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CITATIONS

APHC010537532025; CRIMINAL PETITION No.10465 of 2025; P RASHIDULLA Vs State of A.P; 5.12.2025

Coming to the present case, as rightly conceded by the learned Assistant Public Prosecutor that the value of stolen sand is Rs.1,500/- and it is a non-cognizable offence. The police mechanically registered the FIR against the petitioner without obtaining appropriate direction from the concerned Magistrate and proceeded with investigation and filed chargesheet, which is a clear abuse of process of law and the present Criminal Petition is liable to be allowed.

In the result, this Criminal Petition is allowed. The case against the petitioner/accused No.3 in C.C.No.720 of 2025 on the file of the learned Judicial Magistrate of First Class-cum-Special Mobile Court, Kurnool, for the offences punishable under Sections 303(2) of BNS and Section 21(1) of MMDR Act (Sand Theft), is hereby quashed. However, it does not preclude the competent authority under the MMDR Act to take further course of action according to law, if so advised.

2026 0 INSC 23; 2026 0 Supreme(SC) 27; Jaswinder Singh @ Shinder Singh Vs. State of Punjab; Criminal Appeal No. 85-86 of 2026 [Special Leave Petition (Crl.).....of 2026] [Diary No. 46882 of 2024]; 06-01-2026

On going through the evidence of the key witnesses, we find that PW-7, the father though spoke of the appellant having driven the vehicle, did not speak of any overt act on the part of the appellant resulting in a direct involvement in the crime proper. The recorded testimony of PW-7 indicates that he only identified the other two accused standing in the dock, as the persons who shot his son in the first incident. The narration indicates that he also spoke of the appellant having dragged the son before he was shot by the other two. In cross-examination, he was specifically confronted with the statement under Section 161 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') and the omission in the same of a statement of the appellant having alighted

and dragged his son having been recorded by the police. The omission is fatal when we consider that the appellant was not arrayed at the first instance and was summoned under Section 319 of the Cr.P.C. by order dated 24.08.2000 of the Trial Court.

The Appellant was arrayed as an accused on an application U/s. 319 CrPC. Hence, the name of the appellant did not appear in the 161 CrPC Statement

2026 0 INSC 25; 2026 0 Supreme(SC) 25; The State (NCT) of Delhi Vs Khimji Bhai Jadeja; Criminal Appeal No. 74 of 2026 [Special Leave Petition (Criminal) No. 9198 of 2019]; Decided On : 06-01-2026

We may note that Section 218(1) Cr.P.C. requires a distinct and separate charge for every distinct offence and each such separate charge should be tried separately. Sections 219 to 223 Cr.P.C. constitute exceptions to this general rule and stipulate the circumstances in which deviation therefrom can be made. Under Section 219 Cr.P.C. three such offences committed during a year can be the subject matter of a single trial [now, five such offences, under Section 242 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)]. Under Sections 220(1) Cr.P.C. and 223(a) and (d) Cr.P.C. consolidated charges can be framed against several accused persons in relation to several offences, if such offences are committed during the course of the same transaction. It would, therefore, turn upon the offences forming part of the 'same transaction'.

20. As already noted hereinabove, precedential law has laid down triple tests, though not to be applied cumulatively, to decide when separate actions can be treated as part of the 'same transaction' –

1) unity of purpose and design;
2) proximity of time and place and
3) continuity of action.

These tests may be applied to ascertain whether a series of acts form part of the same transaction or not. It is not necessary at the present stage to consider whether consolidation of charges under Section 220(1) Cr.P.C. should be resorted to, as that would depend upon the opinion of the Magistrate on the strength of the findings recorded during the investigation. If it is opined that all the incidents partake of the same transaction, there can be one trial under Section 220(1) Cr.P.C. and Section 223(a) and (d) Cr.P.C. If, however, it is concluded that there are several transactions and distinct offences in relation to different victims, there have to be separate trials for each offence, subject to Section 219 Cr.P.C. Section 242 BNSS, which allows the Trial Court to try three/five offences of the same kind committed within a year. Once all the incidents are taken to be part of the same transaction and amalgamated into one FIR, the punishment would follow accordingly as per law.

21. We agree with the learned amicus that the reference by the learned Additional Sessions Judge was premature, as the stage had not arisen for her to have entertained any doubt so as to raise the questions of law that she did for the decision of the High Court. The investigation was still ongoing and it could not have been ascertained at that stage as to whether the alleged offences formed part and parcel of the same transaction. Even otherwise, consolidation of FIRs is permissible in law but that would have also depended upon the conclusions to be arrived at after the investigation. However, as on date, as many as six supplementary chargesheets have been filed during the pendency of this case, in addition to the main chargesheet that was filed in the year 2014. We find that the end result of the investigation undertaken is that an offence under Section 120B IPC has been alleged, i.e., a criminal conspiracy. Therefore, as a conspiracy is alleged, leading to multiple acts of cheating against different individuals, the course adopted by the Delhi Police in registering one FIR and treating the complaints received from 1851 other complainants as statements under Section 161 Cr.P.C. was the correct course of action to have been adopted at that stage.
22. The inference to be drawn from the chargesheets, as filed, is left to the Magistrate concerned to consider, so as to ascertain whether the various acts of cheating attributed to the accused persons constitute part of the ‘same transaction’ thereby bringing them within the ambit of Section 220(1) Cr.P.C. and Section 223 (a) & (d) Cr.P.C. If the offences formed part of the same transaction, the Magistrate would be entitled to charge and try them together, as enabled by the aforestated provisions, as it would be in the larger public interest to do so. Further, in such an event, as pointed out in Amish Devgan (supra), the complainants, who would then be treated as witnesses in relation to the FIR which was first registered, would be entitled to file protest petitions in the event of a closure report being filed or if the Magistrate is inclined to discharge the accused, and the Magistrate concerned is bound to consider the same on merits. Coming to the aspect of sentencing, the provisions of Section 71 IPC along with Sections 31 and 325 Cr.P.C. would have to be adhered to, depending upon the established facts and findings in the case.

2026 0 INSC 30; 2026 0 Supreme(SC) 20; Prasanna Kasini Vs The State of Telangana & Anr.; Criminal Appeal No. 76 of 2026 (@Special Leave Petition (Crl.) No.7038 of 2025); Decided On : 06-01-2026

We cannot lightly find a bias on the Judge merely because the relative of a party is a Head Constable working in a Police Station coming within the jurisdiction of the Court and/or another relative is working in the District Court itself.

2026 0 INSC 31; 2026 0 Supreme(SC) 19; The Karnataka Lokayuktha Bagalkote District, Bagalkot Vs Chandrashekar & Anr; Criminal Appeal No. 77 of 2026 (@Special Leave Petition (Crl.) No. 13057 of 2025); Decided On : 06-01-2026

We are of the opinion that in the present case the distinction as brought out in Ajay Kumar Tyagi, (supra) squarely applies and the ratio decidendi therein is not regulated by the ratio of the earlier judgment in Radheshyam Kejriwal, (supra). In Radheshyam Kejriwal, (supra), the adjudication proceedings and the prosecution were both by the very same entity, the Enforcement Directorate under the FERA. In Ajay Kumar Tyagi, (supra), the allegation was of a demand and acceptance of bribe in which a trap was laid, and the prosecution was commenced and continued by the ACB while the departmental proceedings were by the Delhi Jal Board under which the delinquent employee worked. Identical is the fact in this case where the ACB laid the trap, commenced and continued the criminal proceedings, at the behest of the appellant, while the department carried on with the enquiry. The findings in the enquiry report also do not persuade us to quash the criminal proceedings as we would presently notice.

14. At the outset, we cannot but reiterate that the enquiry report in disciplinary proceedings is not conclusive of the guilt or otherwise of the delinquent employee, which finding is in the exclusive domain of the disciplinary authority. The enquiry officer is appointed only as a convenient measure to bring on record the allegations against the delinquent employee and the proof thereof and to ensure an opportunity to the delinquent employee to contest and defend the same by cross-examination of the witnesses proffered by the department and even production of further evidence, in defense. The enquiry officer, strictly speaking, merely records the evidence and the finding entered on the basis of the evidence led at the enquiry does not have any bearing on the final decision of the disciplinary authority. The disciplinary authority takes the ultimate call as to whether to concur with the findings of the enquiry authority or to differ therefrom. On a decision being taken to differ from the findings in the enquiry report as to the guilt of the delinquent employee, if it is in favour of the delinquent employee nothing more needs to be done since the enquiry stands closed exonerating the employee of the charges levelled. If the decision is to concur with the finding of guilt by the Enquiry Officer, then a show-cause is issued with the copy of the Enquiry Report. However, while differing from the finding of exoneration in the enquiry report, necessarily the disciplinary authority will not only have to issue a show-cause against the delinquent employee, with a copy of the Enquiry Report, but the show- cause notice also has to specifically bring to attention of the delinquent, the aspects on which the disciplinary authority

proposes to differ, based on the facts discovered in the enquiry so as to afford the delinquent employee an opportunity to proffer his defense to the same.

2026 0 INSC 36; 2026 0 Supreme(SC) 33; Md Imran @ D.C. Guddu Vs. The State Of Jharkhand; Criminal Appeal No. 109 of 2026 (Arising out of Special Leave Petition (Crl) No. 12110 of 2025) with Criminal Appeal No. 110 of 2026 (Arising out of Special Leave Petition (Crl) No. 19548 of 2025); Decided On : 07-01-2026

When a person is added as an accused under Section 319 Cr.P.C. and that person is ultimately arrested and prays for bail, the relevant consideration at the end of the court while considering his plea for bail should be the strong and cogent evidence than mere probability of his complicity. The test that has to be applied is one which is more than prima facie case as exercised at the time of framing of charge, but short of satisfaction to an extent that the evidence, if goes unrebutted would lead to conviction. The Court should weigh factors like the nature of the offence, the quality of the evidence against the new accused and the likelihood of the person absconding or tampering with evidence. In other words, the court must be satisfied that there is strong and cogent evidence of the person's complicity at the threshold i.e. much higher than that required for framing charges against the original accused.

2026 0 INSC 37; 2026 0 Supreme(SC) 32; The Joint Director (Rayalaseema), Anti-Corruption Bureau, A.P. & Anr. Vs Dayam Peda Ranga Rao; Criminal Appeal Nos. 123-134 of 2026 [@ SLP (Criminal) NOS. 14321-14333 of 2025]; Decided On : 08-01-2026

Section 2(s) of the CrPC, 1973 defines a 'police station'. It concerns itself with two distinct and separate categories, namely, 'post' and 'place' Accordingly, a 'post,' held by a police officer, can be defined as a police station, and so also a 'place'. In a given case, there can be a combination of both. The definition clause, under Section 2(s) of the CrPC, 1973, is both exhaustive and inclusive. It is exhaustive to mean, any post or any place, while it includes any local area specified by the State Government. The inclusion of 'local area' would come within the definition of place, meaning thereby, a place would include, a specified one, a town, a city, a taluk, a village, a district or even a State itself. Therefore, a local area is a species of the genus 'place'. The declaration, that is warranted, under the definition clause, is rather formal. It can be specific, either to a place or to a post, or general, to a group of posts or places. Suffice it is to state that, under the definition, there need not be a specific place to be declared as a police station, as even a post being held by a police officer would constitute a police station.

2026 0 INSC 2; 2026 0 Supreme(SC) 4; Gulfisha Fatima Vs State (Govt. of NCT of Delhi); Criminal Appeal No. 11 of 2026 (Arising out of SLP (Crl.) No. 13988 of 2025) With Criminal Appeal No. 16 of 2026 (Arising out of SLP (Crl.) No. 14030 of 2025) With Criminal Appeal No. 12 of 2026 (Arising out of SLP (Crl.) No. 14132 of 2025) With Criminal Appeal No. 17 of 2026 (Arising out of SLP (Crl.) No. 14165 of 2025) With Criminal Appeal No. 13 of 2026 (Arising out of SLP (Crl.) No. 14859 of 2025) With Criminal Appeal No. 14 of 2026 (Arising out of SLP (Crl.) No. 15335 of 2025) With Criminal Appeal No. 15 of 2026 (Arising out of SLP (Crl.) No. 17055 of 2025) ;Decided On : 05-01-2026

Before we conclude, it bears reiteration that a principle lies at the heart of constitutional adjudication in matters of this nature. The Constitution guarantees personal liberty, but it does not conceive liberty as an isolated or absolute entitlement, detached from the security of the society in which it operates. The sovereignty, integrity, and security of the nation, as well as the preservation of public order, are not abstract concerns rather they are constitutional values which Parliament is entitled to protect through law. Where a special statutory framework has been enacted to address offences perceived to strike at these foundations, courts are duty-bound to give effect to that framework, subject always to constitutional discipline.

437. In the application of such law, the Court does not proceed on identity, ideology, belief, or association. It proceeds on role, material, and the statutory threshold governing the exercise of jurisdiction. Criminal law does not mandate identical outcomes merely because allegations arise from the same transaction. Those alleged to have conceived, directed, or steered unlawful activity or terrorist activity stand on a different legal footing from those whose alleged involvement is confined to facilitation or participation at a different level. To disregard such distinctions would itself result in arbitrariness.

438. The present decision reflects this constitutional method. It neither endorses the prosecution case nor prejudges the guilt of any accused. It applies the law as it stands, recognising that individual liberty must be protected, but that it must also withstand the legitimate demands of national security and collective safety. This balance is not a matter of preference rather it is a matter of constitutional duty.

2026 0 INSC 39; 2026 0 Supreme(SC) 42; C.S. Prasad Vs. C. Satyakumar and Others; Criminal Appeal No. 140 of 2026 [Arising Out of S.L.P. (Crl.) No. 397 of 2025]; Decided On : 08-01-2026

Adjudication in civil matters and criminal prosecution proceed on different principles. The decree passed by the Civil Court neither records findings on criminal intent nor on the existence of offences such as forgery,

cheating, or use of forged documents. Therefore, civil adjudication cannot always be treated as determinative of criminal culpability at the stage of quashment. Moreover, in the case at hand, the civil proceedings have not attained finality.

It is a settled proposition that when a factual foundation for prosecution exists, criminal law cannot be short-circuited by invoking inherent jurisdiction under Section 482 of the Cr.P.C. Where allegations require adjudication on evidence, the proper course is to permit the trial to proceed in accordance with law. In the present case, the issues relating to the state of mind of the executants at the time of execution of the settlement deeds, the role of respondent Nos. 1 to 3 in the execution and the use of the settlement deeds, the existence of fraudulent intent, and the manner in which proprietary advantage was obtained by them, all require a full-fledged trial on evidence.

2026 0 INSC 41; 2026 0 Supreme(SC) 40; Roshini Devi Vs. The State of Telangana and Others; Criminal Appeal No. 116 of 2026 [SLP (Crl.) No. 18223 of 2025]; Decided On : 08-01-2026

Section 3 (1) of the Act of 1986 enables the Government, if it is satisfied that a drug offender ought to be prevented from acting in any manner prejudicial to the maintenance of public order to make an order of preventive detention. The expression “acting in any manner prejudicial to the maintenance of public order” has been defined by Section 2(a) of the Act 1986. As per the Explanation to the said provision, if any of the activities of the person concerned causes or is calculated to cause any harm, danger or alarm or a feeling of insecurity among the general public or a section thereof or in case of a grave widespread danger to life or public health is likely to be caused, such power can be exercised. The order of detention does not indicate in what manner the maintenance of public order was either adversely affected or was likely to be adversely affected so as to detain the detenu. Mere reproduction of the expressions mentioned in Section 2(a) of the Act of 1986 in the order of detention would not be sufficient. The detention order ought to indicate the recording of subjective satisfaction by the detaining authority in that regard. It is well settled that there is a fine distinction between “law and order” and “public order”. Mere registration of three offences by itself would not have any bearing on the maintenance of public order unless there is material to show that the narcotic drug dealt with by the detenu was in fact dangerous to public health under the Act of 1986. This material is found to be missing in the order of detention.

2026 0 INSC 44; 2026 0 Supreme(SC) 47; X Vs. The State of Uttar Pradesh & Another; Criminal Appeal No. 164 of 2026 [Arising out of SLP (Crl.) No. 8173 of 2025]; Decided On : 09-01-2026

It is equally well settled that while bail is not to be refused mechanically, it must not be granted on irrelevant considerations or by ignoring material evidence. Where an order granting bail is founded on an incorrect appreciation of facts or suffers from material omissions or where it results in miscarriage of justice, this Court is empowered to interfere. In the present case, the grant of bail by the High Court is vitiated by material misdirection and non- consideration of relevant factors rendering the same manifestly perverse.

2026 0 INSC 47; 2026 0 Supreme(SC) 46; The State of Uttar Pradesh Vs. Anurudh and Another; Criminal Appeal No. 163 of 2026 [Petition for Special Leave to Appeal (Crl.) No. 10656 of 2025]; 09-01-2026

As the conclusions drawn above indicate the impugned judgment and order of the High Court has to be set aside on grounds of transgression of the jurisdiction present and thereby lacking the appropriate directions. It is to be set aside also because it goes against the statutory prescription under the JJ Act. Be that as it may, this Court has not lost sight of the well-intentioned purport of this order. The POCSO Act is one of the most solemn articulations of justice aimed at protecting the children of today and the leaders of tomorrow. Yet, when an instrument of such noble and one may even say basic good intent is misused, misapplied and used as a tool for exacting revenge, the notion of justice itself teeters on the edge of inversion. Courts have in many cases sounded alarm regarding this situation. Misuse of the POCSO Act highlights a grim societal chasm - on the one end children are silenced by fear and their families are constrained by poverty or stigma, meaning thereby that justice remains distant and uncertain, and on the other hand, those equipped with privilege, literacy, social and monetary capital are able to manipulate the law to their advantage. The impugned judgment is one amongst many where Courts have spoken out. Not only are instances rife where the age of the victim is misrepresented to make the incident fall under the stringent provisions of this law but also there are numerous instances where this law is used by families in opposition to relationships between young people. In Satish alias Chand v. State of U.P. Crl. Misc. Bail Appl. No. 18596 of 2024, the High Court, noted that on few occasions concern had been expressed by the Court with respect to application of the Act on consenting adolescence when it comes to consensual relationships between teenagers, four factors have been highlighted which, is crucial for the Courts to consider:

“A. Assess the Context: Each case should be evaluated on its individual facts and circumstances. The nature of the relationship and the intentions of both parties should be carefully examined.
B. Consider Victim's Statement: The statement of the alleged victim should be given due consideration. If the relationship is consensual and based on mutual affection, this should be factored into decisions regarding bail and prosecution.
C. Avoid Perversity of Justice: Ignoring the consensual nature of a relationship can lead to unjust outcomes, such as wrongful imprisonment. The judicial system should aim to balance the protection of minors with the recognition of their autonomy in certain contexts. Here the age comes out to be an important factor.
D. Judicial Discretion: Courts should use their discretion wisely, ensuring that the application of POCSO does not inadvertently harm the very individuals it is meant to protect.” [See also: Mrigraj Gautam @ Rippu v. State of U.P. 2023: AHC : 204171]
The Delhi High Court in Sahil v. the State NCT of Delhi, 2024: DHC: 6100 the Court noted in para 11 of the order that POCSO cases filed at the behest of a girl’s family objecting to romantic involvement with a young boy have become common place and consequent thereto these young boys languish in jails. Therein, reference is also made to an order of the Gujarat High Court, Jayantibhai Babulbhai Alani v. State of Gujarat, 2018 SCC Online Guj. 1223 where the Court noted that considering the closeness in age of the prosecutrix and the accused as also the fact that she had left home of her own accord observed that the application deserved consideration.
This chasm between access and abuse is also mirrored in the misuse of Section 498-A IPC and the Dowry Prohibition Act, 1961. Amongst numerous examples, we may only refer to Rajesh Chaddha v. State of U.P 2025 SCC Online SC 1094, where this Court lamented the use of these Sections without specific instances or relevant details, among other cases. It is also to be stated though that no amount of judicial vigilance against misuse can alone bridge this ever-widening gap. The first line of defence lies with the Bar i.e., the body that translates grievance into action and is the gatekeeper of justice at the point of entry. When it comes to matters such as these, the responsibility of the advocate is profound - to examine the allegations with detachment and necessary discretion and to counsel restraint when grievance masks vengeance and to refuse participation in litigation when it can be seen that an ulterior motive is sought to be agitated under the guise of seeking protection of the law. It is only when the Bar takes a principled, proactive role, that the legislation intended as a shield can be stopped from being twisted into a weapon. A lawyer who tempers aggression with calm, reason and rationality, protects

not only the opposing party from unwarranted harm but also the client from the long-term consequences of frivolous or malicious litigation, including adverse orders, and judicial censure. By taking a principled stand, the Bar acts as a crucial filter, preventing the legal system from being overwhelmed by abuse masquerading as enforcement. Such self-regulation strengthens public faith in the profession, ensures that judicial time is reserved for genuine disputes, and reinforces the foundational idea that law is a means of justice, not a weapon of convenience. In this sense, the ethical vigilance of lawyers is not ancillary to justice, it is indispensable to it. When they do not do so, the chasm alluded to above widens. Society also must match institutional reform with moral awakening. The intent and object of these legislations must be at the forefront when a person wishes to lodge a complaint thereunder. The misuse of these laws is a mirror to the opportunistic and self-centered view that pervades the application of law. It is only through discipline, integrity and courage that these problems can be remedied and rooted out. Any legislative amendment or judicial direction will remain lack-luster without this deeper change.

We have referred to certain instances of the High Courts noting the misuse/misapplication of the POCSO Act, somewhat in line with the indices appended to the impugned judgment as also its progenitors.

Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia, the introduction of a Romeo - Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc.

https://indiankanoon.org/doc/63796890/; **Shaik Khaja vs State Of Punjab & Ors.(2014) 6 Scc on 2 January, 2026**; **CRL.R.C. 262 of 2009**

it appears that the parties have amicably settled the matter between themselves in the presence of elders and well- wishers. It further appears that the parties personally appeared before this Court. The de facto complainant also personally appeared and submitted that he is satisfied with the terms of the compromise. Considering all aspects, although the offence punishable under Section 326 IPC is generally non-compoundable, in the present situation, since the parties have amicably resolved their dispute and are residing peacefully, this Court is not inclined to disturb the harmony between them.

9. Having regard to the facts and circumstances of the case, it appears that this is a fit case where the Court can exercise its extraordinary inherent powers under Section 482 Cr.P.C. to secure the ends of justice.

It appears that subjecting the petitioner to incarceration would not serve the interests of the parties or the harmony in society.

https://indiankanoon.org/doc/98537676/; SHAIK AZGAR MOHAMMED Vs State of A.P; CRLP NO: 13250/2025; 02.01.2026;
As seen from the record, the allegation against the Petitioner/Accused No.4 is that he had allegedly indulged in dealing with 2.145 Kgs of ganja and 0.828 grams of MDMA. Of course, the above two seized contraband are not commercial quantity. The role of the petitioner has come into light based on the confession of Accused Nos.1 to 3. This is the second bail application. This Court, in Crl.P.No.12493 of 2025, vide order dated 12.12.2025, dismissed the first bail application. Accused Nos.1 to 3 were already enlarged on bail. The petitioner was arrested on 29.11.2025. He has been in judicial custody for the past 34 days. The petitioner is involved in one NDPS case in Cr. No.184 of 2025. The Petitioner/Accused No.4 is a resident of Eluru Town and Eluru District. He has got fixed abode. If he is enlarged on bail, he may not evade the process of law.

https://indiankanoon.org/doc/8246755/; Ruparam Saran vs The State Of Andhra Pradesh on 5 January, 2026; CRLP NO: 13187/2025
As seen from the record, the allegation against the Petitioner is that he, along with other accused persons, entered into a criminal conspiracy to indulge in rioting, attempted to commit murder by driving vehicles towards police personnel, used criminal force to deter public servants from discharging their lawful duties, trespassed into the reserve forest without permission, cut live red sander trees, committed theft thereof, and attempted to smuggle the contraband by loading the red sander logs into vehicles for transportation; and that his name surfaced during investigation on the basis of the confessional statements of co-accused Nos.1 to 6, who were apprehended at the spot along with the seizure of 52 red sander logs weighing 1087.900 kilograms, two cars, one motor cycle, and other incriminating material.
8. Upon careful consideration of the facts and circumstances of the case and the material placed on record, it is of the view that the offences alleged are grave in nature, involving rioting, attempt to murder, criminal conspiracy, and illegal felling and transportation of red sanders, which have far-reaching consequences on public order and forest wealth. The Petitioner has been named in the confessional statements of co-accused, and the investigation is still pending with respect to several absconding accused, thereby necessitating custodial interrogation to unearth the larger conspiracy. In such circumstances, this Court finds that granting anticipatory bail at this stage would seriously prejudice the ongoing

investigation and may result in the petitioner absconding or tampering with evidence.

https://indiankanoon.org/doc/7681789/; Narendra vs The State Of Andhra Pradesh on 5 January, 2026; CRLRC NO: 1528/2025

Be that as it may, even at the time of extension of the remand in any other case either by the Magistrate or by the Trial Court, they cannot mechanically pass extension order of remand. The remand extension has to be informed to the Accused either by securing him physically or virtually.

https://indiankanoon.org/doc/95163688/; TRCRLP No.01 of 2026 Date: 07.01.2026; Palla Lanaya Kumari vs State of A.P

The material on record further reveals that the petitioner herein, who is a complainant under C.C. No.133 of 2023, has herself chosen the jurisdiction of the Court of Magistrate at Narsapuram, West Godavari District, where the alleged offence has taken place. It is also contended by the learned counsel for the petitioner that all the witnesses in the said C.C. No.133 of 2023 are residing within the East Godavari District. As seen from the copy of the complaint enclosed with the grounds of this Transfer Criminal Petition, the 1st witness is the complainant herein, the 2nd witness is none other than the father of the petitioner, and the 3rd witness is the husband of the petitioner. The other two witnesses, i.e., witnesses 4 and 5, are residing in the West Godavari District at where the case is pending. Furthermore, the trial in this case has not been commenced, and the said case has been instituted in the year 2023.

The transfer of a case can be made only when the same is reasonably required under the facts and circumstances of case. For transfer of a criminal case, the petitioner has to explain the reasons to consider the request of transfer.

APHC010014312026;https://indiankanoon.org/doc/197366874/;CRL RC NO: 29 of 2026: 08.01.2026; Kavala Satyanarayana Vs State of A.P

The Criminal Revision Case has been filed challenging the order dated 30.10.2025 in Crl.M.P.No.81 of 2025 in S.C.No.73 of 2022, dismissing the application filed for recalling of the warrant issued against the petitioner on 30.10.2025. The learned Trial Court observed that the petitioner, who is Accused No.2 before it, was absent and had not been attending the Court for several adjournments. Therefore, a Non-Bailable Warrant was issued against the petitioner.

3. As per Section 397(2) of the Code of Criminal Procedure, 1973 (for brevity 'the Cr.P.C.,') against an interlocutory order, a revision is not maintainable. The impugned order is undoubtedly an interlocutory order

against which no revision lies as per Section 397(2) of 'the Cr.P.C.,' therefore, the petition is liable to be dismissed.

Practical Solutions Inc. Vs. The State Of Telangana & Ors; Special Leave Petition (Criminal) Diary No. 953/2026; Crl.A. No. 000353 / 2026; SLP(Crl) No. 001220 / 2026; 19-01-2026;
In a petition where quashing of the FIR is prayed for, the High Court should not have passed an order directing the Investigating Officer to comply with Section 41-A of the Criminal Procedure Code, 1973 (for short, "the Cr.PC) because it indirectly amounts to granting a relief which High Court could have considered only if a prima facie case for quashing of the FIR is made out.

CRP 2487/2025; Gummadi Usha Rani Vs. Sure Mallikarjuna Rao; 21.1.2026
the exercise of actual intelligence over artificial intelligence should be preferred and the use of Artificial Intelligence should be done with great care, caution and wisdom
Thus considered, I conclude
a) that mere mention of the non-existent citations/rulings generated by Artificial Intelligence in the order would not vitiate the order if the law as considered in the order is the correct law of the land and there is no fault in applying the correct law, correctly to the facts of the case.
b) But if the principle of law applied is not the law or the application of the law is not correct being based on AI tools, the order would be liable to be set aside.
c) The impugned order does not suffer from any error of law or of jurisdiction. It does not call any interference by this Court in the exercise of the jurisdiction under Article 227 of the Constitution of India.

APHC010011892026; https://indiankanoon.org/doc/192053391/; Chennuru Rajani And Others vs The State Of Andhra Pradesh And Others on 19 January, 2026; WRIT PETITION NO: 1266/2026
The Hon‟ble Apex Court, thus in a plethora of judgments, has categorically held that the police officer cannot submit report to the learned Executive Magistrate for passing orders under Section 145 of the Cr.P.C.,/Section 164 of the BNSS.," when there is civil case pending before any Court in respect of the immovable property. Similarly, the Executive Magistrate also cannot invoke the powers under Chapter IX of the BNSS., when there is civil case pending before the competent civil Court.

APHC010663362025; https://indiankanoon.org/doc/196000542/; Lokanath Reddy vs The State Of Andhra Pradesh on 20 January, 2026; CRIMINAL PETITION NO: 12695 OF 2025

Case registered for the alleged offences punishable under Sections 69, 88, 351(2) read with 3(5) of Bharatiya Nyaya Sanhita, 2023.

In the light of the law laid down in the case of Arnesh Kumar and Md. Asfak Alam, the investigating officer is under legal obligation to proceed in accordance with law, but he shall follow the procedure prescribed under Sections 41 and 41(A) of 'the Cr.P.C.,' (now Sections 35 and 35(3) of 'the B.N.S.S.,' 2023). The petitioners are obligated to render their fullest cooperation in the ongoing investigation.

{Section 69 of BNS punishable with imprisonment upto 10 years}

APHC010713872025; https://indiankanoon.org/doc/168893285/; Akoji Hari vs The State Of Andhra Pradesh on 20 January, 2026; CRIMINAL PETITION NO: 13511 OF 2025 20.01.2026

The allegation against the petitioner and the other accused is that they were found in possession of 20 Kgs of ganja, which does not constitute a commercial quantity.

Considering the facts and circumstances of the case, the nature and gravity of allegations levelled against the Petitioner/Accused No.3, this Court is inclined to enlarge the Petitioner/Accused No.3 on bail.

2026 0 INSC 71; 2026 0 Supreme(SC) 84; Nawal Kishore Meena @ N.K Meena Vs. State of Rajasthan; Petition for Special Leave to Appeal (Crl.) No.492/2026 [Arising out of impugned final judgment and order dated 03-10-2025 in SBCRMP No. 5157/2024 passed by the High Court of Judicature for Rajasthan at Jaipur]; 19-01-2026

The Criminal Procedure Code is the parent statute which provides for investigation, inquiry into and trial of cases and unless there is specific provision in another statute to indicate a different procedure to be followed, the provisions of Cr.P.C cannot be displaced. In other words, the existence of a special law by itself cannot be taken to exclude the operation of Cr.P.C. Unless the special law expressly or impliedly provides a separate provision for investigation, the general provision under Section 156 of Cr.P.C shall prevail.

Section 17 does not exclude or prevents the State Police or a Special Agency of the State from registering a crime or investigating cases relating to bribery, corruption and misconduct against Central Government employees.

2026 0 INSC 73; 2026 0 Supreme(SC) 82; Neha Lal Vs. Abhishek Kumar; Transfer Petition (Crl.) No. 338 of 2025 (I.A. No. 200539 of 2025 - Application under Article 142 of the Constitution of India seeking dissolution of the marriage - filed by petitioner-wife): 20-01-2026

This Court considered that irretrievable breakdown of marriage is not a ground for divorce under the 1955 Act, however, the same does not debar this Court to exercise the power to dissolve a broken and shattered marriage in exercise of its power under Article 142 of the Constitution of India. It is in the interest of the society that the marriages, as far as possible, should be maintained. If there is failure in the efforts for reconciliation and it is found that marriage has been wrecked beyond the scope of salvage, it is in the interest of all concerned to recognize that fact and dissolve the marriage, otherwise the litigation, sufferings by all the parties and the miseries may continue. This Court held that such discretionary power can be exercised to do complete justice. Despite opposition by the parties, this Court can dissolve the marriage if there is no possibility of parties living together. Continuation of formal legal relationships in such circumstances would not be justified.

They have indulged into filing more than 40 cases against each other. Warring couples cannot be allowed to settle their scores by treating Courts as their battlefield and choke the system. If there is no compatibility, there are modes available for early resolution of disputes. Process of mediation is the mode which can be explored at the stage of pre-litigation and even after litigation starts. When the parties start litigating against each other, especially on criminal side, the chances of reunion are remote but should not be ruled out.

Practice of law is said to be noble profession. Whenever the parties in matrimonial dispute have differences, the preparation starts as to how to teach lesson to the other side. Evidence is collected and, in some cases, even created, which is more often in the era of artificial intelligence. False allegations are rampant. As any matrimonial dispute has immediate effect on the fabric of the society, it is the duty of all concerned to make earnest effort to resolve the same at the earliest before the parties take strong and rigid stand. There are mediation centres in all districts where pre-litigation mediation is also possible. In fact, it is being explored in number of cases and the success rate is also encouraging. In many cases, the parties, after resolution of their disputes, has also started living together.

The problem is more after the birth of a child or children. Many a times, he/she becomes a bone of contention between the warring parties. His/her custody is another battle which starts before Court. In many cases, the orders passed by the Courts are not even complied with.

24. First and the foremost, earnest effort should be made by the parties and to be guided by the advocates, whensoever consulted in the process, is to convince them for a pre-litigation mediation. Rather in some cases, their counselling may be required. Even if a case is filed in a Court on a trivial issue such as maintenance under Section 144 of BNSS, 2023 (earlier Section 125 of CrPC, 1973) or Section 12 of the Protection of Women from Domestic Violence Act, 2005, the first effort required to be made by the Court is to explore mediation instead of calling upon the parties for filing replies as allegations and counter allegations sometimes aggravate the dispute. Even when a complaint is sought to be registered with the police of simple matrimonial dispute, first and the foremost effort has to be for re-conciliation, that too, if possible, through the mediation centers in the Courts, instead of calling the parties to the police stations. This sometimes becomes a point of no return specially when any of the parties is arrested, may it be even for a day.

25. In the changing times, the matrimonial litigation has increased manifolds. Even this Court is flooded with transfer petitions, mainly filed by the wives, seeking transfer of the proceedings initiated by their husbands, may be at the first instance or as a counter blast. In such situations, it is the duty of all concerned including the family members of the parties to make their earnest effort to resolve the disputes before any civil or criminal proceedings are launched.

26. However, from the facts noticed above, we find this to be a case of irretrievable breakdown of marriage, where the parties stayed together only for 65 days, are separated for the last more than a decade and have been indulging into litigation one after another. We find this to be a fit case for exercise of our discretion under Article 142 of the Constitution of India to dissolve the marriage between the parties. As a result, by passing the decree, we dissolve the marriage between the parties. No alimony has been claimed by the petitioner-wife and all her previous claims stand settled.

27. It is directed that the parties shall not indulge in further litigation with reference to their matrimonial dispute.

2026 0 Supreme(SC) 76; Keshaw Mahto @ Keshaw Kumar Mahto Vs. State Of Bihar & Anr.; Criminal Appeal No. 200 of 2026 Special Leave Petition (Crl.) No. 12144 of 2025]; Decided On : 12-01-2026

12. Section 3(1)(r) is attracted where the reason for the intentional insult or intimidation by the accused is that the person who is subjected to is a member of a Scheduled Caste or a Scheduled Tribe. In other words, the offence under Section 3(1)(r) cannot stand merely on the fact that the informant/complainant is a member of a Scheduled Caste or a Scheduled

Tribe, unless the insult or intimidation is with the intention to humiliate such a member of the community.
13. To put it briefly - first, the fact that the complainant belonged to a Scheduled Caste or a Scheduled Tribe would not be enough. Secondly, any insult or intimidation towards the complainant must be on the account of such person being a member of a Scheduled Caste or a Scheduled Tribe.
14. With a view to dispel any doubt and lend clarity, we deem it appropriate to mention that even mere knowledge of the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe is not sufficient to attract Section 3(1)(r).
15. Further, for an offence to be made out under Section 3(1)(s), merely abusing a member of a Scheduled Caste or a Scheduled Tribe would not be enough. At the same time, saying caste name would also not constitute an offence.
16. In other words, to constitute an offence under Section 3(1)(s) it would be necessary that the accused abuses a member of a Scheduled Caste or a Scheduled Tribe “by the caste name” in any place within public view. Thus, the allegations must reveal that abuses were laced with caste name, or the caste name had been hurled as an abuse.
17. What appears from the aforesaid is the element of humiliation is present in Section 3(1)(s) as well. It has to be gathered from the intentional insult towards the caste, and the content. The content under Section 3(1)(s) are the abuses hurled at a person belonging to a Scheduled Caste or a Scheduled Tribe. However, the intent with which the abuses were hurled must be found to be denigrating towards the caste, resulting into a feeling of caste-based humiliation.
18. In the case at hand, we find that there is nothing on record to indicate that the alleged acts of the appellant were motivated for the reason that the complainant is a member of a Scheduled Caste or a Scheduled Tribe. Neither the FIR nor the chargesheet contains any whisper of an allegation of insult or intimidation by the appellant herein, let alone one made with the intention to humiliate the complainant. 19. The allegations levelled in the FIR, even if taken at their face value and accepted in their entirety, do not prima facie, constitute an offence under either Section 3(1)(r) or under Section 3(1)(s) of the SC/ST Act.

2026 0 INSC 57; 2026 0 Supreme(SC) 71; State of Himachal Pradesh Vs. Chaman Lal; Criminal Appeal No. 430 of 2018: 15-01-2026
the law does not prescribe any rigid form for recording a dying declaration. So long as the Court is satisfied that the declaration is voluntary, truthful and reliable, hyper-technical objections cannot form the basis for its rejection.

In the present case, it is true that the Rukka (FIR) records that the deceased did not initially name the assailant. However, it is settled law that an FIR is not expected to be an encyclopaedia of the entire prosecution case. At that stage, the immediate concern of the family members was the survival of the victim who had sustained nearly 70% burn injuries. Such an omission in the earliest version, in these circumstances, cannot ipso facto discredit the subsequent dying declaration recorded in accordance with law.

PW-4 and PW-5 were declared hostile and attempted to attribute oral statements to the deceased suggesting self-immolation. The trial Court rightly rejected their testimony. Their version is essentially hearsay and was never disclosed at the earliest available opportunity. In Bhajju v. State of Madhya Pradesh, (2012) 4 SCC 327 this Court held that the testimony of a hostile witness can be relied upon only to the extent it is corroborated by other reliable evidence. Recently, in Gurdeep Singh v. State of Punjab, 2025 SCC OnLine SC 1669 this principle was reiterated. In the present case, no such corroboration exists in respect of the testimony of PW-4 and PW-5, whose statements are unsupported by any independent or reliable evidence on record.

The plea of self-immolation on behalf of the respondent does not inspire the confidence of this Court. The alleged conduct of the respondent in attempting to extinguish the fire and sustaining minor burn injuries does not, by itself, exonerate him from culpability. Such conduct can equally be consistent with an attempt to create an appearance of innocence after the commission of the offence. The defence witnesses are either interested or partisan and fail to rebut the consistent and cogent prosecution evidence.

Where there is direct evidence in the form of a credible and trustworthy dying declaration, the absence of strong proof of motive is not fatal to the prosecution case. This position has been consistently affirmed by this Court in State of Andhra Pradesh v. Bogam Chandraiah and another, (1986) 3 SCC 637, Dasin Bai @ Shanti Bai v. State of Chhattisgarh, 2015 SCC OnLine SC 107, and Purshottam Chopra v. State (NCT of Delhi), 2020 SCC OnLine SC 6

2026 0 INSC 88; 2026 0 Supreme(SC) 95; XXX Vs. State of Kerala & Ors; Criminal Appeal No. 4629 of 2025 [Arising out of SLP (Criminal) No. 5175 of 2025]; 27-01-2026

42. Sub-section (3) and sub-section (4) of Section 175 are not isolated silos but must be read in harmony with sub-section (4) forming an extension of sub-section (3).

43. The power to order investigation is conferred upon a judicial magistrate by sub-section (3) of Section 175. Sub-section (4) of Section

175 too confers such power but prescribes a special procedure to be followed in case of a complaint against a public servant alleging commission of offences in the discharge of official duties.

44. The expression “complaint” in sub-section (4) of Section 175 does not encompass oral complaints. Having regard to the text of the provision and the context in which it is set, and in light of our conclusion that sub- section (4) is not a provision which stands alone or is a proviso to sub- section (3), the term must derive its meaning in sync with allegations of cognisable offence levelled in an application of the nature referred to in sub-section (3) of Section 175, i.e., an application supported by affidavit.

WHEN MUST SECTION 175 (4) BE INVOKED – A GUIDE FOR JUDICIAL MAGISTRATES

45. Having clarified the symbiotic relationship between sub-sections (3) and (4) of Section 175, it is indispensable to indicate the circumstances in which the procedure under sub-section (4) could get activated. Significantly, sub-section (4) of Section 175 uses the modal verb “may” and not ‘shall’. In the context where it finds place and the object that is sought to be achieved, “may” has to be read as “may”, bearing an element of discretion, and not ‘shall’. The principles, discussed in the following paragraphs, are intended to guide judicial magistrates at the stage of considering applications under Section 175.

46. Upon receiving a complaint under sub-section (4) of Section 175, BNSS alleging commission of an offence by a public servant arising in course of the discharge of his official duties, the magistrate may do either of the following:

46.1 Reading the complaint, if the judicial magistrate is prima facie satisfied that commission of the alleged act giving rise to an offence arose in course of discharge of official duties by the public servant, such magistrate may not have any option other than following the procedure prescribed under sub-section (4) of Section 175 of calling for reports from the superior officer and the accused public servant.

46.2 Or, on a consideration of the complaint, where the judicial magistrate entertains a prima facie doubt depending upon the circumstances as to whether the offence alleged to have been committed by the public servant arose in course of discharge of his official duties, such magistrate might err on the side of caution and proceed to follow the procedure prescribed in sub-section (4) of Section 175.

46.3 Or, where the judicial magistrate is satisfied that the alleged act of offence was not committed in the discharge of official duties and/or it bears no reasonable nexus thereto, and also that the rigours of sub-section (4) of Section 175 are not attracted, the complaint may be dealt with in accordance with the general procedure prescribed under sub-section (3) of Section 175.

47. It is hereby clarified that the judicial magistrate would continue to retain the authority to reject an application under sub-section (3) of Section 175, lodged against a public servant, where such magistrate finds that the allegations made therein are wholly untenable, manifestly absurd, or so inherently improbable that no reasonable person could conclude that any offence is disclosed. However, it is needless to observe, such an order of rejection ought not to be based on whims and fancy but must have the support of valid reasons.

48. A situation may arise where, in an appropriate case, the judicial magistrate has called for a report from the concerned superior officer under clause (a) of sub-section (4) of Section 175, but such officer fails to comply with the direction or does not submit the report within a reasonable period of time. What is the course open to the magistrate in such a situation? In the unlikely event of such a situation, we hold, the judicial magistrate is not obliged to wait indefinitely for compliance and may proceed further in accordance with sub-section (3) of Section 175 after considering the version of the accused public servant under clause (b) of sub-section (4) of Section 175, if on record. What would constitute 'reasonable time' cannot be determined in rigid or inflexible terms and must necessarily depend upon the facts and circumstances of each case before the judicial magistrate who has to take the call.

Although declaratory relief can, inter alia, be sought before a writ court and granted by it upon establishment of a threatened breach or an apprehended breach of a legal right at the instance of a respondent, being a public authority, the nature of declaratory relief prayed by the appellant could not have been granted by the writ court without a challenge being mounted to the order of the JMFC calling for a report. Seeking a declaratory relief that the acts of offence committed by the accused public servants did not arise in the discharge of official duties by them without the order of the JMFC (calling for a report) being challenged would have necessarily required the writ court to embark on a fact-finding exercise in that behalf, as if it were a court of a magistrate. A writ court is a court exercising high prerogative writ jurisdiction; such court could not have been urged by the appellant to convert itself into a court for conducting sort of a magisterial inquiry. The Single Judge overlooked this fundamental flaw.

APHC010070062025; CRIMINAL PETITION NO: 1532/2025; Pvhv Gopala Sarma v. The State Of Andhra Pradesh and Others; 06.03.2025

In a case containing serious allegations, the Investigating Officer deserves a free hand to take the investigation to its logical conclusion. The investigation officer, who has been prevented from subjecting the petitioner to custodial

interrogation, can hardly be fruitful in finding prima facie substance in the grave allegations. The possibility of the investigation being effected once the petitioner is released on bail is very much foreseen. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail.

Multiple FIR's & Multiple Accused & Multiple Victims

In S. Swamirathnam vs. State of Madras, AIR 1957 SC 340 : (1956) 2 SCC 144 a 3-Judge Bench of this Court rejected the contention of the accused that there was misjoinder of charges as several conspiracies, distinct from each other, had been lumped together and tried at one trial. The Bench observed that the charges, as framed, disclosed one single conspiracy spread over several years and the only object of the conspiracy was to cheat members of the public. Per the Bench, the mere fact that others joined in the conspiracy in the course of those years or the fact that several incidents of cheating took place pursuant to the conspiracy did not change the conspiracy or split it up into several conspiracies. It was held that the instances of cheating were in pursuance of one conspiracy and were, therefore, parts of the same transaction.

10. In Banwarilal Jhunjhunwala and Others vs. Union of India and Another, AIR 1963 SC 1620 : 1963 Supp (2) SCR 338 this Court dealt with the question as to what is meant by 'every distinct offence'. It was held that 'distinct' meant 'not identical' and two offences would be distinct if they are not, in any way, inter-related. It was further held that if there is some inter-relation, there would be no distinctness and it would depend upon the circumstances of the case in which the offences were committed whether there be separate charges for those offences or not.

11. In Cheemalapati Ganeswara Rao (supra), a 3-Judge Bench of this Court observed that, what is to be ascertained under Section 235(1) of the Code of Criminal Procedure, 1898 (equivalent to Section 218(1) Cr.P.C.) was whether the offences arise out of acts so connected together as to form the same transaction. It was noted that 'same transaction' is not defined anywhere in the 1898 Code and it was held that whether transactions can be regarded as the same transaction would necessarily depend upon the particular facts of each case. The Bench noted that the general thought is that, where there is proximity of time or place or unity of purpose and design or continuity of action in respect of a series of acts, it may be possible to infer that they form part of the same transaction. The Bench, however, cautioned that it is not necessary that every one of these elements should co-exist for transactions to be regarded as the same transaction and elaborated that if several acts committed by a person show a unity of purpose or design, then it may be a strong circumstance to

indicate that those acts form part of the same transaction. Noting that a transaction may consist of an isolated act or a series of acts, the Bench held that such series of acts must, of necessity, be connected with one another and if some of them stand out independently, they would not form part of the same transaction but would constitute a different transaction. It was concluded that the 'same transaction' means a transaction consisting either of a single act or of a series of connected acts.

12. In State of Jharkhand through SP, Central Bureau of Investigation vs. Lalu Prasad Yadav alias Lalu Prasad, (2017) 8 SCC 1 this Court observed that even if the modus operandi is the same, it would not make it a single offence when the offences are separate. This Court held that, if a conspiracy is furthered into several distinct offences, there have to be separate trials. Illustrating the point, it was observed there may be a situation where, in furtherance of a general conspiracy, offences take place in different parts of the country, leading to several persons being killed at different times and, in such a situation, each trial would have to be held separately so that the accused are punished separately for each offence committed in furtherance of the conspiracy. It was pointed out if there is only one trial for such a conspiracy, in spite of separate offences being committed, it would enable the accused to go scot-free, despite committing a number of offences, which is not the intendment of law.

13. In Amish Devgan vs. Union of India and Others, (2021) 1 SCC 1 seven FIRs came to be registered in the States of Rajasthan, Maharashtra, Telangana and Uttar Pradesh in relation to a television telecast, which formed the basis for the offences alleged. Applying the law laid down in T.T. Antony vs. State of Kerala and Others, (2001) 6 SCC 181 which was followed thereafter in Arnab Ranjan Goswami vs. Union of India and Others, (2020) 14 SCC 12 this Court directed the clubbing of the FIRs. It was observed that, when the subject matter of the FIRs is the same incident or occurrence or is in regard to incidents, which are two or more parts of the same transaction, then a separate and second FIR need not be proceeded with. It was observed that, in terms of the law laid down in T.T. Antony (supra), the subsequent FIRs would be treated as statements under Section 161 Cr.P.C. It was held that it would be open to the other complainants to file protest petitions in case a closure report was filed by the police. It was observed that upon filing of such protest petitions, the Magistrate is obliged to consider the contentions urged; even reject the closure report and take cognizance of the offence as, otherwise, such complainants would face difficulty in contesting the closure report, even if there is enough material to make out a case of commission of the offence.

14. In Abhishek Singh Chauhan vs. Union of India and Others, 2022 SCC Online SC 1936 this Court again followed the exposition in Amish Devgan (supra) and

deemed it appropriate to exercise power under Article 142 of the Constitution to direct clubbing of all the FIRs in different States so that they could proceed together to a single trial, as far as possible. This measure was adopted with the consent of all the concerned States.

15. In T.T. Antony (supra), this Court observed that there can be no second FIR in relation to the same cognizable offence and, consequently, there can be no fresh investigation on receipt of every subsequent information in respect of the same cognizable offence or same occurrence or incident, giving rise to one or more cognizable offences. It was observed that, on receipt of information about a cognizable offence or any incident giving rise to a cognizable offence or offences and on entering the FIR in the Station House Diary, the officer in charge of the police station has to investigate not merely the cognizable offence reported in the FIR, but also any other connected offences that may be found to have been committed. In this regard, it was specifically observed as under:

"18.....All other information made orally or in writing after the commencement of the investigation into the cognizable offence disclosed from the facts mentioned in the first information report and entered in the station house diary by the police officer or such other cognizable offence as may come to his notice during the investigation, will be statements falling under Section 162 Cr.P.C. No such information/statement can properly be treated as an FIR and entered in the station house diary again, as it would in effect be a second FIR and the same cannot be in conformity with the scheme of Cr.P.C."

16. In Amanat Ali vs. State of Karnataka and Others, (2023) 14 SCC 801 following the ratio decidendi in Amish Devgan (supra), this Court exercised power under Article 142 of the Constitution and consolidated six FIRs registered in the State to be tried together, as multiplicity of proceedings would not be in the larger public interest or in the interest of the State. Again, in Ravinder Singh Sidhu vs. State of Punjab and Others, 2025 SCC Online SC 1164 this Court observed that it is now fairly well settled that multiplicity of proceedings would not be in the larger public interest and the correct course of action would be to merge the later FIRs with the earliest FIR with the State's consent. On the same lines, in Alok Kumar vs. State of Bihar and Others, 2025 SCC Online SC 1728 this Court noted that 81 FIRs were registered and directed the first FIR to be treated as the main FIR and all other FIRs to be treated as statements under Section 161 Cr.P.C. Earlier, in Satinder Singh Bhasin vs. State of Uttar Pradesh and Another, (2023) 14 SCC 805 a 3-Judge Bench of this Court followed the principle enunciated in Amish Devgan (supra) and clubbed, with consent, the 118 FIRs relating to the Bike Bot scheme registered across the State of Uttar Pradesh and one FIR registered by the Economic Offences Wing, New Delhi, by exercising power under Article 142 of the Constitution. Before that, in Radhey Shyam vs. State of

Haryana and Others, 2022 SCC Online SC 1935 the very same 3-Judge Bench took note of multiple FIRs in connection with a network marketing scheme in as many as 12 States and directed the clubbing of all the FIRs, which could thereafter proceed to one trial as far as possible, duly noting that all the States concerned voiced no objection to such course of action.

17. However, in Amandeep Singh Saran vs. State of Delhi and Others, 2023 SCC Online SC 1851 this Court refused to consolidate the FIRs registered against the petitioner therein in different States, not only under the provisions of the IPC but also invoking respective State enactments for which Special Courts were designated to try the offences thereunder, on the ground that clubbing of such FIRs would mean that the jurisdiction of such Special Courts would be taken away and a special jurisdiction would be conferred on that one Court where the FIRs were clubbed to try offences arising under different State enactments.

18. We must also refer to Narinderjit Singh Sahni and Another vs. Union of India and Others, (2002) 2 SCC 210 a decision that weighed heavily with the High Court in answering the reference. Therein, a 3-Judge Bench of this Court dealt with a case involving 250 FIRs registered throughout the country. The argument before this Court was that they constituted a single offence or, in the alternative, an offence which could only have been committed in the course of the same transaction. Dealing with this argument, the Bench observed that the fact situation did not permit any credence being given to the submission that the FIRs pertained to a single offence. It was held that each individual deposit agreement had to be treated as a separate and individual transaction brought about by the allurement of the financial companies, since the parties were different, the amount of deposit was different as also the period for which the deposit was made. The Bench, therefore, observed that all the characteristics of independent transactions were there and it did not see any compelling reason to hold otherwise. However, we may note, with all due respect, that there was no in-depth analysis of statutory provisions or case law in the context of commission of offences in the course of the same transaction, whereby persons accused of multiple offences committed in the course of that same transaction could be charged and tried together. In any event, the development of law on the point, referred to hereinabove, including later decisions of 3-Judge Benches, is indicative of the legal position prevailing as on date. The above referred judgments sum up the legal position adequately and we see no purpose in burdening this decision with more case law on the point.

Per incuriam

There can be no doubt regarding the principle that if the later Bench holds contrary to the earlier Bench decision of coequal strength, on the same point,

the contrary dictum expressed by the later Bench would be per incuriam as held by a Constitution Bench in National Insurance Company Limited v. Pranay Sethi, (2017) 16 SCC 680.

Cancellation of bail in POCSO Cases

In Bhagwan Singh v. Dilip Kumar @ Deepu @ Depak and another, (2023) 13 SCC 549, in the context of cancellation of bail in a POCSO offence, this Court has reiterated that bail granted without due consideration of material factors warrants interference. The following paragraphs are pertinent:

"13. It is also required to be borne in mind that when a prayer is made for the cancellation of grant of bail, cogent and overwhelming circumstances must be present and bail once granted cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it in conducing to allow fair trial. This proposition draws support from the judgment of this Court in Dolat Ram v. State of Haryana [Dolat Ram v. State of Haryana, (1995) 1 SCC 349 : 1995 SCC (Cri) 237], Kashmira Singh v. Duman Singh [Kashmira Singh v. Duman Singh, (1996) 4 SCC 693 : 1996 SCC (Cri) 844] and X v. State of Telangana [X v. State of Telangana, (2018) 16 SCC 511 : (2020) 1 SCC (Cri) 902].

....

16. No doubt each case would have unique facts peculiar to its own and the same would hold key for adjudication of bail matters including cancellation thereof. There may be circumstances where interference to or attempt to interfere with the course of administration of justice or evasion or attempt to evade to due course of justice are abuse of concession granted to the accused in any manner.

17. The offence alleged in the instant case is heinous and would be an onslaught on the dignity of the womanhood and the age old principle of ;= uk;ZLrq iwT;Urs jeUrs r= nsork% (where women are respected Gods live there) would recede to the background and the guilty not being punished by process of law or accused persons are allowed to move around freely in the society or in spite of there being prima facie material being present they are allowed to move around freely in the society before guilt is proved and are likely to indulge in either threatening the prosecution witnesses or inducing them in any manner to jettison the criminal justice system, then the superior court will have to necessarily step in to undo the damage occasioned due to erroneous orders being passed by the courts below.

....

21. In this background, the contention or plea of delay being fatal to the prosecution when examined, it would, prima facie, indicate that in the

complaint/FIR which has been registered on 25-3-2022 relevant to the incident dated 24-2-2021 the reason has been assigned, namely, constant threat posed by the accused persons as stated in the complaint itself. It is in this background it will have to be seen as to whether in the societal circumstances the minor girl was placed, her tender age, then prevailing circumstances and the purported video depicting her nudity and the constant threat being posed to victim of video of rape which had been recorded being made viral in the event of prosecutrix informing anyone of the incident are factors which cannot be brushed aside which resulted in delay in filing the complaint. In other words, delay by itself would not be fatal for all times to come and the criminality attached to the incident would not evaporate into thin air or get extinguished by virtue of such delay. It all depends upon facts that may unfold in given circumstances and same would vary from case to case. On the other hand, if the prosecution attempts to improvise its case stage by stage and step by step during the interregnum period, in such circumstances the accused would be justified in contending that delay was fatal to stave off the proceedings initiated against such accused. Thus, it depends on facts that would unfold in a given case. In the aforesaid background the fact of delay in the instant case prima facie cannot be held against the prosecution or in other words on the ground of delay in lodging FIR the genuineness of the complaint cannot be viewed with coloured glasses nor it can be held that by itself would be sufficient ground to enlarge the accused on bail."

JURISDICTION AND TRANSFER OF CASE

In the case of Rajesh Talwar vs. C.B.I. & Ors., 2012 (4) SCC 217, the Hon'ble Supreme Court held as follows:

"Jurisdiction of a court to conduct criminal prosecution is based on the provisions of the Code of Criminal Procedure. Often, either the complainant or the accused has to travel across an entire State to attend criminal proceedings before a jurisdictional court. Likewise, witnesses too may have to travel long distances in order to depose before the jurisdictional court. If the plea of inconvenience for transferring cases from one court to another, on the basis of the time taken to travel to the court conducting the criminal trial, is accepted, the provisions contained in the Criminal Procedure Code earmarking the courts having jurisdiction to try cases would be rendered meaningless. Convenience or inconvenience is inconsequential so far as the mandate of law is concerned and is nothing to be taken into consideration."

Successive Anticipatory bail applications

The Hon'ble Apex Court in G.R. Ananda Babu v. State of Tamil Nadu3 at para No.6 held as under:

"6...As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (Respondent 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge."

Dying Declaration

Section 32(1) of the Indian Evidence Act renders admissible statements made by a deceased person as to the cause of death or the circumstances of the transaction resulting in death. It is well settled that a dying declaration need not be made in expectation of immediate death; that a conviction under Section 302 IPC can rest solely on a dying declaration if it is found to be voluntary, truthful and reliable; and that corroboration is not a rule of law but one of prudence.

16.1. In Khushal Rao v. State of Bombay, 1958 SCR 552 this Court laid down the foundational principles governing appreciation of dying declarations. In that case, the deceased had made three successive dying declarations within a span of two hours, which were to some extent contradictory. However, one aspect remained consistent in all three declarations namely that he had been attacked by two persons, Kushal Rao and Tukaram with swords and spears. Relying upon this common thread running through the declarations, which was further corroborated by medical evidence disclosing punctured and incised wounds on various parts of the body, this Court held that the declarations could be safely relied upon to convict the accused who had been named therein. While so holding, this Court expounded the principles governing the circumstances under which a dying declaration may be accepted without corroboration. In this regard, Paragraph 16 of the judgment is apposite:

> "16. On a review of the relevant provisions of the Evidence Act and of the decided cases in the different High Courts in India and in this Court, we have come to the conclusion,
>
> 1. that it cannot be laid down as an absolute rule of law that a dying declaration cannot form the sole basis of conviction unless it is corroborated;
>
> 2. that each case must be determined on its own facts keeping in view the circumstances in which the dying declaration was made;
>
> 3. that it cannot be laid down as a general proposition that a dying declaration is a weaker kind of evidence than other pieces of evidence;

4. that a dying declaration stands on the same footing as another piece of evidence and has to be judged in the light of surrounding circumstances and with reference to the principles governing the weighing of evidence;

5. that a dying declaration which has been recorded by a competent Magistrate in the proper manner, that is to say, in the form of questions and answers, and, as far as practicable, in the words of the maker of the declaration, stands on a much higher footing than a dying declaration which depends upon oral testimony which may suffer from all the infirmities of human memory and human character, and

6. that in order to test the reliability of a dying declaration, the Court has to keep in view, the circumstances like the opportunity of the dying man for observation, for example, whether there was sufficient light if the crime was committed at night; whether the capacity of the man to remember the facts stated, had not been impaired at the time he was making the statement, by circumstances beyond his control; that the statement has been consistent throughout if he had several opportunities of making a dying declaration apart from the official record of it; and that the statement had been made at the earliest opportunity and was not the result of tutoring by interested parties."

16.2. The above principles were subsequently summarised by this Court in Smt. Paniben v. State of Gujarat, 1992 SCC OnLine SC 355 : AIR 1992 SUPREME COURT 1817, as follows:

"(i) There is neither rule of law nor of prudence that dying declaration cannot be acted upon without corroboration. (Munnu Raja v. State of M.P. [(1976) 3 SCC 104])

(ii) If the Court is satisfied that the dying declaration is true and voluntary it can base conviction on it, without corroboration. (State of U.P. v. Ram Sagar Yadav [(1985) 1 SCC 552])

(iii) This Court has to scrutinise the dying declaration carefully and must ensure that the declaration is not the result of tutoring, prompting or imagination. The deceased had opportunity to observe and identify the assailants and was in a fit state to make the declaration. (K. Ramachandra Reddy v. Public Prosecutor [(1976) 3 SCC 618]

(iv) Where dying declaration is suspicious it should not be acted upon without corroborative evidence. (Rasheed Beg v. State of M.P. [(1974) 4 SCC 264])

(v) Where the deceased was unconscious and could never make any dying declaration the evidence with regard to it is to be rejected. (Kake Singh v. State of M.P. [1981 Supp SCC 25])

(vi) A dying declaration which suffers from infirmity cannot form the basis of conviction. (Ram Manorath v. State of U.P. [(1981) 2 SCC 654])

(vii) Merely because a dying declaration does not contain the details as to the occurrence, it is not to be rejected. (State of Maharashtra v. Krishnamurti Laxmipati Naidu [1980 Supp SCC 455])

(viii) Equally, merely because it is a brief statement, it is not to be discarded. On the contrary, the shortness of the statement itself guarantees truth. (Surajdeo Oza v. State of Bihar [1980 Supp SCC 769])

(ix) Normally the court in order to satisfy itself whether the deceased was in a fit mental condition to make the dying declaration look up to the medical opinion. But where the eyewitness has said that the deceased was in a fit and conscious state to make this dying declaration, the medical opinion cannot prevail. (Nanhau Ram v. State of M.P. [1988 Supp SCC 152])

(x) Where the prosecution version differs from the version as given in the dying declaration, the said declaration cannot be acted upon. (State of U.P. v. Madan Mohan [(1989) 3 SCC 390])"

16.3. In Laxman v. State of Maharashtra, (2002) 6 SCC 710 a Constitution Bench held that medical certification of fitness is not an absolute requirement and that the testimony of the Magistrate recording the dying declaration would suffice if the Court is otherwise satisfied about the mental fitness of the declarant.

16.4. In State of U.P. v. Veerpal, (2022) 4 SCC 741 it was reiterated that a conviction can be sustained solely on the basis of a dying declaration even in the absence of corroboration, provided it inspires confidence. In the said case, the deceased in her dying declaration named the person who had set her on fire. Even in the statement recorded under section 161 Cr.P.C., the deceased stated that her father-in-law had attacked her with a stick with the intention to kill her and that as a result, she locked herself in the room and set herself ablaze. Considering the dying declaration of the deceased, which was found to be voluntary, truthful and reliable, this Court set aside the judgment of acquittal passed by the High Court and restored the conviction of the accused for the offences punishable under Section 302 read with Section 34 IPC recorded by the trial Court.

Interpretation of a Proviso

32. A proviso is an internal aid to construction. It is appended to a section of an enactment or any sub-section of a section.

33. In Ram Narain Sons Ltd. v. Asstt. CST, (1955) 2 SCR 483, this Court held that it is a cardinal rule of interpretation that a proviso to a particular provision of a statute only embraces the field which is covered by the main provision. It carves

out an exception to the main provision to which it has been enacted as a proviso and to no other.

34. In State of Rajasthan v. Vinod Kumar, (2012) 6 SCC 770, a coordinate Bench noted several precedents and held as follows:

> 22. The natural presumption in law is that but for the proviso, the enacting part of the section would have included the subject-matter of the proviso; the enacting part should be generally given such a construction which would make the exceptions carved out by the proviso necessary and a construction which would make the exceptions unnecessary and redundant should be avoided. Proviso is used to remove special cases from the general enactment and provide for them separately. Proviso may change the very concept of the intendment of the enactment by insisting on certain mandatory conditions to be fulfilled in order to make the enactment workable. (Vide S. Sundaram Pillai v. V.R. Pattabiraman, (1985) 1 SCC 591, Union of India v. Wood Papers Ltd., (1990) 4 SCC 256, Grasim Industries Ltd. v. State of M.P., (1999) 8 SCC 547, Laxminarayan R. Bhattad v. State of Maharashtra (2003) 5 SCC 413, IRDP v. P.D. Chacko, 2010 6 SCC 637, and CCE v. Hari Chand Shri Gopa (2011) 1 SCC 236.)

35. In our considered opinion, sub-section (4) of Section 175 cannot be considered a proviso for the following reasons:

> a. Generally, a proviso is drafted in language such as "Provided that". Plainly, we are not faced with a provision starting with similar words.
>
> b. As formulated in "Craies on Statute Law", 6th Edn., p. 217, and further expounded in Kedarnath Jute Mfg. Co. Ltd. v. CTO, AIR 1966 SC 12, the normal function of a proviso is to except something out of the enactment or to qualify something enacted therein which but for the proviso would be within the purview of the enactment. In the instant case, as we shall hold hereafter, this is not the purport of the concerned sub-section. It, in fact, creates an additional important safeguard for public servants not present either in the erstwhile Cr. PC or in sub-section (3) of Section 175.
>
> c. Placement of the sub-section is also strongly indicative of the intent of the legislature. The Courts must presume that the legislature intended the provision to be not a proviso when placing the provision as a sub-section rather than a proviso.
>
> d. A test one may apply to determine whether a provision is a proviso rather than a separate provision is to ask whether if the "main" provision is removed, would the concerned provision still be capable of being applied. If yes, then the provision cannot normally be considered a proviso. One may make a reference to the decisions in S. Sundaram Pillai v. V.R. Pattabiraman, (1985) 1 SCC 591, Hiralal Rattanlal v. State of U.P., (1973) 1

SCC 216, and Union of India v. VKC Footsteps (India) (P) Ltd., (2022) 2 SCC 603 for the formulation of this test.

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