accused of rash or negligent act or omission, obtain an independent and competent medical opinion preferably from a doctor in government service, qualified in that branch of medical practice who can normally be expected to give

an impartial and unbiased opinion applying the Bolam⁸[Bolam v. Friern Hospital Management Committee, (1957) 1 WLR 582: (1957) 2 All ER 118 (QBD)]

“Where you get a situation which involves the use of some special skill or competence, then the test as to whether there has been negligence or not is not test of the man on the top of a Clapham omnibus, because he has not got this special skill. The test is the standard of the ordinary skilled man exercising and professing to have that special skill. A man need not possess the highest expert skill ... It is well established law that it is sufficient if he exercises the ordinary skill of an ordinary competent man exercising that particular art.”] test to the facts collected in the investigation...”

SUPREME COURT’S POWER IN APPEALS

At the outset, it is necessary to acknowledge the well-settled distinction between criminal appeals as a matter of right under Article 134 of the Constitution, and the broader, discretionary jurisdiction exercised by this Court under Article 136. Under Article 134, this Court sits as a regular court of appeal, but under Article 136, ordinarily limits itself to correcting manifest illegality and/or grave miscarriage of justice. This is particularly apposite in a case like the present Appeal, where the Courts below have returned concurrent findings of guilt.

13. However, it is equally well-settled that any restrictions are not absolute. In fact, both provisions underline that this Court has the final, Constitutional responsibility to ensure that justice is done, and hence, the nature and scope of Court’s powers under Article 136 are not curtailed where the interests of justice so require. We may profitably refer to this Court’s observation in the recent case of Agniraj and Others vs. State through Deputy Superintendent of Police, CB-CID, [2025 INSC 774 : 2025\(5\) Supreme 683](#) wherein precedents on Article 136 were described as “self-imposed constraints on interference”³ [Id at 39] that cannot restrain the Court from taking note of “...striking features in the evidence which demolish the prosecution’s case.”⁴ [Id at 38.1]

RELATED WITNESS AND INTERESTED WITNESS

A three-Judge Bench of this Court in State of Rajasthan vs. Smt. Kalki and Another, 1981 INSC 94 : 1981 Supreme(SC) 267 had held:

“5..... ‘Related’ is not equivalent to ‘interested’. A witness may be called ‘interested’ only when he or she derives some benefit from the result of a litigation; in the decree in a civil case, or in seeing an accused person punished.....”

In *Md. Rojali Ali and Others vs. The State of Assam, Ministry of Home Affairs through the Secretary*, 2019 INSC 223 this Court had further clarified:

“10.....This Court has elucidated the difference between ‘interested’ and ‘related’ witnesses in a plethora of cases, stating that a witness may be called interested only when he or she derives some benefit from the result of a litigation, which in the context of a criminal case would mean that the witness has a direct or indirect interest in seeing the accused punished due to prior enmity or other reasons, and thus has a motive to falsely implicate the accused.....”

CIVIL VS CRMINAL

In [A.M. Mohan v. State](#) represented by SHO and another 2, wherein the Hon'ble Supreme Court relying upon the various judgments including the principle [laid down in G. Sagar Suri and another v. State of U.P. and others](#) 3, held that criminal proceedings cannot be permitted to continue where the dispute is predominantly civil in nature and the criminal law is invoked only to exert pressure or settle civil scores. The Court observed that mere breach of contractual obligations or disputes arising out of (2024) 12 Supreme Court Cases 181 (2000) 2 SCC 636 commercial or property transactions do not, by themselves, constitute criminal offences unless the essential ingredients of the alleged penal provisions are clearly made out. It was further held that giving a criminal colour to a purely civil dispute amounts to abuse of the process of law, and in such cases, the High Court is justified in exercising its inherent jurisdiction under [Section 482 Cr.P.C.](#) to quash the proceedings in order to secure the ends of justice and prevent misuse of the criminal justice system.

In *Mohammad M. Khalid, Hyderabad and two others v. Public Prosecutor, Hyderabad and another* (Crl.P.No.6378 of 2015, dated 18.11.2025), this Court at paragraph No.10, held as follows:

"It is relevant to mention that in *K.Jagadish v. Udaya Kumar G.S. 4*, the Hon'ble Apex Court has reaffirmed the well-settled principle that the same set of facts may give rise to both civil and criminal proceedings, and that availing civil remedy does not bar the initiation of criminal prosecution. The Court relied heavily on precedents like [Kamaladevi Agarwal v. State of W.B. 5](#) and [Trisuns Chemical Industry v. Rajesh Agarwal 6](#), to reiterate that criminal proceedings cannot be quashed merely because a civil dispute is also pending between the parties. In *Kamaladevi Agarwal*, it was categorically held that the pendency of civil proceedings does not justify quashing criminal proceedings, especially where the allegations disclose a prima facie criminal offence. The Court observed that many acts of cheating occur in the context of commercial

or financial transactions, and such a "civil profile" does not strip the act of its "criminal outfit."

Similarly in [S.N. Vijayalakshmi v. State of Karnataka](#)⁷, the Hon'ble Apex Court has reiterated the same principle, stating that civil and criminal proceedings may, in law, proceed simultaneously, a criminal prosecution can be sustained only where there is a clear presence of criminal intent at the inception of the transaction."

Identification for the first time in Dock

In cases where accused is a stranger to a witness and there has been no Test Identification Parade ("TIP"), the trial court should be very cautious while accepting the dock identification by such a witness (See: [Kunjumon v. State of Kerala \(2012\) 13 SCC 750](#)).

In [Jayan v. State of Kerala](#) reported in [\(2021\) 20 SCC 38](#), this Court disbelieved the dock identification of the accused therein by a witness and while doing so, this Court discussed the aspect of TIP in the following words:

"It is well settled that TI parade is a part of investigation and it is not a substantive evidence. The question of holding TI parade arises when the accused is not known to the witness earlier. The identification by a witness of the accused in the Court who has for the first time seen the accused in the incident of offence is a weak piece of evidence especially when there is a large time gap between the date of the incident and the date of recording of his evidence. In such a case, TI parade may make the identification of the accused by the witness before the Court trustworthy...."

Sec 354(D) IPC not attracted to Consensual relationship.

in [Gugulothu Ravindar Naik v. State of Andhra Pradesh](#), 2022 SCC OnLine AP 4316, wherein it was held that where a relationship is consensual and there is no clear indication of disinterest, the ingredients of [Section 354\(D\) IPC](#) are not attracted, and continuation of criminal proceedings would amount to abuse of process.

Discovery of Fact u/s. 27 IEA

insofar as discovery is concerned should be looked into and appreciated keeping in mind the principles of law as explained by a Three-judge Bench decision of this Court in the case of [Ramanand @Nandlal Bharti v. State of Uttar Pradesh](#), reported in [\(2023\) 16 SCC 510](#). We quote the relevant paragraphs as under:-

"55. Section 27 of the Evidence Act, 1872 reads thus:

"27. How much of information received from accused may be proved.— Provided that, when any fact is deposed to as discovered in consequence

of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.”

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

57. The reason why we are not ready or rather reluctant to accept the evidence of discovery is that the investigating officer in his oral evidence has not said about the exact words uttered by the accused at the police station. The second reason to discard the evidence of discovery is that the investigating officer has failed to prove the contents of the discovery panchnama. The third reason to discard the evidence is that even if the entire oral evidence of the investigating officer is accepted as it is, what is lacking is the authorship of concealment. The fourth reason to discard the evidence of the discovery is that although one of the panch witnesses PW

2 Chhatarpal Raidas was examined by the prosecution in the course of the trial, yet has not said a word that he had also acted as a panch witness for the purpose of discovery of the weapon of offence and the bloodstained clothes. The second panch witness, namely, Pratap though available was not examined by the prosecution for some reason. Therefore, we are now left with the evidence of the investigating officer so far as the discovery of the weapon of offence and the bloodstained clothes as one of the incriminating pieces of circumstances is concerned. We are conscious of the position of law that even if the independent witnesses to the discovery panchnama are not examined or if no witness was present at the time of discovery or if no person had agreed to affix his signature on the document, it is difficult to lay down, as a proposition of law, that the document so prepared by the police officer must be treated as tainted and the discovery evidence unreliable. In such circumstances, the Court has to consider the evidence of the investigating officer who deposed to the fact of discovery based on the statement elicited from the accused on its own worth.” (Emphasis Supplied)

51. The manner of proving a disclosure statement under Section 27 was also explained in Mohd. Abdul Hafeez v. State of A.P., reported in [\(1983\) 1 SCC 143](#), which reads thus:-

“5.[...] If evidence otherwise confessional in character is admissible under Section 27 of the Indian Evidence Act, it is obligatory upon the Investigating Officer to state and record who gave the information; when he is dealing with more than one accused, what words were used by him so that a recovery pursuant to the information received may be connected to the person giving the information so as to provide incriminating evidence against that person.[...]” (Emphasis supplied)

52. The conditions necessary for the applicability of Section 27 of the Evidence Act are broadly as under:-

1. Discovery of fact in consequence of an information received from accused;
2. Discovery of such fact to be deposed to;
3. The accused must be in police custody when he gave information; and
4. So much of information as relates distinctly to the fact thereby discovered is admissible — Mohd. Inayatullah v. State of Maharashtra, [\(1976\) 1 SCC 828](#).

53. We may refer to and rely upon a Constitution Bench decision of this Court in State of U.P. v. Deoman Upadhyaya, reported in 1960 SCC OnLine SC 8, wherein, para 65 explains the position of law as regards Section 27 of the Evidence Act. It reads thus:-

“65. The law has thus made a classification of accused persons into two : (1) those who have the danger brought home to them by detention on a

charge; and (2) those who are yet free. In the former category are also those persons who surrender to the custody by words or action. The protection given to these two classes is different. In the case of persons belonging to the first category the law has ruled that their statements are not admissible, and in the case of the second category, only that portion of the statement is admissible as is guaranteed by the discovery of a relevant fact unknown before the statement to the investigating authority. That statement may even be confessional in nature, as when the person in custody says: "I pushed him down such and such mineshaft", and the body of the victim is found as a result, and it can be proved that his death was due to injuries received by a fall down the mineshaft." (Emphasis Supplied)

54. The scope and ambit of Section 27 of the Evidence Act were illuminatingly stated in Pulukuri Kotayya v. King Emperor, reported in 1946 SCC OnLine PC 47, which have become locus classicus, in the following words:-

"10.[...]It is fallacious to treat the "fact discovered" within the section as equivalent to the object produced; the fact discovered embraces the place from which the object is produced and the knowledge of the accused as to this, and the information given must relate distinctly to this fact. Information as to past user, or the past history, of the object produced is not related to its discovery in the setting in which it is discovered. Information supplied by a person in custody that "I will produce a knife concealed in the roof of my house" does not lead to the discovery of a knife; knives were discovered many years ago. It leads to the discovery of the fact that a knife is concealed in the house of the informant to his knowledge, and if the knife is proved to have been used in the commission of the offence, the fact discovered is very relevant. But if to the statement the words be added "with which I stabbed A" these words are inadmissible since they do not relate to the discovery of the knife in the house of the informant." (Emphasis supplied)

55. Alongwith the oral testimony of the PW-4, we also looked into the oral testimony of the I.O. i.e., PW-24, namely, Holebasappa Devareddy Mudareddy which reads thus:-

"I am working as CPI of Mudhol from February 2012 to 03.10.2012. On 03.04.2013 I had taken over the case file in this case from C.W.31 and perused the investigation done so far. Then instructed C.W.31 and perused the investigation done so far. Then instructed C.W.31 and his staff for searching accused persons at about 06.30a.m produced them in Mudhol police station. The report submitted by C.W-31 in that regard is already marked as Ex.P-39 and witness signature marked as Ex.P.39 (b). During the enquiry accused have admitted the commission of guilt as such arrested them and followed the arrest procedure. Then all the four

accused have given their voluntary statements as per Ex.P.50 to Ex.P.53 and witness signatures have been marked as Ex.P.50 (a) to Ex.P.53 (a). Accused Nos. 1 and 3 have signed and accused Nos.2 and 4 have put their thumb impressions.

Later accused No.1 Kalappa has produced his mobile and two SIMS are seized in the presence of C.W.5/PW-4 and 6 Basappa (siq) from 07.30 to 08.00 pm at Mudhol police Station, said panchanama marked as Ex.P.7 and witness signature marked as Ex.P.7 (b). Witness has identified M.O.9. During the panchanama photograph Ex.P.10 is taken.

Later the accused stated that they would show the places where they committed the offence and where they have kept the materials used for commission of offence. Then along with C.W.5 and 6, I and C.W.31 and his staff along with accused boarded in a private cruiser bearing No.KA-48/M-3769 and the first accused took us to Tambak chowk Bhavani Steel shop from where the accused No.1 had picked up his sister Bebakka. We drew spot panchanama between 09:45 to 10:00 AM and prepared rough sketch and took photographs. Rough Sketch marked at Ex.P.54 and witness signature at Ex.p.54 (a) and photograph marked at Ex.P.11

Later the accused said that they would show the place where they had killed the deceased and then we travelled via Shivaji Circle towards Yadwad cross, Jeeragal, Jeeragal to Ingalagi on a katcha road after crossing 1km near the land of Bhimashi Ramappa Uppar asked to stop the vehicle and got down from the same and showed the spot where they had killed deceased and in the presence of Panchas from 10.20 to 10.45 a.m. drawn panchanama and prepared rough sketch and taken photograph. Said rough sketch map is marked at Ex.P.55 and witness signature marked at Ex.P.55 (a) and photograph marked at Ex.P.12.

Then accused told us that they would show the spot where they had burnt the deceased and they proceeded towards Batakurki, Ramadurg and from Ramadurg at a distance of 4km gone in a Mulluru hill and on the left side hill at a distance of 1km inside took them and showed a ditch where they had burnt the deceased. All the accused were taken separately to the said spot and they have shown the same place, as such prepared the rough sketch map and took photograph there. Rough sketch map marked at Ex.P.56 and witness signature marked at Ex.P.56 (a) and Photographs Ex.P.13 to 17 was identified. We have executed panchanama from 11.45 to 12.30, from the spot not seized any thing as earlier to them the Ramadurga police have seized those thing as earlier to them the Ramadurga police have seized those things in their P.S. Cr.No.47/2013 and they have got information in that regard.

Later accused No.1. told that, he would show the vehicle used for committing murder, rope used for committing offence and later took them to his farm house from Ramadurga via Salahalli, Tondikatti, Metagudd and

Jaliberi limits and stopped the vehicle in front of his house. Where he has shown the vehicle Maruti Suzuki bearing No.KA 48/M4843 and one white rope from dash board of the car and one 10 ltrs plastic cane in which they have took petrol and produced all the things. There from 02.00 to 02.45p.m. drawn the panchanama and seized the same and also taken photograph. Rope and can are marked at M.O.10 and M.O.11. Witness has identified the vehicle he seized. (Vehicle was given to interim custody to the accused no-1 as per the order.)

Then accused No.1 told them that he will show the ornaments taken from deceased body and took them behind the cattle sheet and there by digging the land took a hand kerchief and produced the ornaments and in the presence of Panchas from 02.20 to 03.20 seized the same which are marked at M.O.12 to M.O.19 and taken photographs Ex.P.18 to Ex.P.23 during the panchanama, said panchanama is already marked at Ex.P.8 and witness signature marked at Ex.P.8(c). Later we returned to the station along with seized material objects. Then called C.W.1, C.W.7 to C.w.15 and shown the accused and seized materials to them and recorded their further statements. C.W.14 and C.W.15 have given their statements as per Ex.P.24 and Ex.P.25. Then sent the accused for medical examination and sent them along with remand application to produce before the court. Witness has identified the accused present before the court.” (Emphasis is ours)

56. What emerges from the oral testimony of the PW-24 i.e., the I.O. is that all the accused persons led the police party to the place where the deceased is alleged to have been killed. However, first, it is the accused no. 1, namely, Kalappa who got down first from the police vehicle and showed the spot where the deceased was killed. Secondly, the accused persons are said to have shown the place where they had burnt the body of the deceased. Each of the accused was taken separately to the said spot and each of the accused is said to have shown the same place. Rest of the discoveries according to the I.O. were at the instance of the original the accused no. 1-Kalappa.

57. We do not propose to outright discard the evidence in the form of discovery solely on the ground that a joint disclosure statement was recorded by the I.O. without indicating the precise statement made by each of the accused persons. The argument before us on behalf of the appellants is that it cannot be said with certainty whether all the four accused persons simultaneously made the statement or each stated separately one after the other and with what interval. It was argued that joint disclosure statement being a statement by more than one person had failed to be of any use insofar as Section 27 of the Evidence Act was concerned.

58. Insofar as joint disclosure statement is concerned, the position of law is well settled as explained by this Court in the case of Navjot Sandhu (supra). We quote the relevant paragraph as under:-

“145. Before parting with the discussion on the subject of confessions under Section 27, we may briefly refer to the legal position as regards joint disclosures.[...]Some of the High Courts have taken the view that the wording “a person” excludes the applicability of the section to more than one person. But, that is too narrow a view to be taken. Joint disclosures, to be more accurate, simultaneous disclosures, per se, are not inadmissible under Section 27. “A person accused” need not necessarily be a single person, but it could be plurality of the accused. It seems to us that the real reason for not acting upon the joint disclosures by taking resort to Section 27 is the inherent difficulty in placing reliance on such information supposed to have emerged from the mouths of two or more accused at a time. In fact, joint or simultaneous disclosure is a myth, because two or more accused persons would not have uttered informatory words in a chorus. At best, one person would have made the statement orally and the other person would have stated so substantially in similar terms a few seconds or minutes later, or the second person would have given unequivocal nod to what has been said by the first person. Or, two persons in custody may be interrogated separately and simultaneously and both of them may furnish similar information leading to the discovery of fact. Or, in rare cases, both the accused may reduce the information into writing and hand over the written notes to the police officer at the same time. We do not think that such disclosures by two or more persons in police custody go out of the purview of Section 27 altogether. If information is given one after the other without any break, almost simultaneously, and if such information is followed up by pointing out the material thing by both of them, we find no good reason to eschew such evidence from the regime of Section 27. However, there may be practical difficulties in placing reliance on such evidence. It may be difficult for the witness (generally the police officer), to depose which accused spoke what words and in what sequence. In other words, the deposition in regard to the information given by the two accused may be exposed to criticism from the standpoint of credibility and its nexus with discovery. Admissibility and credibility are two distinct aspects, as pointed out by Mr Gopal Subramaniam. Whether and to what extent such a simultaneous disclosure could be relied upon by the Court is really a matter of evaluation of evidence. With these prefatory remarks, we have to refer to two decisions of this Court which are relied upon by the learned defence counsel.” (Emphasis supplied)

59. This Court in Nagamma v. State of Karnataka reported in 2025 SCC OnLine SC 2038, wherein one of us, K. V. Viswanathan, J., was a part of

the Bench, pithily explained that joint or simultaneous disclosure statements are not out of the purview of Section 27. The relevant observations read thus:-

“27. Disclosure statements taken from one or more persons in police custody do not go out of the purview of Section 27 altogether, as held in State (NCT of Delhi) v. Navjot Sandhu @ Afsan Guru⁷ and reiterated in Kishore Bhadke v. State of Maharashtra⁸. While asserting that a joint or simultaneous disclosure would per se be not inadmissible under Section 27, it was observed that it is very difficult to place reliance on such an utterance in chorus; which was also held to be, in fact, a myth. Recognising that there would be practical difficulty in placing reliance on such evidence, it was declared that it is for the Courts to decide, on a proper evaluation of evidence, whether and to what extent such a simultaneous disclosure could be relied upon. In Kishor Bhadke, while affirming the above principles in Navjot Sandhu, the facts revealed were noticed, wherein the information given by one, after the other, was without any break, almost simultaneously and such information was followed up by pointing out the material thing by both the accused, in which circumstance it was held that there is no reason to eschew such evidence.” (Emphasis supplied)

60. In State Govt., M.P. v. Chhotelal Mohanlal, reported in AIR 1955 Nag 71, it was held that simultaneous statements made by accused persons are not per se inadmissible in evidence and are liable to be considered if the discovery made in consequence thereof affords guarantee about the truth of the statements. The aforesaid case pertained to theft of bales from the train. Evidence was sought to be given that two of the accused A and B, respectively had made certain simultaneous statements to police in consequence of which the five bales of cotton i.e., the subject of offence were discovered. The statement was to the following effect, “I and B have kept (them) hidden at mile 313 in the jungle near the railway line, 3 bales in the nala and 2 bales in the bushes. I can go and point out them. B and I together have concealed the bales for which I shall go and point out”. B’s statement was as follows: “All these 5 bales were kept hidden on the same day in the night before sun-rise. I am prepared to go and point. I may be excused.” The two accused then took the police to the spot. A then pointed out two places wherefrom two bales of cloth were recovered. B then pointed out another place wherefrom three bales of cloth were recovered. Though the giving of information was simultaneous and the recording of their statements was part of the same transaction there was no satisfactory evidence to show as to who made the statement first. The High Court held that in the circumstances, the respective statement made by each of the accused was admissible against him as the pointing out of

the different places by the different accused afforded some guarantee about the truthfulness of their statements.

61. In the above referred decision, the High Court placed its reliance on *Lachhman Singh v. State*, reported in (1952) 1 SCC 362. The Government pleader had strongly relied upon this decision because that was also a case where the accused persons made statements disclosing that the dead bodies of the persons murdered were thrown in a nala and thereafter, the police party with the accused went to the nala where each of them pointed out a place where different parts of the dead body were discovered. But the 'initial pointing out' was by accused S. This Court held:-

"11. The learned counsel for the appellants cited a number of rulings in which Section 27 has been construed to mean that it is only the information which is first given that is admissible and once a fact has been discovered in consequence of information received from a person accused of an offence, it cannot be said to be re-discovered in consequence of information received from another accused person. It was urged before us that the prosecution was bound to adduce evidence to prove as to which of the three accused gave the information first. The Head Constable, who recorded the statements of the three accused, has not stated which of them gave the information first to him, but Bahadur Singh, one of the witnesses who attested the recovery memos, was specifically asked in cross-examination about it and stated:

"I cannot say from whom information was got first". In the circumstances, it was contended that since it cannot be ascertained which of the accused first gave the information, the alleged discoveries cannot be proved against any of the accused persons.

It seems to us that if the evidence adduced by the prosecution is found to be open to suspicion and it appears that the police have deliberately attributed similar confessional statements relating to facts discovered to different accused persons, in order to create evidence against all of them, the case undoubtedly demands a most cautious approach. But, as to what should be the rule when there is clear and unimpeachable evidence as to independent and authentic statements of the nature referred to in Section 27 of the Evidence Act, having been made by several accused persons, either simultaneously or otherwise, all that we wish to say is that as at present advised we are inclined to think that some of the cases relied upon by the learned counsel for the appellants have perhaps gone farther than is warranted by the language of Section 27, and it may be that on a suitable occasion in future those cases may have to be reviewed.

It may be that several of the accused gave information to the police that the dead bodies could be recovered in the Sakinala, which is a stream running over several miles, but such an indefinite information could not

lead to any discovery unless the accused followed it up by conducting the police to the actual spot where parts of the two bodies were recovered. From the evidence of the Head Constable as well as that of Bahadur Singh, it is quite clear that Swaran Singh led the police via Salimpura to a particular spot on Sakinala, and it was at his instance that bloodstained earth was recovered from a place outside the village, and he also pointed out the trunk of the body of Darshan Singh. The learned Judges of the High Court were satisfied, as appears from their judgment, that his was "the initial pointing out" and therefore the case was covered even by the rule which, according to the counsel for the appellants, is the rule to be applied in the present case." (Emphasis supplied)

62. Section 27 of the Evidence Act is in the nature of an exception to the general rules contained in the two preceding Sections 25 and 26, respectively. Section 25 makes inadmissible any confession by an accused person to a police officer. Under Section 26, no confession by any person while he is in the custody of a police officer shall be proved against such person unless it be made in the presence of a Magistrate. Section 27 says that such part of the information given by an accused person while in the custody of a police officer may be proved against him as distinctly relates to the fact which is thereby discovered. It therefore makes admissible a confession made while in police custody if the other conditions laid in it are fulfilled. Being an exception to the general rule it has to be strictly construed. Section 27 of the Evidence Act does not permit the admission in evidence of the whole of the confession, but of such portion only of it as can be said to relate distinctly to the fact discovered

Presence of Advocate during Interrogation

In [Senior Intelligence Officer, Directorate of Revenue Intelligence v. Jugal Kishore Samra](#), 2007CRILJ2692; the AP High Court held that an advocate/authorised person may be present within visual distance during interrogation, but he cannot be within hearing distance of the proceedings nor can there be any consultations with such advocate/authorised person during the course of the interrogation.

Judicial Review of Arrests made under Special Acts

Hon'ble Supreme Court in [Radhika Agarwal vs. Union of India](#) 9 wherein in paragraph Nos.9, 10, 12 and 13 it has been held as under:

"9. However, when the legality of such an arrest made under the Special Acts like PMLA, UAPA, Foreign Exchange, Customs Act, GST Acts, etc. is challenged, the Court should be extremely loath in exercising its power of judicial review. In such cases, the exercise of the power should be confined only to see whether the statutory and constitutional safeguards

are properly complied with or not, namely to ascertain whether the officer was an authorized officer under the Act, whether the reason to believe that the person was guilty of the offence under the Act, was based on the "material" in possession of the authorized officer or not, and whether the arrestee was informed about the grounds of arrest as soon as may be after the arrest was made. Sufficiency or adequacy of material on the basis of which the belief is formed by the officer, or the correctness of the facts on the basis of which such belief is formed to arrest the person, could not be a matter of judicial review.

10. It hardly needs to be reiterated that the power of judicial review over the subjective satisfaction or opinion of the statutory authority would have different facets depending on the facts and circumstances of each case. The criteria or parameters of judicial review over the subjective satisfaction applicable in Service related cases, cannot be made applicable to the cases of arrest made under the Special Acts. The scrutiny on the subjective opinion or satisfaction of the authorized officer to arrest the person could not be a matter of judicial review, in as much as when the arrest is made by the authorized officer on he having been satisfied about the alleged commission of the offences under the special Act, the matter would be at a very nascent stage of the investigation or inquiry. The very use of the phrase "reasons to believe" implies that the officer should have formed a prima facie opinion or belief on the basis of the material in his possession that the person is guilty or has committed the offence under the relevant special Act. Sufficiency or adequacy of the material on the basis of which such belief is formed by the authorized officer, would not be a matter of scrutiny by the Courts at such a nascent stage of inquiry or investigation.

12. It is pertinent to note that the Special Acts are enacted to achieve specific purposes and objectives. The power of judicial review in cases of arrest under such Special Acts should be exercised very cautiously and in rare circumstances to balance individual liberty with the interest of justice and of the society at large. Any liberal approach in construing the stringent provisions of the Special Acts may frustrate the very purpose and objective of the Acts. It hardly needs to be stated that the offences under the PMLA or the [Customs Act](#) or FERA are the offences of very serious nature affecting the financial systems and in turn the sovereignty and integrity of the nation. The provisions contained in the said Acts therefore must be construed in the manner which would enhance the objectives of the Acts, and not frustrate the same. Frequent or casual interference of the courts in the functioning of the authorized officers who have been specially conferred with the powers to combat the serious crimes, may embolden the unscrupulous elements to commit such crimes and may not do justice to the victims, who in such cases would be the society at large

and the nation itself. With the advancement in Technology, the very nature of crimes has become more and more intricate and complicated. Hence, minor procedural lapse on the part of authorized officers may not be seen with magnifying glass by the courts in exercise of the powers of judicial review, which may ultimately end up granting undue advantage or benefit to the person accused of very serious offences under the special Acts. Such offences are against the society and against the nation at large, and cannot be compared with the ordinary offences committed against an individual, nor the accused in such cases be compared with the accused of ordinary crimes.

13. Though, the power of judicial review keeps a check and balance on the functioning of the public authorities and is exercised for better and more efficient and informed exercise of their powers, such power has to be exercised very cautiously keeping in mind that such exercise of power of judicial review may not lead to judicial overreach, undermining the powers of the statutory authorities. To sum up, the power of judicial review may not be exercised unless there is manifest arbitrariness or gross violation or non-compliance of the statutory safeguards provided under the Special acts, required to be followed by the authorised officers when an arrest is made of a person prima facie guilty of or having committed offence under the [Special Act](#)."

NEWS

- the Andhra Pradesh Reorganisation (Amendment) Act, 2026 notified
- Commencement of the Constitution (One Hundred and Sixth Amendment) Act 2023 w.e.f. the 16th day of April, 2026
- the Citizenship (Amendment) Rules, 2026
- TSHC- District Judiciary - Civil and Criminal - Disposal of OI Cases - inclusion of 2021 cases while giving special emphasis to the cases of 10 years old - Making 5+0 meaningful - Certain instructions – Regarding
- High Court of Andhra Pradesh - The Andhra Pradesh Family Court (Empanelment of Counsellors) Rules, 2025 - Notification - Orders - Issued.
- High Court of Andhra Pradesh - Stalling of trials on account of stay orders in Criminal Petitions/Criminal Revision Cases - Directions in the light of the Order dt.15.01.2026 in Petition for Special Leave to Appeal (Crl.) No. 773 of 2026 of Hon'ble Supreme Court of India - Certain instructions - Circular Issued - Reg.
- High Court of Andhra Pradesh - Order Dt.05.02.2026 in Criminal Appeal No. 701 /2026 (arising out of SLP (Crl.) No. 18886 of 2025)

- Directions regarding informing the accused of their right to legal representation and entitlement to legal aid - Certain instructions - Circular Issued - Reg.

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ON A LIGHTER VEIN

I was in Class 10 or 11 when my friend started driving a scooter. We were in Chandigarh, and I was riding pillion with him one day. He wasn't wearing a helmet and had jumped a red light. Unfortunately, there were cops right ahead of us.

Now my friend didn't have a licence either but he was super confident when the policeman stopped him. As soon as the lawman came up, he asked, “Do you know Rakesh Tiwari?” The cop asked him, “How do you know Rakesh Tiwari?” My friend said, “Bas, I know him well, sir. Familywali baat hai (It's a family thing).”

After some grumbling the policeman said, “Okay I'm only letting you go because you know Tiwari saab. But take care in future.”

Once we'd left, I asked my friend, “How do you know Rakesh Tiwari?”

“I don't,” he said, “Tiwari was the cop who stopped me the last time I jumped a red light. I'd read his name-badge!”—**AMIT TANDON**

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