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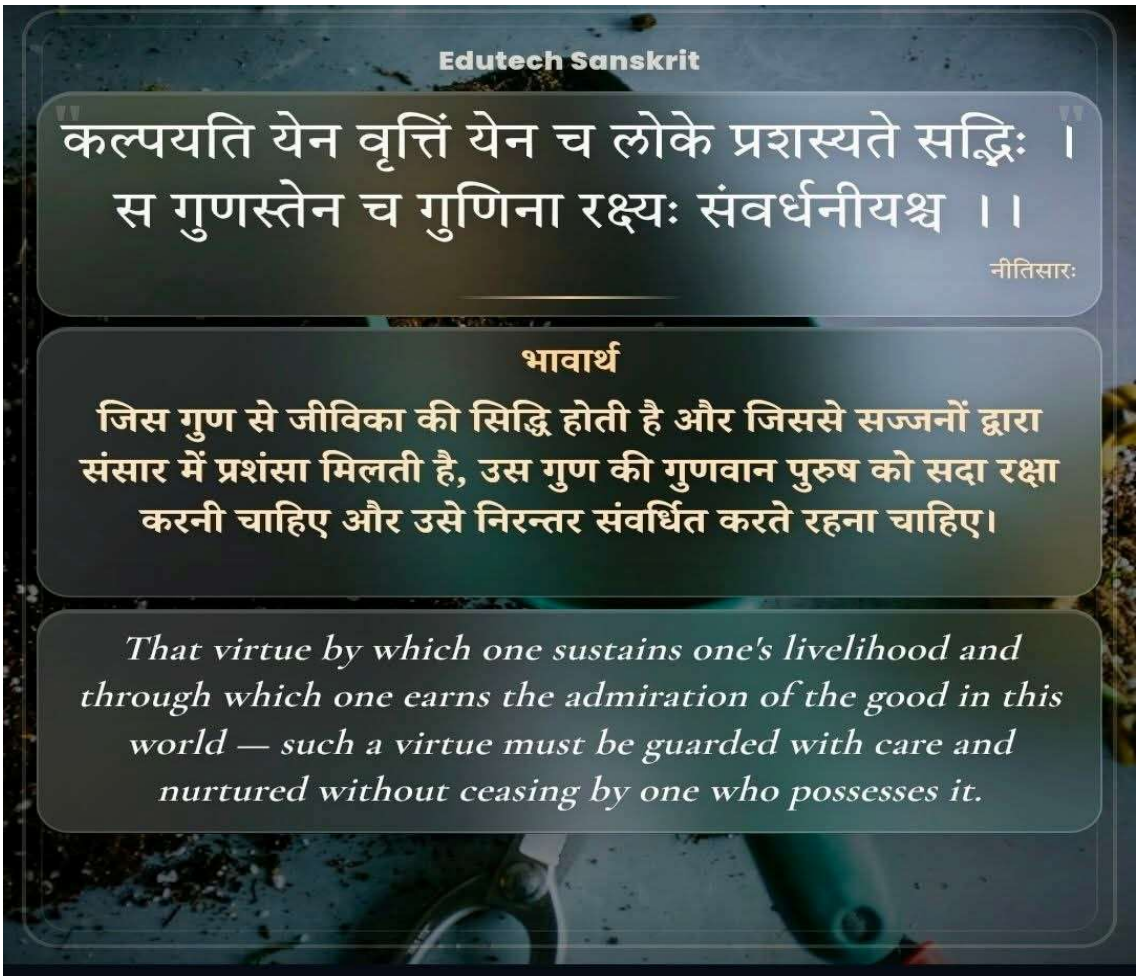

CITATIONS

https://indiankanoon.org/doc/26992610/; The State Of Telangana vs Mirza Basheer Baig on 4 May, 2026; WRIT APPEAL Nos.376 of 2024, 868 and 870 of 2023 (DB)

A significant circumstance, which has been rightly relied upon by the learned Single Judge, is the panchanama dated 13.06.1991, under which possession of the land was re-delivered to the writ petitioners pursuant to proceedings under Section 145 Cr.P.C. The said panchanama records identification of the land on the spot and restoration of physical possession in the presence of panch witnesses. While it is true that proceedings under Section 145 Cr.P.C. are summary in nature, the factum of possession evidenced through such contemporaneous record cannot be lightly disregarded, particularly when it has attained finality and has not been subsequently displaced.

https://indiankanoon.org/doc/97574799/; Mohammed Aman Hussain vs The Senior Intelligence Officer on 4 May, 2026; CRIMINAL PETITION Nos.5290, 5587, 5996 & 6047 of Date: 04.05.2026 ;

In the light of the submissions made by both sides and upon perusal of the material available on record, it appears that the prosecution case, at this stage, prima facie discloses the involvement of the petitioners in an organized act of illicit trafficking of narcotic substances. The specific allegation against the petitioners is that they wefound

travelling together on a common itinerary and were in possession of contraband ganja concealed in a systematic and identical manner, thereby indicating concerted action and a pre- arranged plan. The material placed on record, including the recovery of 27.15 kgs of ganja from accused Nos.4 to 7 and the presence of accused No.3 to receive the same, coupled with the digital communication relied upon by the prosecution, prima facie suggests a nexus among the accused and their involvement in a coordinated operation.

7. The contention of the learned counsel for the petitioners that the quantity recovered from each accused individually does not constitute commercial quantity cannot be accepted at this stage, inasmuch as the circumstances indicate that the contraband was part of a single transaction and collective consignment. Therefore, the total quantity seized is liable to be considered for the purpose of determining the applicability of the rigours under Section 37 of the NDPS Act. Similarly, the argument regarding non-compliance of Section 52-A of the NDPS Act does not prima facie hold merit, as the record reflects that sampling and inventory were carried out in the presence of a Magistrate, thereby satisfying the statutory requirements, subject to proof during trial.

8. Further, the contention relating to inadmissibility of statements recorded under Section 67 of the NDPS Act and absence of independent evidence are matters to be adjudicated during the course of trial and cannot be conclusively examined at this stage of considering bail. Having regard to the gravity of the offence, the quantity of contraband involved, and the prima facie material indicating conspiracy attracting Section 27-A and Section 29 of the SKS,J Crl.P.No.5290 of 2026 and batch NDPS Act, this Court is of the view that the bar under Section 37 of the NDPS Act is attracted.

9. In view of the above, this Court is not satisfied that there are reasonable grounds for believing that the petitioners are not guilty of the alleged offences or that they are not likely to commit any offence while on bail. Consequently, the petitioners have failed to satisfy the twin conditions mandated under Section 37 of the NDPS Act. Therefore, this Court is not inclined to grant bail to the petitioners and the same are liable to be dismissed.

https://indiankanoon.org/doc/10179645/; Akshay S Naik vs The State Of Telangana on 4 May, 2026; CRIMINAL PETITION No.9255 OF 2024

It is further contended that the alleged incidents occurred in Bengaluru, whereas the FIR was registered in Hyderabad, thereby raising substantial issues relating to territorial jurisdiction under Sections 177 to 179 of the Code of Criminal Procedure, 1973.

7. A perusal of the charge sheet reveals that the prosecution case primarily rests upon the statement of the victim, supplemented by hearsay testimony of her family members. The statements recorded under Sections 161 and 164 Cr.P.C. are broadly consistent. However, it emerges that the initial physical relationship between the parties was not preceded by any explicit promise of marriage. Rather, the relationship evolved into a prolonged and intimate association, including cohabitation. The parties admittedly engaged in consensual sexual relations over a substantial period of nearly two years.

8.1. The pivotal issue for consideration is whether such consent was vitiated by "misconception of fact" within the meaning of Section 90 of the Indian Penal Code, 1860, so as to attract the offence under Section 376 IPC.

8.2. The Hon'ble Supreme Court in Samadhan S/o Sitaram Manmothe v. State of Maharashtra, 2025 LiveLaw (SC) 1137, reiterated that a consensual relationship between

adults, in the absence of evidence of deception at the inception, would not attract the offence of rape under Section 376 IPC. It was emphasized that a false promise must be shown to have been made in bad faith from the very beginning.
10. The distinction between a mere breach of promise and a false promise was also elucidated in Deepak Gulati v. State of Haryana,(supra) wherein it was held that consent arising out of love, passion, or mutual intimacy cannot be construed as consent obtained under a "misconception of fact" unless it is established that the promise to marry was deceitful from the inception.
11. Upon a comprehensive evaluation of the material on record, it is evident that the relationship between the parties was voluntary and consensual. There is no material to indicate that the petitioner, from the very inception, had no intention of marrying the respondent and had induced her into the relationship solely on a false promise of marriage.
12. The unexplained delay of over one year in lodging the FIR further weakens the prosecution case. Moreover, the allegations relating to threats of circulation of private recordings are not supported by any forensic or electronic evidence. The investigation also appears to suffer from procedural infirmities, particularly with respect to territorial jurisdiction.
13. In view of the foregoing analysis, it is held that the allegations, even if accepted in their entirety, do not prima facie constitute an offence under Section 376 IPC.

https://indiankanoon.org/doc/179040605/; M/S Arul Udhayam Primary Crusher vs The State Of Andhra Pradesh on 4 May, 2026; CRIMINAL PETITION NO: 3844 of 2026 Date: 04.05.2026

the learned jurisdictional Magistrate ought to have either treated the petition filed under Section 497 of 'the B.N.S.S.' as one under Section 503 of 'the B.N.S.S.', or the petitioner would have modified the petition as one filed under Section 503 of the BNSS instead of Section 497, especially when Form-60 had not been accepted by the learned jurisdictional Magistrate.
7. Considering the facts and circumstances of the case, the learned jurisdictional Magistrate is directed to treat the application filed under Section 497 of the BNSS as one filed under Section 503 of 'the B.N.S.S.', upon Form- 60 being duly accepted pursuant to its resubmission by the Station House Officer concerned, and to pass appropriate orders in accordance with law, keeping in view the ratio laid down by the Hon'ble Supreme Court in Sunderbhai Ambalal Desai v. State of Gujarat (2002) 10 SCC 283, within a period of two (02) weeks from the date of receipt of a copy of this order.

https://indiankanoon.org/doc/45616036/; Nalla Vanamala vs State Of Telangana on 4 May, 2026; CRIMINAL PETITION No.6905 of 2026

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 Option Trust v. India Infoline Limited2, 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 (2013) 4 SCC 505 (2008) 2 SCC 492 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."

7. 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."

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/106502619/; Kasam Sathvik vs State Of Telangana on 5 May, 2026; CRIMINAL PETITION Nos. 2809, 957, 981, 1620, 2608, 2818, 2853, 2856, 2857, 2917,2928, 2944, 3028, 3029, 3074, 3142, 3143, 3144, 3145, 3206, 3426, 3433, 3587, 3921, 4024, 4027, 4058, 4145, 4249, 4250, 4255, 4256, 4257, 4259, 4260, 4261, 4316, 4361, 4383, 4482, 4483, 4485, 4486, 4558, 4559, 4624, 4660, 4662, 4781, 5194, 5220, 5252, 5505, 5986, 6057, 6251, 6385 and 6863 of 2026

in the present cases huge quantity of the paddy purchased by the Government from the farmers under MSP, entrusted through the Corporation to the petitioners/rice mills for CMR. However, the petitioners failed to deliver the CMR as per the Agreement and are alleged to have diverted for their personal gains, as a result of which, the Government/Corporation has sustained huge financial loss.

Insofar as the other submission made by the learned counsel for the petitioners that in similar circumstances, this Court, while disposing of the Criminal Petition Nos.12037 of 2024 dated 03.10.2024, 895 of 2024 dated 25.01.2024 and 1461 of 2022 dated 07.06.2022, directed the Investigating Officer to follow the due procedure as contemplated under Section 41-A of Cr.P.C./Section 35(3) of the BNSS and the guidelines issued by the Hon'ble Supreme Court in Arnesh Kumar (supra 23) and the petitioners are also entitled to the very same benefit is concerned, the nature of allegations levelled

against the petitioners constitute cognizable offences and the punishment prescribed for the offences levelled in the complaints is more than seven years. Once this Court comes to the conclusion that it is not a fit case to quash the proceedings, it does not have the power to issued a direction to the Investigating Officer to follow the procedure as contemplated under Section3 5(3) of the BNSS and the guidelines issued by the Honb'le Apex Court in Arnesh Kumar (supra 23).
The above said judgment in S.K. Bhargava (supra 28) relied upon by the learned counsel for the petitioners is not applicable to the present facts and circumstances of the case, especially the invocation of an arbitration clause is a civil remedy for contractual breaches and cannot substitute or override the criminal process where the acts complained of constitute offences under law an arbitrator has no jurisdiction to try criminal charges, even if they arise out of the same transaction.
The above said principles were reiterated in Neeharika Infrastructure (P) Ltd. (supra 29), wherein it was emphasised that the police have a statutory right and duty to investigate cognizable offences and that Courts should not interdict investigation at the threshold unless no cognizable offence is disclosed on a plain reading of the FIR; the FIR is not expected to be an encyclopedia of all facts, and criminal proceedings ought not to be scuttled at their nascent stage. In the present case, the allegations made in the complaint prima facie disclose cognizable offences, and as the investigation is still in progress, the petitioners are not entitled to seek quashing of the proceedings at the threshold.
81. It is already stated supra that there are specific allegations levelled in the complaints that the petitioners/Rice Mills have not delivered CMR equivalent to the paddy entrusted by the Corporation for specific purpose as per the Agreement and they dishonestly and fraudulently misappropriated and diverted the paddy for their personal and pecuniary gains. The said allegations prima facie disclose cognizable offences and require investigation. Hence,m this Court is of the considered view that the petitioners are not entitled to seek quashing of the proceedings especially the investigation is at threshold.
82. For the foregoing reasons as well as the precedent decisions, this Court does not find any ground to quash the proceedings by exercising the powers conferred under Section 482 of the Cr.P.C./Section 528 of the BNSS and the same are liable to be dismissed.

https://indiankanoon.org/doc/147807318/; Choppa Nagaraju vs The State Of Andhra Pradesh; CRIMINAL PETITION NO: 3965 of 2026 Dated: 05.05.2026
As seen from the impugned order passed by the learned Trial Court extending the remand period beyond 260 days, the learned Public Prosecutor has not applied his independent mind while filing the application. The learned Public Prosecutor has not filed any report as envisaged under Section 36A(4) proviso of 'the NDPS Act'. The petition filed by the learned Public Prosecutor does not disclose whether he was satisfied with the progress of the investigation or whether he had considered the entire material of investigation for grant of further time to complete the investigation.
6. In Hitendra Vishnu Thakur 1st supra, the Hon'ble Apex Court, in categorical terms, held that the Public Prosecutor concerned, or the Prosecutor in charge of the case, ought to have considered the request of the Investigating Officer and, upon independent application of mind, **filed a report along with the application seeking extension of time. In the present case,** there is no averment in the petition filed by the Public Prosecutor to show that he had applied his mind or that he was satisfied that the progress of the investigation was at a crucial stage and that the grant of further time to complete

the investigation was necessary. Further, more importantly, the learned Trial Court failed to assign any special reasons for the detention of the Accused/Petitioner beyond the period of 260 days.

https://indiankanoon.org/doc/92638366/; Palthya Shashi Kumar vs The State Of Telangana on 5 May, 2026; CRIMINAL PETITION No.13426 OF 2024

With regard to Section 417 of IPC, the allegations essentially pertain to cancellation of a proposed marriage. The Courts have consistently held that matrimonial disputes arising out of broken engagements without more do not automatically attract the criminal liability unless accompanied by a clear deception from inception. The present dispute appears to be predominantly personal and matrimonial in nature. Further, the invocation of Section 34 of IPC also appears unsustainable. In the absence of specific material indicating from concert of common intention among the accused to commit the alleged offence. It is also pertinent to note to the existence of counter FIR in Crime No.123 of 2024 which is prima facie suggest that the dispute between the parties as escalated into mutual allegations thereby reinforcing the inference with the proceedings may be retaliatory in nature.

https://indiankanoon.org/doc/112073440/; Sannidanam Suresh vs The State Of Telangana on 5 May, 2026; CRIMINAL PETITION Nos.5981 and 5733 of 2026

Having considered the rival submissions made by the respective parties and upon perusal of the material available on record, it reveals that accused No.1 is a Sub-Inspector of Police and respondent No.2 is a Police Constable and both are worked at Kukatpally Police Station and the S.H.O. instructed her to work as a Writer under the Kukatpally Sector in-charge Sub-Inspector of Police. A perusal of the complaint, it reveals that accused No.1 by using his official position, frequently he used to make phone calls and messages to respondent No.2. Though respondent No.2 avoiding the same, accused No.1 used to follow her by tracing her location and when she was in bandobust duty at Chitaramma Temple, Kukatpally, accused No.1 took her into the temple and affixed vermilion on her forehead, symbolizing as if they are married and when she was going out of temple, he caught hold and kissed her in public and asked her not to leave him and stay with him. There are specific allegations levelled against accused No.1 that he used to harass respondent No.2 physically by saying that he is her husband. Due to the said harassment, she applied earned leave for two months and when she did not report in police station and stayed at home, accused No.1 used to make rounds to her house and when she ignores him, he used to hurt himself. On 30.11.2023 when she went to the house of her colleague Constable namely Kavya at Balaji Nagar, Kukatpally, accused No.1 traced her location, went there and stated that he is ready to speak with elders and will marry her and forcibly participated in sexual intercourse with her. Due to which, she had conceived and accused No.1 had given pills for getting abortion. When respondent No.2 demanded accused No.1 to marry her, he refused to marry her on the ground that she belongs to madiga caste and that she is a Constable whereas he is Sub-Inspector of Police, and stated that he cannot show her as his wife in his public life.

It is relevant to mention that in State of Haryana v. Bhajan Lal 4, the Hon'ble Supreme Court delineated the limited scope of the High Court's jurisdiction under Article 226 of the Constitution and Section 482 Cr.P.C. to quash criminal proceedings, holding that such power may be exercised only in exceptional cases where the allegations, even if

taken at face value, do not disclose any offence, are inherently improbable, legally barred, or manifestly mala fide, while cautioning that the categories so enumerated are illustrative and the power must be exercised sparingly. The said principles were reiterated by the Hon'ble Apex Court in Neeharika Infrastructure (P) Ltd. v. State of Maharashtra and others 5;, wherein it was emphasised that the police have a statutory right and duty to investigate cognizable offences and that Courts should not interdict investigation at the threshold unless no cognizable offence is disclosed on a plain reading of the FIR; the FIR is not expected to be an encyclopedia of all facts, and criminal proceedings ought not to be scuttled at their nascent stage.

It is already stated supra that there are specific and serious allegations made in the complaint against the petitioners, which prima facie discloses commission of cognizable offences, and the investigation is still under progress and therefore, interference at the threshold would be impermissible and this Court is of the considered view that the present case does not fall within the ambit of rarest of the rare case to exercise the powers conferred under Section 528 of the BNSS.

https://indiankanoon.org/doc/165001988/; Shafeeq Ahmed Khadri vs The State Of Telangana on 5 May, 2026; CRIMINAL PETITION No.5164 OF 2024

11. The investigation further indicates that statements of witnesses were recorded and certain documentary evidence, such as proof of marriage and photographs, was collected. While the material on record prima facie discloses allegations of cruelty and dowry demand, the role attributed to the petitioner/accused No. 4 remains general, without reference to specific acts or instances of participation in the alleged offences. Nevertheless, the charge sheet has been filed against all the accused, including the petitioner, on the premise that the family members acted in concert. Although the complaint and FIR contain allegations against all accused, a closer scrutiny of the statements of the listed witnesses reveals that, insofar as the petitioner is concerned, such allegations lack specificity and are omnibus in character.

12. It is now well settled that, in matrimonial disputes, there is a growing tendency to implicate all family members of the husband without specific and distinct allegations. The Hon'ble Supreme Court, in Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599, has categorically held that vague and omnibus allegations against relatives of the husband, without specific instances of their involvement, cannot form the basis for criminal prosecution, and continuation of such proceedings would amount to an abuse of the process of law.

13. Similarly, in Geeta Mehrotra & Anr. v. State of U.P., (2012) 10 SCC 741, it was held that mere naming of relatives in the complaint, in the absence of specific allegations indicating their active involvement, is insufficient to justify prosecution.

14. Further, in Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667, the Hon'ble Supreme Court cautioned against the tendency of casually roping in distant or uninvolved relatives in matrimonial disputes, emphasizing the need for courts to scrutinize such allegations with great care and circumspection.

15. Applying the aforesaid settled principles to the facts of the present case, this Court finds that the allegations against the petitioner/accused No. 4 lack the requisite specificity to constitute a prima facie case. The implication of accused No. 4 appears to be primarily on account of his relationship with accused No. 1 and his residence in a joint

family, which, by itself, is insufficient to sustain criminal prosecution under Section 498-A IPC or the provisions of the Dowry Prohibition Act.

https://indiankanoon.org/doc/19154911/; Gujja Vinayak vs The State Of Telangana on 6 May, 2026; CRIMINAL PETITION No.13221 AND 13329 OF 2024

insofar as the petitioner/Accused No.1 is concerned, the allegations are not merely general but are supported by specific instances of conduct, including physical assault, threats, and dowry-related harassment. The fact that the witnesses are related to the complainant does not, by itself, render their testimony unreliable. It is a settled principle of law that the evidence of interested witnesses cannot be discarded solely on that ground if it otherwise inspires confidence. The absence of independent corroboration may be a matter for consideration during trial, but not a determinative factor at the stage of quashment.

20. With regard to the offence under Section 498-A of the Indian Penal Code, the prosecution is required to prima facie establish "cruelty" as defined under the provision, which includes (i) conduct likely to drive a woman to commit suicide or cause grave injury or danger to her life, limb, or health, or (ii) harassment with a view to coercing her or her relatives to meet unlawful demands for property or valuable security. The allegations in the present case, relating to continuous harassment coupled with dowry demands and supported by specific incidents, prima facie satisfy the ingredients of the said provision as against the petitioner.

21. Similarly, the allegations of physical assault attract the provisions of Sections 323 and 324 IPC, depending upon the nature of injuries and the means employed, while the alleged threats fall within the ambit of Section 506 IPC, all of which are matters to be established during trial.

22. The contention regarding multiplicity of proceedings or registration of multiple FIRs on similar allegations does not, by itself, warrant quashment, particularly when the incidents are stated to be distinct and arise out of separate causes of action. Unless it is demonstrated that the proceedings are wholly malicious, vexatious, or devoid of any factual foundation, such a ground cannot be accepted as sufficient for quashing the proceedings.

23. In view of the foregoing discussion, this Court is of the considered opinion that, insofar as the petitioner/Accused No.1 is concerned, the material on record prima facie discloses the essential ingredients of the offences alleged. The issues raised involve disputed questions of fact, which necessitate appreciation of evidence and can only be adjudicated upon in a full-fledged trial.

https://indiankanoon.org/doc/75800055/; V. K Tewari vs The State Of Telangana on 6 May, 2026; CRIMINAL PETITION Nos.5891 AND 7362 OF 2024

The respondent, however, seeks to bring the case within the ambit of a "continuing offence" so as to overcome the limitation prescribed. The material available on record, including admitted separation since 2019, absence of specific allegations post-separation, and witness statements indicating no recent acts of harassment, does not substantiate the plea of continuing cruelty. The Hon'ble Supreme Court in Inderjit Singh Grewal v. State of Punjab, 2011 (12) SCC 588, has held that where the parties have been living separately and there are no allegations of continuous acts of cruelty, the offence

under Section 498-A IPC cannot be treated as a continuing offence so as to extend limitation. Thus this contention, upon careful scrutiny, does not merit acceptance.
It is also significant that the complaint was lodged immediately after Accused No. 1 sought to exercise visitation rights pursuant to a court order. The proximity in timing gives rise to a strong inference of mala fide intention.
In view of the foregoing discussion, this Court is of the considered opinion that the complaint is barred by limitation under Section 468 Cr.P.C. The attempt to characterize the alleged acts as a continuing offence is not supported by the material on record. Further, the allegations, even if taken at face value, are vague, omnibus, and devoid of material particulars, thereby failing to disclose a prima facie case under Section 498-A IPC. Consequently, the continuation of the criminal proceedings would amount to an abuse of the process of law.

https://indiankanoon.org/doc/102242827/; Dharavath Bhaskar vs The State Of Telangana on 6 May, 2026; WRIT PETITION No.41328 OF 2022

Observations from the FIR and the panchanama indicate that, on 11.10.2022, information was received through social media regarding an unidentified dead body found floating in the NSP canal within the jurisdiction of Chilkur Police Station. The complainant and his relatives subsequently identified the body as that of the deceased, Nikhil. It is consistently recorded in FIR No. 124 of 2022 and the accompanying complaint that the body bore multiple visible injuries on the face, chest, and limbs, particularly on the neck, thereby giving rise to a strong suspicion of foul play.
10. The opinion of panchayatdars which suggest the possibility of strangulation followed by disposal of the body further strengthens interference of foul play in such a factual matrix, it was incumbent upon the investigating agency to conduct the investigation with utmost diligence, scientific objectivity and procedural fairness. However, the record reveals that investigation initially proceeded on a preconceived hypothesis of suicide even prior to the respective definitive forensic findings. Such an approach is antithetical to the settled principles governing criminal investigation and undermines the constitutional guarantee of fair and impartial process.
11. The record further discloses delayed and inconsistent medical opinions, failure to promptly secure and preserve the crucial electronic evidence and call detail records and an apparent lack of transparency in furnishing postmortem report to the family of the deceased. These deficiencies assume significance in the light of conflicting forensic opinions on record. While one medical opinion suggests drowning asserted with strangulation another negates the presence of ante- mortem injuries and attributes the findings to postmortem changes. Such irreconcilable investigation is vulnerable to serious doubt thereby necessitate an independent thorough scientifically robust enquiry.
12. This Court cannot overlook the specific allegations of a case based motive underlying the incident, the deceased belongs to a Scheduled Tribe Community and was involved in a relationship opposed by the family of the girl. The failure of the investigating agency to adequately prove this crucial aspect raises constitutional concerns, which guarantees equality before law. Prohibit discrimination and protect the right to life and personal liberty. Such an omission also attracts statutory implications under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 particularly Section 3(2)(v) which mandates enhanced penal consequences where offences are committed

on the ground of the victims caste or tribe. Non- consideration of this dimension reflects serious delineation of duty and undermines the legislative intent behind the enactment.
13. Now it is well settled that right to fair and impartial and effective investigation is an integral facet of Article 21 of the Constitution of India. The Hon'ble Supreme Court in R.S. Sodhi v. State of U.P., 1994 Suppl(1) SCC 143 authoritatively held that even in the absence of malafides if the circumstances give rise to reasonable apprehension in the mind of the victim or public regarding fairness of the investigation. The Court is empowered to direct transfer the investigation to an independent agency so as to instill public confidence in the administration of justice. Similarly Md. Anis v. Union of India, (1994 Suppl (1) SCC 145, it was observed that where the investigating agency itself is under a cloud of suspicion. The credibility of the entire investigation process stands vitiated, thereby justifying transfer to an independent body such as C.B.I.
14. Therefore, upon anxious consideration of the pleadings, the material on record, the forensic opinions, and the rival submissions advanced by learned counsel for the parties, this Court is of the considered opinion that the present case is marked by grave inconsistencies, patent investigative lapses, and circumstances giving rise to a reasonable apprehension of bias, as pleaded by the petitioner.
17. Although it is noted that the investigation has subsequently been transferred to CID and the offences altered to one under Section 302 IPC, this Court is of the view that a mere intra departmental transfer within the State machinery does not sufficiently dispel the apprehensions of bias particularly when the initial investigation itself is under serious challenge.

2026 0 INSC 468; 2026 0 Supreme(SC) 516; Gunjan @ Girija Kumari And Others Vs State (NCT of Delhi) And Another; Criminal Appeal No. 2446 of 2026 (Arising out of SLP(Crl.) No. 9198 of 2025); Decided On : 11-05-2026

A conclusive statement of law that emanates from the ratio of the decisions of this Court discussed above is that in order to make out the offence under Section 3(1)(r) and/or Section 3(1)(s) of the SC/ST Act, the occurrence of the incident and the act and conduct of hurling of caste-based abuses must take place at “a place within public view”. It must be a place within the public gaze. Even happens to be a private place, then in such eventuality a public-eye must have an access to be able to notice what happens there or what is taking place that will only make the “place within public view”.
For any criminal proceedings to initiate, the starting point is filing of a complaint and registration of FIR. The complaint/FIR provides the first account of the happening of events and incidents alleged as commission of offence. A reaction and revelation at the first blush is always natural and therefore becomes creditworthy. The contents of the complaint giving the initial and primary description could be treated as more reliable, for, at the subsequent stage, there would be a scope and room for improvisation.
In Hitesh Verma (supra), in addition to the ingredient of “a place within public view”, the details in the FIR or the charge-sheet failed to disclose the precise contents of abusive language employed by the applicant to attract the offence under the SC/ST Act. In other words, when the essentials to constitute the offence did not come out from and were not satisfied in the contents of the FIR, the offence was held to have not been made out, rendering the FIR liable to be quashed.
8.1 In Amar Nath Jha vs. Nand Kishore Singh and Others, (2018) 9 SCC 137, this Court noted that the defect in the FIR was in the nature of non-mentioning of the name of

material witness PW-1 which was treated as a basic defect in the hypothesis portrayed by the prosecution. The Court, in that context, observed, “although we accept that the FIR need not be an encyclopaedia of the crime, but absence of certain essential facts which are conspicuously missing in the present FIR, point towards suspicion that the crime itself may have been staged”.

8.2 Also in Ramesh Chandra Vaishya vs. State of Uttar Pradesh and Another, (2023) 17 SCC 615, this Court found absence of requisite ingredients of the offence under the SC/ST Act holding that the offence was not committed at “a place within public view”. It was observed that even though the appellant in that case might have abused the complainant, but such abuse by itself and without anything more does not warrant subjecting the appellant to face a trial, particularly in view of the clear absence of the ingredients necessary to constitute the offence.

It could be said that the occurrence of the incident to become an offence under the SC/ST Act must have happened “in a place within public view”, is in a way, a principal requirement amongst the other ingredients. The other aspects namely “intentional insult or intimidation” and “an intent to humiliate”, gathers a kind of intensity when the insult, intimidation, humiliation or abusive utterances, as the case may be, takes place in “a place within public view”, in the presence of members of the public. The requirement that the place must be one “within public view” can be said to be substantiating the other elements of the offence under the SC/ST Act. It is therefore a sine qua non for making out the offence under the SC/ST Act.

2026 0 INSC 469; 2026 0 Supreme(SC) 517; Mitesh @ T.V. Vaghela Vs. The State of Gujarat; Criminal Appeal No. 212 of 2012; Decided On : 11-05-2026

Firstly, insofar as the aspect of motive and mens rea is concerned, the same stands established primarily through the testimony of PW-1, the complainant, whose evidence has remained unshaken in the course of cross-examination. PW-1 has categorically deposed that on the night preceding the incident, i.e., on 11.12.1998 at about 11:00 p.m., when he returned to the house where he resided with the deceased, he was informed by the deceased that an altercation had taken place between him and the appellant, on account of appellant having thrown a half-burnt cigarette into the bucket used by the deceased for washing cups and saucers. PW-1 further stated that during the said quarrel the appellant had extended a threat to the deceased to the effect that he would “see him”. This part of the testimony having not been impeached lends assurance to the prosecution case regarding the existence of a motive and the requisite intention on the part of the appellant. The evidence further indicates that within a few hours of the said quarrel, the appellant came to the shop of the deceased on the following morning and carried out the assault. The proximity of time between the quarrel and the occurrence, coupled with the prior threat, clearly establishes the motive as well as the mens rea attributable to the appellant for the commission of the offence.

13. Secondly, insofar as the actus reus, namely the commission of the guilty act, is concerned, the prosecution has relied upon the testimonies of five witnesses, viz., PW-1, PW-4, PW-5, PW-10 and PW-12, which are required to be examined in that context. Though PW-1 is not an eyewitness to the actual occurrence, his evidence cannot be discarded while determining whether the offence in question was committed by the appellant, particularly in view of the surrounding circumstances deposed to by him.

Firstly, PW-4 and PW-5 may conveniently be dealt with together, as their depositions are on similar lines. Both the said witnesses had, in their statements recorded during the course of investigation, asserted that they had seen the appellant committing the offence; however, in their substantive evidence before the Court they resiled from their earlier version, did not support the prosecution case on the aspect of the actual assault, and were consequently declared hostile. Notwithstanding their hostility, a careful reading of their testimonies reveals that they have consistently deposed to the presence of the deceased at the place of occurrence and to the fact that he was found lying on the ground in a grievously injured condition, having sustained fatal blows and bleeding profusely. To that extent, their evidence lends credence to the prosecution case with regard to the situs of the incident and the condition of the deceased immediately after the occurrence. However, their depositions do not advance the prosecution case on the aspect of having witnessed the appellant inflicting the injuries. The Courts below have, therefore, rightly relied upon their testimonies to the limited extent indicated hereinabove.

The legal position with regard to dying declarations is no longer res integra. It is well settled by a catena of decisions of this Court that a truthful and voluntary dying declaration, if found to be reliable, can by itself form the sole basis of conviction without the necessity of corroboration[3][P.V. Rdhakrishna v. State of Karnataka, (2003) 6 SCC 443. State of Uttar Pradesh. v. Ram Sagar Yadav and Others, (1985) 1 SCC 552.].

The learned counsel for the appellant has contended that since a large number of witnesses, including the panch witnesses and some of the alleged eye-witnesses, have turned hostile, the appellant is entitled to the benefit of doubt. We are unable to accept the said submission. It is a settled principle of criminal jurisprudence that it is the quality and not the quantity of evidence which is determinative. Even the testimony of a solitary witness, if found to be wholly reliable and of sterling quality, is sufficient to base a conviction. In this context, we would note the judgment of this Court in Namdeo v. State of Maharashtra, (2007) 14 SCC 150 with benefit wherein it has been elaborately explained the evidentiary value of a credible solitary witness and has held that conviction can be founded upon such evidence. It is in this backdrop that we deem it appropriate to reproduce the relevant observations from the said decision, which read as under:

“16. Having heard the learned counsel for the parties, in our opinion, no interference is called for in exercise of power under Article 136 of the Constitution. It is no doubt true that there is only one eye witness who is also a close relative of the deceased, viz. his son. But it is well-settled that it is quality of evidence and not quantity of evidence which is material. Quantity of evidence was never considered to be a test for deciding a criminal trial and the emphasis of Courts is always on quality of evidence.

.....

27. Recently, in Bhimappa Chandappa v. State of Karnataka, (2006) 11 SCC 323, this Court held that testimony of a solitary witness can be made the basis of conviction. The credibility of the witness requires to be tested with reference to the quality of his evidence which must be free from blemish or suspicion and must impress the Court as natural, wholly truthful and so convincing that the Court has no hesitation in recording a conviction solely on his uncorroborated testimony.

28. From the aforesaid discussion, it is clear that Indian legal system does not insist on plurality of witnesses. Neither the Legislature (Section 134, Evidence Act, 1872) nor the judiciary mandates that there must be particular number of witnesses to record an order of conviction against the accused. Our legal system has always laid emphasis on value,

weight and quality of evidence rather than on quantity, multiplicity or plurality of witnesses. It is, therefore, open to a competent court to fully and completely rely on a solitary witness and record conviction. Conversely, it may acquit the accused in spite of testimony of several witnesses if it is not satisfied about the quality of evidence. The bald contention that no conviction can be recorded in case of a solitary eye witness, therefore, has no force and must be negatived."

2026 0 INSC 470; 2026 0 Supreme(SC) 518; Yatin Narendra Oza Vs. Suo Motu, High Court of Gujarat and Another; Criminal Appeal No. 669 of 2020; 11-05-2026

Before we part, it is imperative to reflect upon the foundational relationship between the Bar and the Bench. They are inextricably linked, serving as the two indispensable wheels of the chariot of justice. To steer through the complex terrain of the law and achieve fair and equitable outcomes, these wheels must move in perfect tandem, bound by a shared devotion to uphold the rule of law. The Bar, persuasive in its role, acts as the relentless seeker of truth; it presents and argues the issues, ensuring that the voice of the litigant is fearlessly articulated. The Bench, completing this paradigm, does not merely stand as a decisive authority that delivers judgments. It is the ultimate custodian of the Constitution, tasked with interpreting the law, safeguarding fundamental rights, and dispensing impartial, timely justice with unwavering wisdom.

63. Because their functions are distinct yet so deeply interwoven, the actions of one inevitably dictate the efficacy of the other. A diligent, ethical Bar elevates jurisprudence and enables judicial precision, whereas indiscipline obstructs the Bench and stalls the chariot of justice. Reciprocally, a patient and engaged Judiciary empowers the Bar to advocate fearlessly. Furthermore, it is a cardinal imperative that neither conducts itself in a manner that casts a shadow of disrepute upon the other; the dignity of the Bench and the honour of the Bar are mutually reflective, and conduct that diminishes the stature of one inevitably tarnishes the sanctity of both. If one pillar loses its footing, the other cannot stand tall. The tremor of an individual's fault resonates through the entire ecosystem, risking the equilibrium of the institution itself. However, as with co-members within a family, a fault committed by one does not warrant the other to resort to punitive destruction. Accountability is paramount, but it must always be balanced with the patience to guide, reform, and elevate.

64. The Court wields considerable authority, yet the true essence of judicial magnanimity lies in restraint. Measured reprimand and corrective guidance remain the wiser course over sheer penal consequence. The majesty of our legal system is preserved not through rigid retribution, but through mutual respect, shared responsibility, and institutional grace. It is strictly within this paradigm, guided by a profound desire to preserve harmony, strengthen our shared institution, and demonstrate the inherent magnanimity of the Court that we choose to afford the Appellant one final opportunity to correct his course.

2026 0 INSC 482; 2026 0 Supreme(SC) 530; Shrikant Ojha Vs. State Of Up & Ors.; Criminal Appeal No. 2466 of 2026 (Arising out of Special Leave Petition (Crl.) No. 3123 of 2026); Decided On : 12-05-2026

The High Court in the impugned order referred to the judgment of Mohd. Imbrahim and Anr. v. State of Bihar, (2009) 8 SCC 751 and Jit Vinayak Arolkar v. State of Goa and others, (2025 INSC 31) to say that where there is a civil dispute there cannot be any criminality and the FIR can be quashed. While issuing notice, arrest was stayed and the investigation

was directed to be continued but filing of the chargesheet was restrained relying upon the judgment of Pradnya Pranjal Kulkarni (2025) SCC Online 1948). However, in the facts where the land of the society is being sold repeatedly, how far the recourse as taken by the High Court is justified is an issue to consider.

In our view, the Court can exercise the discretion for not taking coercive steps till the matter is pending but the direction not to file the charge sheet in reference of judgment in the case of Pradnya Pranjal Kulkarni (supra) is wholly unjust as the facts of the judgment of Pradnya Pranjal Kulkarni (supra) are completely on different footing wherein this Court has explained the scope of jurisdiction of the High Court while entertaining the petition under Article 226 of the Constitution. The Court has tried to make a distinction from the fact that the FIR can be challenged under Article 226 in a writ petition but after taking cognizance of the case, the said jurisdiction cannot be invoked though the recourse is permissible under Section 482 of CrPC or 528 of BNSS.

2026 0 INSC 467; 2026 0 Supreme(SC) 512; Sanjay Singh Vs, State of Madhya Pradesh; Criminal Appeal No. 440 of 2013; Decided On : 08-05-2026

15. The law in this regard is no longer res integra. In Mahbub Shah v. King-Emperor, 1945 SCC OnLine PC 5 it was held that common intention implies a pre-arranged plan and prior meeting of minds. This principle has been consistently reiterated by this Court in Pandurang and Others v. State of Hyderabad, (1954) 2 SCC 826 wherein it was observed that though such intention may develop on the spot, there must be clear evidence to indicate a meeting of minds and participation in furtherance thereof. Paragraph 30 of Pandurang (supra) reads as follows:

"30. Now in the case of Section 34 we think it is well established that a common intention presupposes prior concert. It requires a pre-arranged plan because before a man can be vicariously convicted for the criminal act of another, the act must have been done in furtherance of the common intention of them all : Mahbub Shah v. King Emperor [Mahbub Shah v. King Emperor, 1945 SCC OnLine PC 5], IA pp. 153-54.

Accordingly there must have been a prior meeting of minds. Several persons can simultaneously attack a man and each can have the same intention, namely, the intention to kill, and each can individually inflict a separate fatal blow and yet none would have the common intention required by the section because there was no prior meeting of minds to form a pre-arranged plan. In a case like that, each would be individually liable for whatever injury he caused but none could be vicariously convicted for the act of any of the others; and if the prosecution cannot prove that his separate blow was a fatal one he cannot be convicted of the murder however clearly an intention to kill could be proved in his case : Barendra Kumar Ghosh v. King Emperor [1924 SCC OnLine PC 49] (at p. 49) and Mahbub Shah v. King Emperor [1945 SCC OnLine PC 5]. As their Lordships say in the latter case: (IA p. 154)

'... the partition which divides 'their bounds' is often very thin; nevertheless, the distinction is real and substantial, and if overlooked will result in miscarriage of justice.' "

16. More recently, in Krishnamurthy alias Gunodu and Others v. State of Karnataka, (2022) 7 SCC 521 this Court has reiterated that common intention is essentially a psychological fact and must be inferred from conduct and surrounding circumstances, but such inference must be based on credible material and not on conjecture or assumption.

22. The significance of such absence of prior meeting of minds has been emphasised by this Court in Munni Lal v. State of Madhya Pradesh, (2009) 11 SCC 395 wherein it was held that mere presence of an accused without proof of participation or shared intention is insufficient to sustain a conviction with the aid of Section 34 IPC.
23. The prosecution has also not been able to establish any conduct on the part of the Appellant which would indicate participation in furtherance of a common intention to commit murder. There is no material to show that the Appellant facilitated, encouraged, or aided the principal accused in the commission of the fatal act. Mere presence cannot be elevated to proof of common intention.
24. In this context, it would also be apposite to refer to Constable 907 Surendra Singh and Another v. State of Uttarakhand, (2025) 5 SCC 433 wherein this Court has held that presence at the scene of offence, without anything more, cannot be a ground to invoke Section 34 IPC. The prosecution must establish that the accused shared a common intention and acted in furtherance thereof. In paragraph 30, it is stated as follows:
"30. By now it is a settled principle of law that for convicting the accused with the aid of Section 34 IPC the prosecution must establish prior meetings of minds. It must be established that all the accused had pre-planned and shared a common intention to commit the crime with the accused who has actually committed the crime. It must be established that the criminal act has been done in furtherance of the common intention of all the accused. Reliance in support of the aforesaid proposition could be placed on the following judgments of this Court in the cases of:
(i) Ezajhussain Sabdarhussain v. State of Gujarat [(2019) 14 SCC 339];
(ii) Jasdeep Singh v. State of Punjab [(2022) 2 SCC 545];
(iii) Gadadhar Chandra v. State of W.B. [(2022) 6 SCC 576]; and
(iv) Madhusudan v. State of M.P. [(2024) 15 SCC]"

2026 0 INSC 486; 2026 0 Supreme(SC) 534; Talari Naresh Vs. The State of Telangana; Criminal Appeal No. 2506 of 2026 [Arising Out of SLP (Crl.) No. 13614 of 2025]; Decided On : 13-05-2026
It is true that the court is not expected to mechanically reject the evidence of a witness on the ground that the witness is a partisan witness or relative. This Court in Masalti vs. State of Uttar Pradesh, (1964) 8 SCR 133 speaking through a five judge bench, put a note of caution in appreciating the evidence given by an interested witness,
7.6. The following observations could be applied in the present case:
".....There is no doubt that when a criminal court has to appreciate evidence given by witnesses who are partisan or interested, it has to be very careful in weighing such evidence. Whether or not there are discrepancies in the evidence; whether or not the evidence strikes the court as genuine; whether or not the story disclosed by the evidence is probable, are all matters which must be taken into account...." (Para 14)
8. In Bhaskarrao and Others vs. State of Maharashtra, (2018) 6 SCC 591 this Court highlighted that a witness who has a strong interest in the result should not be allowed to be weighed on the same scales with those who do not have such interest in the outcome. Treating these two categories at par, stated the court, would open the doors for the court to arrive at a perverted or distorted truth. It was observed:
".....This sound rule which remains the bulwark of this system, and which determines the value of evidence derived from such sources, needs to be cautiously and carefully observed and enforced. There is no dispute about the fact that the interest of the witness

must affect his testimony is a universal truth. Moreover, under the influence of bias, a man may not be in a position to judge correctly, even if they earnestly desire to do so. Similarly, he may not be in a position to provide evidence in an impartial manner, when it involves his interest. Under such influences, man will, even though not consciously, suppress some facts, soften or modify others, and provide favourable colour.…" (Para 36)

8.1. This Court opined that the above are the controlling considerations for assessing the credibility of human testimony, and the same should not be overlooked while applying the rules of evidence and while determining its weight.

8.2. Such an approach while evaluating the evidence of a related or interested witness calls for extra caution when the evidence of such witness suffers from contradictions and discrepancies, for, knowingly or unknowingly a departure from telling the truth by a witness belonging to such category naturally leads to give rise to inconsistencies. The discrepancies and inconsistencies in the testimony of a related or interested witness will have to be viewed in such context, and more particularly when other evidence on record sufficiently demolishes the evidence of the related or interested witness, its evidence would entirely lose its reliability to stand in support of the prosecution.

when the testimony of a hostile witness is admissible subject to be feeded by corroboration and the conviction on that basis could be arrived at, the reverse is also true as a canon of appreciation of evidence. What necessarily implies is that as the evidence of a hostile witness can be used for convicting the accused, such evidence could indeed be applied and utilised also for the purpose of acquitting the accused, when what is testified by the hostile witness inspires credibility, when read with the other evidence on record, either ocular or documentary. The dictum would be that the testimony of a hostile witness or statement in the deposition of hostile witness could be properly employed to discredit the prosecution case and a conclusion of acquittal could well be supported through it and could be founded therein.

The proposition is settled that the postmortem report by itself cannot be treated as a piece of substantive evidence. It needs to be corroborated by other oral evidence. In Ghulam Hassan Beigh vs. Mohammad Maqbool Magrey and Others, (2022) 12 SCC 657 the above position regarding the evidentiary value of the postmortem report was stated:

".....The post-mortem report of the doctor is his previous statement based on his examination of the dead body. It is not substantive evidence. The doctor's statement in court is alone the substantive evidence. The post-mortem report can be used only to corroborate his statement under Section 157, or to refresh his memory under Section 159, or to contradict his statement in the witness box under Section 145 of the Evidence Act, 1872. A medical witness called in as an expert to assist the court is not a witness of fact and the evidence given by the medical officer is really of an advisory character given on the basis of the symptoms found on examination. The expert witness is expected to put before the court all materials inclusive of the data which induced him to come to the conclusion and enlighten the court on the technical aspect of the case by explaining the terms of science so that the court although, not an expert may form its own judgment on those material…." (Para 31)

6.1. Since in absence of corroboration the postmortem report is not a substantive piece of evidence, the testimony of medical expert assumes importance in establishing the facts mentioned in the postmortem report. As stated above, Dr. Sridhar-PW7 was not in a position to offer satisfactory and acceptable explanation regarding the discrepancies

and contradictions found in the Postmortem Examination Report-Ex. P8. When on one hand the Postmortem Examination Report-Ex. P8 was irreconcilable in terms of the details and dates mentioned therein which could not be sufficiently explained by the doctor, and on the other hand the Wound Certificate-Ex. P15 did not bear any date, the evidentiary value of this set of medical evidence stands diminished to nil.

2026 0 INSC 489; 2026 0 Supreme(SC) 537; Alka Agrawal and Others Vs. State of Maharashtra and Others; Criminal Appeal No. 2537 of 2026 [Arising Out of SLP (Crl.) No. 19305 of 2025]; Decided On : 15-05-2026

6.1 The definition of "deposit" has three facets in the nature of ingredients. First is that there should be any receipt of money or acceptance of a valuable commodity by a financial establishment. On the second, the acceptance contemplated should be returnable after a specified period and thirdly, the return of such money or commodity could be in cash, kind, with or without any benefit of interest. All the above necessary ingredients to constitute "deposit" within the meaning of Section 2(c) of the MPID Act stands satisfied in respect of the transaction between the appellants and respondent Nos. 2 to 6.

6.2 Such "deposit" should be accepted by a "financial establishment." Looking to the wide import of the definition of Section 2(d) of the Act, since it includes any person accepting deposits, a private respondent like respondent Nos. 2 to 6 who accepted the money which was deposited stand covered within the concept of "Financial Establishment." The individual persons like respondents herein accepting the deposit and fraudulently defaulting become a "Financial Establishment" within the definition of Section 2(d) of the Act, and could be subjected to legal action under the provisions of the MPID Act.

6.3 The contention that giving of amounts to respondent Nos. 2 to 6 was a transaction of "loan" is a convenient suggestion. Even if the transaction is named as "loan" it would not take it out of the scope of the term "deposit" as defined. Nomenclature of the transaction is not relevant. It is not the nomenclature but the ingredients or the basic attributes with which the transaction is informed and characterised that would make and mould the transaction to become "deposit" under Section 2(c) of the MPID Act. Therefore, even if lending of money by the appellants to respondent Nos. 2 to 6 was to be treated and termed as "loan", it would remain a "deposit" in the nature of money received by respondent Nos. 2 to 6 who have the robes of "financial establishment" as contemplated under Section 2(d) of the MPID Act.

While the criminal proceedings in respect of the offences under the IPC in their outcome operate in their own sphere, the machinery under the MPID Act has a different field to operate. Both are the different statutory regimes. Merely because the offences under the IPC were not established before the criminal court, it would not imply that it becomes a kind of embargo against putting into motion the provisions of the MPID Act or that the invocation of provisions of the MPID Act is barred thereby.

In light of the foregoing discussion and reasons, there is no escape from the conclusion that the amounts lent by the appellants to respondent Nos. 2 to 6 were "deposit" within the scope and ambit of the definition in Section 2(c) of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999. Respondent Nos. 2 to 6 as recipients of the amounts assume the character of a "Financial Establishment" as defined in Section 2(d) of the MPID Act.

2026 0 INSC 507; 2026 0 Supreme(SC) 553; The State of Tamil Nadu Vs, Ponnusamy & Ors.; Criminal Appeal No(s). 2493-2502 of 2025 With Criminal Appeal Nos. 2503-2512 of 2025; Decided On : 19-05-2026

Conversely, a complete absence of motive may have played as a factor in favour of the accused persons, however, such is not the case here. The position of law in this regard was succinctly discussed by this Court in a recent pronouncement in Vaibhav v. State of Maharashtra, 2025 INSC 800. The relevant extract thereof reads as:

"23. We may now come to the next aspect of the case i.e. absence of motive and consequence thereof. It is trite law that in a case based on circumstantial evidence, motive is relevant. However, it is not conclusive of the matter. There is no rule of law that the absence of motive would ipso facto dismember the chain of evidence and would lead to automatic acquittal of the accused. It is so because the weight of other evidence needs to be seen and if the remaining evidence is sufficient to prove guilt, motive may not hold relevance. But a complete absence of motive is certainly a circumstance which may weigh in favour of the accused. During appreciation of evidence wherein favourable and unfavourable circumstances are sifted and weighed against each other, this circumstance ought to be incorporated as one leaning in favour of the accused."

In addition to the aforementioned infirmities in the impugned judgment, we feel constrained to note that the High Court has appreciated the entire evidence on an artificial standard. We are afraid, the High Court has introduced numerous fictional probabilities in the sequence of events, without being supported by the record and cross-examination of the concerned witnesses. Various aspects such as, the manner in which a public person should behave; the manner in which the conspirators should behave while discussing the conspiracy, the impossibility of a conspiracy being discussed in front of third persons; the potential of eye witnesses to actually decipher the conversations between the accused persons; the exchange of money in the presence of stranger eyes; low economic profiles of certain witnesses etc., have been assessed in a completely subjective manner, detached from the objective explanations furnished by the prosecution on all such aspects. No doubt, such aspects are relevant in examining the evidence in a criminal case, however, the Court cannot detach itself from the explanations on record and cannot dismiss them in a subjective manner. On conspiracy, for instance, the High Court has proceeded to lay down general statements of law to the effect that a conspiracy is always hatched in secrecy and cannot be heard by third persons. It went to the extent of calling it an "insult to the criminal justice system" if it is believed that the conspiracy was discussed in the presence of eye witnesses. We are a little taken back with the sweeping nature of remarks made in the impugned judgment. Effectively, to say so would mean that there could possibly never be any direct evidence of conspiracy. We often find ourselves reiterating that conspiracies are generally hatched in secrecy, however, it does not mean that direct evidence of conspiracy is an impossibility, or that such evidence would get rejected on this notion alone.

98. The phrase 'beyond reasonable doubt', which marks the standard of proof for the prosecution in a criminal case, is a potent phrase. It does not mean any and every doubt. Rather, it means a doubt which is so strong and reasonable that it effectively creates space for an alternate theory in the mind of the Judge. Unsurprisingly, ordinary doubts are bound to emerge in a case of this nature where the transaction and witnesses are scattered across a wide spectrum. The job of a criminal court is not to order lose

acquittals by entertaining such vague and ordinary doubts, convoluted theories and suppositions. In the present case, the accused persons have conveniently refrained from leading counter evidence on various aspects, such as money trail, leaves taken by A4, his visit to Chennai etc. They also failed to advance plausible explanations qua the incriminating evidence against them. One of the accused persons attempted to introduce a new fact and went to the extent of calling the death of Dr. Subbaiah as an 'accident', and led no evidence to prove it. Probably, counter evidence on such aspects could have created reasonable doubts in the mind of the Court. When a party is in a position to raise doubts and refrains from doing so, what does it mean? The only reasonable inference is of the falsity of the theories propagated by the accused persons. In such cases, the Court is not expected to import its own doubts, without being supported by the manner in which the case has been defended by the accused persons. The dangers associated with the lose application of the principle of 'beyond reasonable doubt' have been discussed on various occasions by this Court. We would not like to prolong our judgment by reiterating once again, and suffice to note that a lose acquittal of a guilty person is as dangerous as the conviction of an innocent.

2026 0 INSC 509; 2026 0 Supreme(SC) 555; Amit Katyal & Anr. Vs. State Of Haryana & Anr.; Writ Petition (Crl.) No. of 67 of 2025; Decided On : 18-05-2026

Permitting multiple FIRs and investigations in different jurisdictions on the same set of facts would not only be contrary to the settled legal position but would also result in avoidable multiplicity of proceedings, conflicting findings and serious prejudice to the petitioners. At the same time, consolidation of such FIRs at one place would subserve the ends of justice by ensuring a coordinated, effective and complete investigation, while also safeguarding the right of the petitioners to mount an effective and meaningful defence in a singular proceeding.

2026 0 INSC 511; 2026 0 Supreme(SC) 557; Rambalak Vs. State Of U.P.; Criminal Appeal No. 2647 of 2026 (@ Special Leave Petition (Crl.) No. 16332 of 2025); Decided On : 19-05-2026

In a recent case viz., State of U.P. v. Anurudh, 2026 SCC OnLine SC 40, also arising from a matter before the Allahabad High Court wherein, similar to the present case, far reaching directions had been issued by the Court under bail jurisdiction, mandating the scientific determination of the age of the victim in cases under the Protection of Children from Sexual Offences Act 2012, in teeth of the scheme of the Juvenile Justice (Care and Protection of Children) Act 2015 which is also applicable to the former, this Court held the same to be impermissible in spite of reference to Article 21 and the assertion of the Court that it is not denuded of its constitutional power even while sitting in bail jurisdiction. The relevant discussion is reproduced as under as it squarely covers the issue in the present lis:

"11.2. The upshot of the above discussion is that a Court's jurisdiction, i.e., either the Court of Sessions or the High Court under Section 439CrPC is limited to adjudicating the question of the person concerned being released into society pending trial or whether they should continue to be incarcerated.

11.3. It is unquestionable that High Court is a constitutional Court. However, in the instant case the error of jurisdiction by the High Court was in exercise of a statutory power and not under the Constitution. The powers arising from the Constitution and those

flowing from a statute are distinct and separate. A constitutional power is the one which emanates directly from the text and spirit of the Constitution of India, the supreme and fundamental charter of governance, and inheres in those institutions or functionaries whose existence and competence are defined by it. Such powers are self-sustaining; they are not contingent upon any act of the Legislature, nor can they be abridged or extinguished except through a formal amendment under Article 368. For example, the President's power to dissolve the Lok Sabha under Article 85(2)(b); the Governor's authority to reserve a bill for the consideration of the President under Article 200, or the jurisdiction of the Supreme Court under Article 32 are all in exercise of constitutional power. These powers represent the apex of the legal hierarchy, deriving their legitimacy not from the will of the people as expressed by Parliament, but from the sovereignty of the Constitution itself.

In contrast, a statutory power is derivative and conditional, drawing its vitality from a law duly enacted by the Parliament or a State Legislature. Such power exists only within the four corners of the enabling statute and is circumscribed by its language, purpose, and legislative intent. Illustratively, the powers conferred upon the Central Government under the Environmental (Protection) Act, 1986, to frame rules, issue directions, or regulate industrial operations are purely statutory in nature, as are the regulatory functions vested in the Securities and Exchange Board of India under the SEBI Act, 1992, or those entrusted to the Competition Commission of India under the Competition Act, 2002. The exercise of these powers must conform strictly to the parameters laid down by the statute; any transgression beyond its express or implied authority is rendered ultra vires and, therefore, void in the eyes of law.

The essential distinction between these two species of power lies not merely in their origin but also in their constitutional status and susceptibility to control. Constitutional powers are sovereign, foundational, and insulated from the vicissitudes of ordinary legislation; they can neither be curtailed nor expanded by parliamentary enactment. Statutory powers, by contrast, are subordinate and mutable, existing at the pleasure of the Legislature, which may at any time amend, restrict, or repeal them through the ordinary legislative process. Judicial review, while applicable to both, assumes different contours in each case: in relation to constitutional powers, the Courts examine whether their exercise conforms to constitutional limitations including the protection of fundamental rights and the inviolable tenets of the basic structure whereas, in the case of statutory powers, the inquiry is confined to whether the authority has acted within the scope and purpose of the statute from which its power is drawn.

The constitutional power cannot overshadow the statutory power, enlarging its scope beyond what has been envisaged by the statute. In other words, while both powers rest with the High Court, one power cannot usurp the ambit of another, unless otherwise permitted by law."

2026 0 INSC 513; 2026 0 Supreme(SC) 559; Vasantha Vs. State of Tamil Nadu and others; Criminal Appeal No. 2568 of 2026 (@ Special Leave Petition (Crl.) No. 17310 of 2025); Decided On : 15-05-2026

Filing of anticipatory bail petitions in quick succession in this manner, viz., three petitions in three months, reduces that legal process, which is intended to pre-emptively secure the personal liberty of an individual in deserving cases, to a mere gamble and is nothing short of an abuse of process. We may also note that, having secured the relief of

anticipatory bail, the accused lost no time in filing a quash petition in October, 2025, and secured stay of all further proceedings. In effect, the accused brought the entire case to a grinding halt.

12. Given the near relationship between the parties and the fact that the accused are alleged to have taken undue advantage of a family elder, a septuagenarian, and also acted to the detriment of the other family members, we are of the opinion that this was not a fit case for the High Court to have granted anticipatory bail to the accused by treating it as a mere real estate business in which there was a dispute as to the land price. The case went beyond that and deserved a far more serious consideration than that given by the learned Judge while extending relief to the accused.

https://indiankanoon.org/doc/78280227/; Smt. Shendarkar Vijaya Laxmi vs State Of Telangana on 14 May, 2026; CRIMINAL PETITION No.7825 of 2026

Having heard the learned counsel for the petitioner and learned Additional Public Prosecutor and on perusing the material on record, it is not the case where the petitioner is completely bed ridden on 27.04.2026 but the petition under Section 317 Cr.P.C. was filed seeking to dispense with her presence and on mere technicalities, the learned trial Court has dismissed the application stating that no medical report was filed and issued the N.B.W. Thereafter, the petitioner filed a petition under Section 70(2) of Cr.P.C. to recall the N.B.W. issued against her on 27.04.2026, duly enclosing the medical record. The said petition was also dismissed stating that the photocopy of the medical certificate does not contain seal of the hospital. The medical certificate and prescription were issued by the doctor on the letter head. On mere technicalities the trial Court had dismissed the said applications, which would not hold any merit. Hence, this Court deems it appropriate to set aside the impugned order.

https://indiankanoon.org/doc/29846111/; Mudavath Lakshmi vs The State Of Telangana on 15 May, 2026; CRIMINAL PETITION No.7803 of 2026

the petitioner was arrayed as accused No.7 for the offences punishable under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhitha, 2023 (for short 'BNS').

Learned counsel for the petitioner submits that the petitioner has not committed the alleged offence and has been falsely implicated in the present case solely on the basis of the confession statement of the other accused, and that the alleged material was seized from the other accused. Even according to the allegations made in the complaint, the ingredients for the offences under Sections 331(4) and 305 of the BNS are not attracted against the petitioner.

The Investigating Officer ought to have followed the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in Arnesh Kumar.

In view of the above, the petitioner is directed to cooperate with the Investigating Officer and the Investigating Officer is entitled to strictly follow the procedure contemplated under Section 35(3) of the BNSS, as well as the guidelines formulated by the Hon'ble Apex Court in Arnesh Kumar.

{Sec 331(4) Whoever commits lurking house-trespass or house-breaking after sunset and before sunrise, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, **if the offence**

intended to be committed is theft, the term of the imprisonment may be extended to fourteen years.}

https://indiankanoon.org/doc/84855358/; W.P.No.13710 of 2026; SOMA RAMA KRISHNA Vs State of A.P.; 15.05.2026

It seems that as per the instructions of the Commissioner of Police, N.T.R. District, the case has been reopened and started reinvestigation into the allegations. As per the law laid down by the Hon'ble Apex Court in the case of Pramod Kumar & Ors. Vs. State of Uttar Pradesh & Ors. 2026 INSC 120, in the event, if further investigation is required, the same solely rests at the discretion of the concerned learned Jurisdictional Magistrate. It was stated as under:

"28. In light of the legal position as settled by this Court through the above judgments, it is safe to say that the power to direct further investigation in a case rests solely at the discretion of the Magistrate/Court concerned. In the event, the police/investigation agency is of the opinion that further investigation is necessary in any particular case to cull out complete facts and truth in the case, it is binding upon them to file an appropriate application before the Magistrate/Court, without directing an order for further investigation by themselves. Once such an application is filed by the investigation agency, the Magistrate/Court would apply its judicial mind, in light of the facts and circumstances of the particular case and the reasons demonstrated by the investigating agency, in order to exercise its discretion for exercise of its power to decide whether or not further investigation is to be ordered under the purview of Section 173(8) CrPC."

Considering the submissions made by the learned counsel for the petitioners as well as the law laid down by the Hon'ble Apex Court in the judgment referred above, I am of the view that the Investigating Authority ought to have approached the learned Jurisdictional Magistrate and obtain permission for reopening the crime, as was closed long back.

https://indiankanoon.org/doc/126056307/; Kooraparthi Yerrama Reddy vs The State Of Andhra Pradesh on 21 May, 2026; WRIT PETITION NO: 14626/2026;

since the Police have opined that the contents of the complaint do not disclose any cognizable offence and are civil nature, no action has been taken thereon. If the petitioner is aggrieved by the same, he has an alternative remedy of approaching the concerned learned jurisdictional Magistrate by filing an appropriate criminal petition.

https://indiankanoon.org/doc/73211810/; KOSETTY CHODINAIDU Vs State of A.P; CRIMINAL APPEAL No.2417 of 2018 Date:08.05.2026 (DB)

where an oral dying declaration made by the deceased and what is stated in dying declaration is not stated by material witnesses, the same cannot be believed.

As per Exception-1 to Section 300 IPC, if there is grave and sudden provocation and under such provoked situation the accused causes death, even if it is intentional or with knowledge, the same will amount to culpable homicide not amounting to murder. As per Exception 4 to Section 300 IPC, if due to a sudden fight between the parties the accused causes death or injury sufficient to cause death, even with intention or knowledge and if conditions mentioned are satisfied, the same will amount to only culpable homicide not amounting to murder. The parameters for application of Section 300 Exception 4 are as follows:

(i). The incident occurred without premeditation in a sudden fight.
(ii). It occurred in the heat of passion upon a sudden quarrel.
(iii).The offender did not take undue advantage.
(iv).The offender did not act in a cruel or unusual manner
(v).The fight must have been with the persons who was killed.
KSR, J & AHHS, J
30. In the context of the case before this Court, it is proper to note the observations of the Hon'ble Apex Court in a case between Sandhya Jadhav(Smt) vs. State of Maharashtra1 vide para Nos.8 and 9, which read as follows:
8. For bringing in operation of Exception 4 to Section 300 IPC, it has to be established that the act was committed without premeditation, in a sudden fight in the heat of passion upon a sudden quarrel without the offender having taken undue advantage and not having acted in a cruel or unusual manner.
9. The Fourth Exception to Section 300 IPC covers acts done in a sudden fight. The said Exception deals with a case of prosecution not covered by the First Exception, after which its place would have been more appropriate. The Exception is founded upon the same principle, for in both there is absence of premeditation. But, while in the case of Exception 1 there is total deprivation of self-control, in case of Exception 4, there is only that heat of passion which clouds men's sober reason and urges them to deeds which they would not otherwise do. There is provocation in Exception 4 as in Exception 1; but the injury done is not the direct consequence of that provocation. In fact Exception 4 deals with cases in which notwithstanding that a blow may have been struck, or some provocation given in the origin of the dispute or in whatever way the quarrel may have originated, yet the subsequent conduct of both parties puts them in respect of guilt upon equal footing. A "sudden fight" implies mutual provocation and blows on each side. The homicide committed is then clearly not traceable to unilateral provocation, nor in such cases could the whole blame be placed on one side. For if it were so, the Exception more appropriately applicable would be Exception 1. There is no previous deliberation or determination to fight. A fight suddenly takes place, for which both parties are more or less to be blamed. It may be that one of them starts it, but if the other had not aggravated it by his own conduct it would not have taken the serious turn it did. There is then mutual provocation and aggravation, and it is difficult to apportion the share of blame which attaches to each fighter. The help of Exception 4 can be invoked if death is caused (a) without premeditation; (b) in a sudden fight; (c) without the offender having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the person killed. To bring a case within Exception 4 all the ingredients mentioned in it must be found. It is to be noted that the "fight" occurring in Exception 4 to Section 300 IPC is not defined in IPC. It takes two to make a fight. Heat of passion requires that there must be no time for the passions to cool down and in this case, the parties have worked themselves into a fury on account of the verbal altercation in the beginning. A fight is a combat between two or more persons whether with or without weapons. It is not possible to enunciate any general rule as to what shall be deemed to be a sudden quarrel. It is a question of fact and whether a quarrel is sudden or not must necessarily depend upon the proved facts of each case. For the application of Exception 4, it is not sufficient to show that there was a sudden quarrel and there was no premeditation. It must further be shown that the offender has not taken undue advantage or acted in cruel or unusual

manner. The expression "undue advantage" as used in the provision means "unfair advantage".
Upon taking note of the factual scenario and the evidence on record, this Court is of the considered view that the death of deceased is culpable homicide caused by the accused, but the same falls under the exceptions, partly covered by Exception 1 and partly by Exception 4 to Section 300 IPC. The exceptions under Exception 1 and Exception 4 to Section 300 IPC are, to some extent, overlapping. The difference lies as to the role of the deceased. In cases of sudden fight (covered under Exception 4 to Section 300 IPC; punishable under Section 304 IPC), the role of the deceased may be equal to that of the accused, whereas under Exception 1 to Section 300 IPC, the conduct of the deceased in provoking the accused is relevant. Here is a case where both knowledge and intention can be attributed to the accused as to the consequences of his conduct, but it was out of sudden fight.
The strong circumstance that enables the accused to seek the benefit of the exception is that there was an altercation and fight between the accused and the deceased immediately before the incident. There was attribution of unchastity to his sister-in-law and it is clear that drink was also supplied. It is also clear that both were in a drunken condition, but the defence of intoxication, either voluntary or involuntary, falling under the general exceptions, is neither pleaded nor made out. Therefore, this Court is of the opinion that it is a fit case to convert the conviction form Section 302 IPC to Section 304 Part I IPC and to modify the sentence from life imprisonment to imprisonment for a period of ten years. The point framed is answered accordingly.

https://indiankanoon.org/doc/108763224/; State of A.P Vs Pilli Padma; CRIMINAL PETITION Nos. 343, 344, 345 & 346 of 2026 DATE:08.05.2026
The learned Sessions Judge appears to have granted bail mainly on the grounds of long incarceration and absence of criminal antecedents without adequately considering the seriousness of the allegations, the stage of investigation, the pendency of the police custody petition and the necessity for custodial interrogation
It is an admitted position that during the course of investigation, the Investigating Officer had moved an application seeking police custody of the accused persons for the purpose of custodial interrogation, which was pending consideration before the competent court. However, during the pendency of the said custody application, the learned Sessions Judge granted bail to the respondents on 05.01.2026 without adverting to the seriousness and gravity of the offence, the prima facie material collected during investigation, and the specific allegations indicating the active and vital role played by the accused persons in the commission of the offence.
Subsequently, the learned Magistrate dismissed the custody petition on 12.01.2026 on the ground that bail had already been granted by the Sessions Court. Though it is settled law that there is no absolute bar on the grant of bail during pendency of a police custody application, the judicial discretion in such matters must be exercised with circumspection, particularly where custodial interrogation is sought at a crucial stage of investigation.
27. In the present case, the grant of bail appears to have been made in a mechanical manner, without due consideration of the nature and seriousness of the offence, the role attributed to the accused persons, and the necessity of custodial interrogation for

unearthing the complete chain of events. Such an order has the effect of frustrating the ongoing investigation and undermining the interest of justice.
28. It is well settled that bail granted in disregard of material circumstances, or without proper application of mind to relevant factors, is liable to be interfered with in exercise of jurisdiction for cancellation of bail. The paramount consideration in such cases is whether the accused, if enlarged on bail, would impede the investigation, tamper with evidence, or influence witnesses. In view of the above circumstances, this Court is of the considered opinion that the bail granted to the respondents warrants cancellation, as it suffers from non-consideration of relevant factors and is likely to prejudice a fair and effective investigation.
29. Having regard to the nature and seriousness of the accusations, the stage of investigation, the requirement of custodial interrogation and the prima facie material available on record, this Court is of the considered opinion that the impugned order granting bail to the Respondents / Accused Nos.2, 5 to 7, 16 and 17 is unsustainable and liable to be set aside.

https://indiankanoon.org/doc/70195194/; S Prakash Babu vs The State Of Andhra Pradesh on 8 May, 2026; CRIMINAL PETITION NO: 3910/2025

The Hon'ble Apex Court in D.T. Virupakshappa supra at paragraph Nos.5, 6 & 9 held as under:
"5. The question, whether sanction is necessary or not, may arise on any stage of the proceedings, and in a given case, it may arise at the stage of inception as held by this Court in Om Prakash v. State of Jharkhand [Om Prakash v. State of Jharkhand, (2012) 12 SCC 72 :
(2013) 3 SCC (Cri) 472] . To quote: (SCC p. 94, para 41) "41. The upshot of this discussion is that whether sanction is necessary or not has to be decided from stage to stage. This question may arise at any stage of the proceeding. In a given case, it may arise at the inception. There may be unassailable and unimpeachable circumstances on record which may establish at the outset that the police officer or public servant was acting in performance of his official duty and is entitled to protection given under Section 197 of the Code. It is not possible for us to hold that in such a case, the court cannot look into any documents produced by the accused or the public servant concerned at the inception. The nature of the complaint may have to be kept in mind. It must be remembered that previous sanction is a precondition for taking cognizance of the offence and, therefore, there is no requirement that the accused must wait till the charges are framed to raise this plea."
In the case before us, the allegation is that the appellant exceeded in exercising his power during investigation of a criminal case and assaulted the respondent in order to extract some information with regard to the death of one Sannamma, and in that connection, the respondent was detained in the police station for some time. Therefore, the alleged conduct has an essential connection with the discharge of the official duty. Under Section 197 CrPC, in case, the government servant accused of an offence, which is alleged to have been committed by him while acting or purporting to act in discharge of his official duty, the previous sanction is necessary.
9. In our view, the above guidelines squarely apply in the case of the appellant herein. Going by the factual matrix, it is evident that the whole allegation is on police excess in connection with the investigation of a criminal case. The said offensive conduct is

reasonably connected with the performance of the official duty of the appellant. Therefore, the learned Magistrate could not have taken cognizance of the case without the previous sanction of the State Government. The High Court missed this crucial point in the impugned order."

8. Hence, the Hon'ble Supreme Court in D.T. Virupakshappa supra has unequivocally held that the issue of sanction under Section 197 of 'the Cr.P.C.,' is not confined to any particular stage of proceedings but may arise even at the inception, wherever unimpeachable circumstances demonstrate that the alleged act was integrally connected with the discharge of official duty. The Court clarified that previous sanction is a condition precedent for cognizance where the conduct complained of bears a reasonable nexus with official functions, and that the learned Magistrate is not precluded from examining documents produced by the accused at the threshold to determine such entitlement. In the factual matrix of that case, the allegation of police excess during investigation was found to be inseparably linked to the performance of official duty, thereby attracting the protective umbrella of Section 197 of 'the Cr.P.C.' Consequently, the Hon'ble Apex Court held that the Magistrate could not have assumed jurisdiction without prior sanction of the State Government, and faulted the High Court for overlooking this cardinal requirement, reiterating that sanction is a substantive safeguard against vexatious prosecution of public servants acting in discharge of their lawful duties.

This Court is additionally of the view that the Petitioner/Accused No.2, being a Government servant, is entitled to the benefit of the statutory protection afforded under Section 197 of 'the Cr.P.C.,' and that the registration of an FIR against him without prior sanction of the competent authority is wholly without jurisdiction and renders the entire proceedings a nullity. The Hon'ble Supreme Court in D.T. Virupakshappa supra has laid down with unambiguous clarity that the question of sanction may arise even at the inception of proceedings, and that where unimpeachable circumstances demonstrate that the alleged act bears a direct and proximate nexus with the discharge of official duty, the learned Magistrate is precluded from assuming cognizance without prior governmental sanction.

This Court is further persuaded that the private complaint instituted by Respondent No.2 is not an exercise of a bona fide right available to a citizen under the law, but is, in substance and in effect, a calculated instrument of coercion and harassment wielded against Government servants with the oblique and dishonest motive of securing favourable orders in pending civil and revenue proceedings.

The allegations in the present case pertain exclusively to official acts performed by the Petitioner in the course of his duties as a Government servant, and there is not an iota of material on record to suggest that the acts complained of were divorced from his official functions. The continuation of the impugned proceedings in the absence of the requisite prior sanction would not only be contrary to law but would also cause grave and irreparable harm to the Petitioner's career and reputation.

https://indiankanoon.org/doc/128247303/; Pangi Sadik vs The State Of Andhra Pradesh; CRIMINAL PETITION NO:4254 of 2026 Dated:08.05.2026

In Hitendra Vishnu Thakur 1st supra, the Hon"ble Apex Court, in categorical terms, held that the Public Prosecutor concerned, or the Prosecutor in charge of the case, ought to have considered the request of the Investigating Officer and, upon independent application of mind, filed a report along with the application seeking extension of time. In

the present case, there is no averment in the petition filed by the Public Prosecutor to show that he had applied his mind or that he was satisfied that the progress of the investigation was at a crucial stage and that the grant of further time to complete the investigation was necessary. Further, more importantly, the learned Trial Court failed to assign any special reasons for the detention of the Accused/ Petitioner beyond the period of 250 days.

Indeed, no pending investigation on substantial reasons or grounds against Petitioners/Accused No.5 and 7 has been demonstrated by the prosecution. Failure to file the charge sheet within the statutory period cannot be cured by seeking extension of remand. The prosecution made vague and omnibus allegations without placing any substantial supporting material before the Court. Non-arrest or abscondence of other accused cannot be a ground for extending the remand of Petitioners No.1 and 2/Accused No.5 and 7. Prosecution failed to specify the relevance of the call data records or any incriminating material against Petitioner No.1/Accused No.1.

Therefore, following the judgments of the Hon"ble Apex Court in Hitendra Vishnu Thakur 1st supra and Sanjay Kumar Kedia @ Sanjay Kedia 2nd supra, the impugned order dated 02.03.2026 passed in Crl.M.P.No.152 of 2026 is liable to be set aside.

https://indiankanoon.org/doc/16831627/; Maram Mohan vs The State Of Andhra Pradesh on 8 May, 2026; CRIMINAL PETITION NO: 4299 OF 2026 Dt.08.05.2026

A plain reading of Section 111 of BNS indicates that the following essential ingredients must be satisfied:

(i) commission of offences enumerated under the provision;

(ii) the Accused being a member of an organised crime syndicate;

(iii) commission of the offence as a member of, or on behalf of, such 6 syndicate;

(iv) more than one charge-sheet having been filed against the Accused within the preceding ten years for cognizable offences punishable with imprisonment of three years or more, and cognizance taken thereon;

(v) commission of the crime by use of violence, threat, intimidation, coercion or other unlawful means.

https://indiankanoon.org/doc/102998691/; APHC010671312025; Maternal Grandmother of Victim Vs State of A.P. CRIMINAL PETITION No.3825 of 2026 DATE:08.05.2026

It is a settled principle of law that successive bail applications, particularly in serious offences cannot be entertained in a routine or mechanical manner. Successive bail applications are permissible under the changed circumstances, but the change of circumstances must be substantial one, which has a direct impact on the earlier decision and not merely cosmetic changes which are of little or no consequences at all. Without such satisfaction, the subsequent bail application would be nothing but seeking review of the earlier rejection order, which is not permissible. While entertaining such subsequent bail applications, the Court has a duty to consider the reasons and grounds on which the earlier bail application was rejected and what are the fresh grounds which persuade it warranting the evaluation and consideration of the bail application afresh and to take a view different from the one taken in the earlier application. There must be

change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. The impugned order, however, does not disclose any such new circumstance. On the contrary, the allegations against Respondent No.2 pertain to sexual misconduct against a child victim suffering from Autism, allegedly committed by the Principal of the institution where the victim was studying. Prima facie, the allegations indicate abuse of authority and exploitation of the vulnerability of a child with special needs.

15. In State of Karnataka v. Sri Darshan etc.,4, the Hon'ble Supreme Court categorically held that the gravity of the offence, likelihood of witness intimidation and the requirement of fair trial are paramount considerations while dealing with bail in heinous crimes. It was further observed therein that grant of bail without proper consideration of the seriousness of allegations and risks of interference with trial would amount to a perverse exercise of discretion warranting interference by superior Courts.

16. In Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav 5, the Hon'ble Supreme Court held that, though an accused has a right to make successive applications for grant of bail, the court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.

17. In the present case, the learned Special Judge granted bail within a short span after dismissal of the earlier bail application, without recording any fresh or compelling circumstances justifying reconsideration. Such exercise, in the considered view of this Court, is contrary to settled principles governing successive bail applications.

4 2025 SCC OnLine SC 1702 (2004) 7 SCC 528

18. In Ram Govind Upadhyay v. Sudarshan Singh6, the Hon'ble Supreme Court held that the nature of the offence is one of the basic considerations for the grant of bail is that more heinous is a crime, the greater is the chance of rejection of the bail. Whereas, in the instant case, the allegations pertain to grave offences under the provisions of the POCSO Act involving a minor girl aged about 16 years, who is admittedly suffering from Autism. The material on record further discloses that the victim is an extremely vulnerable child, whose mother died long back and who is presently under the care and protection of her grandmother, the de facto complainant. The accusation against the accused is not of a trivial nature, but of a serious sexual offence committed against a child with mental disability, attracting stringent punishment under the POCSO Act. Therefore, the gravity of the offence assumes greater significance while considering the propriety of grant of bail. In such circumstances, the impugned order granting bail to the Accused, without properly appreciating the gravity of the offence and the vulnerable condition of the victim, is liable for interference of this Court.

19. In Ash Mohammad v. Shiv Raj Singh @ Lalla Bahu & Anr7, the Hon'ble Supreme Court emphasized that in serious offences, Courts are required to adopt a higher degree of caution and sensitivity while granting bail, keeping in mind the societal impact of the crime.

20. Unfortunately, the impugned order does not reflect such cautious scrutiny. The learned Special Judge appears to have made observations 6 (2002) 3 SCC 598 7 (2012) 9 SCC 446 about the mental condition of the victim which create doubt about her version even at the bail stage. Such an approach is improper, especially when the victim is a child suffering from Autism. The POCSO Act is a special legislation enacted with the avowed

object of protecting children from sexual offences and ensuring a child-sensitive judicial process. While dealing with victims with special needs, the Courts are expected to adopt greater sensitivity and care. In the present case, the victim is admittedly suffering from Autism. Her vulnerability and dependency are relevant considerations which ought to have weighed with the learned Special Judge while evaluating the bail application.

https://indiankanoon.org/doc/94584222/; Bejjanki Samrajyam vs The State Of Andhra Pradesh; WRIT PETITION No.12544 of 2026 Date: 08.05.2026

The necessary conclusion to be drawn from the above discussion is that timelines are not drawn by the Court to be followed by the investigators/the executive right from the beginning, for that would clearly amount to stepping on the toes of the latter. Timelines are therefore imposed at a point where not doing so would have adverse consequences i.e., there is material on record demonstrating undue delays, stagnation, or the like. In sum, timelines are imposed reactively and not prophylactically. As such, the timelines imposed by the High Court need to be interfered with and set aside. Ordered accordingly.

2026 0 INSC 511; 2026 0 Supreme(SC) 557; Rambalak Vs. State Of U.P.; Criminal Appeal No. 2647 of 2026 (@ SLP (Crl.) No. 16332 of 2025); 19-05-2026

That in respect of the directions given by Hon'ble High Court from time to time and specially in 'Bhawar Singh Case' regarding timely execution of processes issued by the learned trial courts the deponent has issued the following directions.

i. A central register will be prepared for entering processes received from different trial courts in the office of the Nodal Officer and a Desk will be established for sending the summon/warrants for its execution daily processes will be recorded in central register, policeman will be deployed at the process desk.

ii. The service receipt received after service of summons/warrants will be entered in the central register by policeman posted at summon desk and service report will be communicated to the concerned trial court.

iii. In compliance with the processes served, the details of the witnesses present and examined in trial courts will also be complied through summon/warrant desk and it will be reviewed from time to time at the competent officer level.

iv. Nodal officers will weekly examine the Summons/warrants execution register.

v. A monthly statement will be prepared in respect of the service of processes and same will be presented before Nodal officer for perusal. The Nodal officer will warn in writing to subordinate Officers and station in charge who are on laxity and after three consecutive months of laxity, so cause notice will be issued against the subordinate Officers and In-charge of Police Station.

vi. At District level Deputy Superintendent of Police/Additional Superintendent of Police and at Police Commissionerate level Assistant Police Commissioners will monitor the service of processes by the concerned police stations under their local jurisdiction and if any laxity will be found Supervisory officers will be accountable.

vii. Every Nodal Officer will be responsible for execution of service of processes (summons /warrants/ notices) under their local jurisdiction.

viii. Work of Nodal Officers will be regularly assessed by Additional Director General of Police (Zonal) and Regional Inspector General of Police / Deputy Inspector General of Police in case of any laxity, he will inform the Headquarter of Director General of Police.

2026 0 INSC 504; 2026 0 Supreme(SC) 549; Mahadevanna D.M. Vs State Of Karnataka & Anr.; Criminal Appeal No. 2622 of 2026 [Arising out of SLP (Criminal) No. 4563 of 2022]; Decided On : 18-05-2026

In the light of the above submissions, we proceed to consider the case of the Appellant under Section 3 of the 1958 Act. Section 3 inter-alia deals with the power of the Court to release certain offenders after admonition if they are found guilty of having committed any offence with imprisonment of not more than two years. The Appellant in the instant case has been convicted for offence under Section 304-A of IPC read with Section 134(b) and Section 187 of MVA. Neither of the charges has a prescribed punishment of more than 2 years, and hence, Appellant satisfies the pre-requisites of Section 3 of 1958 Act.

8. Therefore, in exercise of powers under Section 3 of 1958 Act, while confirming the conviction of the Appellant, we direct that instead of sentencing, the Appellant be released after due admonition. Moreover, since the Appellant has been extended the benefit under Sections 3 of the 1958 Act, he shall not incur any disqualification affecting his service career, if any, arising out of the conviction, in terms of Section 12 of the 1958 Act.

2026 0 INSC 519; 2026 0 Supreme(SC) 565; Parvinder Singh Vs Directorate of Enforcement; Criminal Appeal No of 2026 (Arising out of SLP (Crl.) No. 12055 of 2025); Decided On : 19-05-2026

Section 531(2)(a) of the BNSS has a laudable objective behind it which saves the proceedings initiated under the CrPC, prior to the commencement of the BNSS. It is meant to give a prospective application to the provisions of the BNSS. In other words, once a proceeding such as an appeal, application, investigation, inquiry or trial is initiated under the CrPC, then the same must meet its logical conclusion under the CrPC itself. Thus, we hold that the object of the said provision is to avoid piecemeal application of the CrPC vis-à-vis the BNSS.

29. A substantive right conferred under the BNSS would definitely enure to the benefit of an accused against whom none of the proceedings envisaged under Section 531(2)(a) of the BNSS has been initiated. One has to see the nature of right. It is not a case of either a retrospective or retroactive application, rather it is a prospective one when a better right has been conferred under the BNSS.

A mere ministerial act cannot be termed as an “inquiry” under Section 2(1)(k) of the BNSS. Taking cognizance is nothing but an application of judicial mind. So long as the application of the judicial mind is not exercised, an inquiry cannot commence. It is the judicial notice of an offence by the Court which is relevant. While doing so, it is presumed that the Court would take note of the complaint along with the materials placed before it.

2026 0 INSC 522; 2026 0 Supreme(SC) 568; Chetan Dashrath Gade Vs The State of Maharashtra; Criminal Appeal No. 1063 of 2021; Decided On : 21-05-2026

In view of the foregoing discussion, we are of the considered opinion that the prosecution has successfully established a complete and unbroken chain of circumstances which unerringly points towards the guilt of the appellant and is wholly inconsistent with any hypothesis of innocence. The medical evidence, the attending circumstances surrounding the death of the deceased within the matrimonial home, the conduct of the appellant subsequent to the incident, the false defence sought to be projected through the alleged suicide note, and the failure of the appellant to furnish any plausible

explanation in discharge of the burden cast upon him under Section 106 of the Indian Evidence Act, cumulatively form a chain so complete as to leave no reasonable ground for doubt. The principles governing conviction on circumstantial evidence as enunciated in Sharad Birdhichand Sarda (Supra) stand fully satisfied in the facts of the present case. We find no perversity, illegality, or miscarriage of justice in the appreciation of evidence by the learned Trial Court, as affirmed by the High Court, warranting interference by this Court in exercise of jurisdiction under Article 136 of the Constitution of India.

2026 0 INSC 524; 2026 0 Supreme(SC) 572; Roshan Lal Vs The State of Haryana and Another; Criminal Appeal No. 2207 of 2011, Criminal Appeal No. 2209 of 2011, Criminal Appeal No. 2210 of 2011; Decided On : 22-05-2026

The words 'such intention' found in Section 307 IPC, refer to the intention referred to in Section 300 IPC. It means: (i) intention to cause death; (ii) intention to cause such bodily injury, which the offender knows is likely to cause death; (iii) intention to cause such bodily injury, which is sufficient in the ordinary course of nature to cause death. The essential ingredient of the offence of attempt to murder is the intention to cause death. Such intention exists prior to the actual attempt and must be established independently of the act itself or the actus reus. Once the requisite intention to commit murder is proved, the eventual outcome of the attempt becomes irrelevant, unless the attempt culminates in death, in which case the offence would fall within Section 300 IPC. In the absence of proof of intention, a conviction under this provision cannot be sustained.

32. Intention, however, can be inferred from surrounding circumstances, such as the type of weapon employed, the words spoken by the accused at the time of the incident, the motive behind the act, the parts of the body targeted, the nature and extent of the injuries inflicted, as well as the force and manner in which the blows were delivered.

However, the gravity of the injury by itself cannot be determinative of the offence under Section 307 IPC unless the prosecution is able to establish the requisite mens rea contemplated under the provision. The intention to commit murder cannot be presumed merely because the injuries were ultimately opined to be dangerous to life. In the absence of evidence showing prior motive, premeditation, repeated deliberate blows with deadly weapons, or any conduct indicative of a determined effort to cause death, this Court is unable to hold that the appellants possessed the intention or knowledge necessary to attract Section 307 IPC in the light of Bipin Bihari (supra).

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In the age of the internet, the dignity of a person is intrinsically tied to their person and reputation as perceived online. Any private content circulated online with intent to negatively impact their reputation can be understood to cause harm to one's reputation. It also causes harm to their person by directly violating one's privacy, which is a recognised and protected right. Thus, chastity is not to be seen from the narrow perspective of sexual behaviour cloistered by traditional moral values only, but also from the vantage point of dignity and autonomy associated with the sexual autonomy of a woman. Any such reprehensible act which seeks to lower or tarnish the dignity of a woman relating to her sexual autonomy and identity, which she seeks to jealously guard,

can be said to be an assault on her chastity amounting to imputing unchastity to the woman.

40. It is natural that a person would have a reasonable expectation of privacy when disrobing in a bathroom, and any publication of images depicting nakedness taken in the bathroom would violate the privacy and dignity of the individual and thus sully her chastity. Therefore, there can be no doubt that such a video as is alleged to exist and the making of a threat to upload it on Facebook would reasonably be considered to impute unchastity to the prosecutrix by publication, as it would amount to transgressing her sexual autonomy, undermining her dignity, invading her cherished privacy, and insulting her sexual character, even though they may in a relationship for such relationship would not end on any right to bring in public domain.

41. We have noted that the charge under Section 354C IPC was held not to be proved by the Trial Court as well as by the High Court on the ground that the videography was not produced before the Court. However, we need not examine the correctness of such a finding, as neither the prosecutrix nor the State has preferred any appeal against the acquittal for the offence charged under Section 354C IPC. Be that as it may, we are of the opinion that in the light of the changed perspective of women's sexuality, the act of video-recording the victim in a naked state while she was taking a bath and the threat to upload it on digital social media can be construed to be an act amounting to a threat to impute unchastity within the meaning of Part II of Section 506 IPC.

43. In the light of our above referred discussion, there can be no doubt that if the video recorded by the appellant is uploaded to social media, as threatened by the appellant, it can certainly injure the reputation of the prosecutrix by imputing unchastity to her by violating her privacy of a very personal and intimate moment concerning her sexual identity.

44. The next consideration is whether such a threat was meted out by the appellant with the intent to cause the prosecutrix to omit to do any act which she is legally entitled to do, as a means of avoiding the execution of such threat. As noted above, the third charge against the appellant stems from the allegation that when the prosecutrix telephoned him, the appellant threatened her, saying that if she made any further phone calls to him, he would tarnish her chastity by releasing her photo, taken when she was bathing, on the Facebook.

45. In this regard, it may be noted that the execution of the threat has to be examined primarily from the perspective of the victim, rather than of the accused, and as to how the victim perceived such a threat. However, whether such a threat could actually be carried out or not may not be so relevant in considering this offence.

46. To illustrate the above position, if a stranger points a real-looking toy gun to a chowkidar and threatens him to open the gate at the pain of death, and the chowkidar opens the gate on the genuine belief that the person is holding a real gun, the said person can be said to have committed criminal intimidation against the chowkidar. In reality, the toy gun could not have caused any harm, yet, as the person had been able to instil the fear of harm and even death to the chowkidar and compelled him to open the gate, which he is not legally bound to do, the offence of criminal intimidation has been committed. Under such circumstances, it becomes irrelevant whether the threat could actually be executed or not. What is relevant is that the threat was issued, and the chowkidar truly believed and felt threatened that such a threat could be carried out, and opened the gate to avoid the execution of the threat.

47. This view is also supported by the first part of Section 503 IPC, which provides that whoever threatens another with any injury to his person, reputation, or property, with intent to cause alarm to that person, commits criminal intimidation. What is important is that the threat must have been issued to cause injury to a person or reputation, and the same must be issued with the intention to cause alarm. Similarly, if the threat is made to make a person do or omit to do certain things which he would not have done or omitted but for the threat, it would amount to criminal intimidation.

48. A person can be said to be "alarmed" when one is seized with panic, fear, apprehension, fright, or gets terrified. Thus, if, because of a threat issued to that person, he is visited with any such mental condition and if such a threat is made to cause such a condition, the person issuing the threat can be said to have committed the offence of criminal intimidation.

49. Thus, if an alarm is intentionally caused to another person by issuance of a threat, it would amount to criminal intimidation. For this, what is required to be established is the factum of issuance of a threat and also to prove that it was intended to cause alarm, and if alarm had indeed been caused, the offence of criminal intimidation is established. Further, if the person was compelled to do certain things which he was not legally bound to do, or was prevented from doing what he was legally bound to do, the offence of criminal intimidation can be said to have been established.

50. In the present case, the mere threat that the appellant would upload the video of the prosecutrix in a nude state on social media is quite a distressing and frightening proposition for a woman. If acute shame, distress, and embarrassment are visited upon a woman due to fear that her nude picture would be displayed to the public, there can be no doubt that such an act would certainly be a cause for alarm, which is what Section 503 IPC speaks of and to the extend, the ingredient for the offence under the first part of Section 503 IPC is clearly made out.

51. Further, if it can be proved that the prosecutrix was threatened by the appellant to upload the video, and that the said threat was intended to prevent her from communicating with the appellant at the disturbing prospect of the video being uploaded, it can be said that criminal intimidation was committed by the appellant, which will come under the second part of Section 503 IPC.

III. Whether Non-Recovery of the Mobile Phone/Videography is Fatal?

52. The appellant contends before this Court as also contended before the Trial Court and High Court that no photo or video material had been recovered during the investigation to prove the existence of such a video and hence in absence of the videos, it cannot be said that offence under Section 503 IPC punishable under Section 506 IPC has been made out.

It is noticeable that the Trial Court had also noted its absence, and on that ground had acquitted the appellant of the charges under Section 354C IPC. Certainly, had the objectionable video been produced in the trial, the case against the appellant would have been greatly strengthened as far as the criminal liability under Sections 503/506 IPC is concerned.

53. However, it cannot be said with absolute certainty in all cases that merely because the video could not be produced during the trial, it would be fatal to the Prosecution case and that the Prosecution has not been able to prove the case beyond reasonable doubt as insisted by the appellant.

Law does not mandate that recovery of an article of crime is sine qua non for conviction of an offence, though production of the same would strengthen the prosecution case. Non-recovery of the same will not be fatal to the prosecution case if there are other credible evidence to prove the existence of such object of crime/material, and it would depend on the peculiar facts obtaining in the case.

In Goverdhan v. State of Chhattisgarh, (2025) 3 SCC 378, this Court observed that it is now well settled that non-recovery of the weapon of crime is not fatal to the prosecution case and is not sine qua non for conviction, if there are direct reliable witnesses available.

54. In the present case, even though the mobile phone was not seized or recovered, if the existence of the video in the mobile phone can be clearly inferred, it may not be fatal to the prosecution's case. We must, therefore, examine whether the testimonial evidence on record, even in the absence of recovery of the videography, is credible enough to hold that such a videography was recorded.

IV. On Assessment of Evidence

55. As far as the law relating to evidence is concerned, the court must first determine whether any evidence sought to be relied upon is admissible or not. Once the admissibility of the evidence is favourably decided, the court must proceed to examine whether such admissible evidence is relevant to the issues or not. If it is found to be relevant, the court must then examine its credibility and determine how much weight is to be attached to such evidence.

56. In the present case, there is no doubt that the oral deposition of the prosecutrix before the Trial Court relating to the recording of the video by the appellant while she was taking a bath, and the threat made by the appellant in her presence and knowledge, is not hearsay evidence and is therefore admissible in law. There can also be no doubt that her testimonial evidence is relevant to the said issue.

The only question to be determined is how much weight should be attached to the said oral evidence to be credible enough to prove the existence of the videography and the threat to sustain the charge.

57. Assessing the credibility of the evidence of a witness, unlike the issue of admissibility and relevance of evidence, is a highly subjective task, depending on several attending factors and surrounding circumstances, including consistency with the prosecution case. It is thus, contextual. As regards the credibility of witnesses, this Court in Vadivelu Thevar: Chinniah Servai v. State of Madras, 1957 AIR(SC) 614, observed as follows:

“11....Hence, in our opinion, it is a sound and well-established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely:

(1) Wholly reliable;

(2) Wholly unreliable;

(3) Neither wholly reliable nor wholly unreliable.

12. In the first category of proof, the court should have no difficulty in coming to its conclusion either way — it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion. In the third category of cases, the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial.....”

58. It may be also kept in mind that merely because the evidence of the prosecutrix was not accepted by the courts below on the allegation of rape by falsely promising to marry

her, it does not necessarily mean that her evidence has to be thrown out in its entirety as wholly unreliable. It cannot be said that if the evidence is not reliable in one respect, it will be false in all other respects. This Court in Sohrab v. State of M.P., (1972) 3 SCC 751, held that the maxim falsus in uno falsus in omnibus is not a sound rule, observing that hardly one comes across a witness whose evidence does not contain a grain of untruth or at any rate exaggeration, embroideries, or embellishments.

The above principles are to be kept in mind as we proceed to assess the evidence.

(A) Applicability of Sections 106 and 114 of the Evidence Act

59. In the present case, the evidence primarily relates to a romantic relationship between the appellant and the prosecutrix and pertaining to incidents happening within the said relationship, mostly in the private domain. For that reason, most of the allegations and thus evidence pertain to their intimate and private moments, which are ordinarily not known to third parties. Only the appellant and the prosecutrix would be privy to much of the conversations and transactions between them, and it would be unreasonable to expect others to have knowledge of the same, to provide corroborative evidence. Under these circumstances, a question may arise as to whether the provisions of Section 106 of the Indian Evidence Act, 1872 (hereinafter referred to as, "Evidence Act") which deals with "especial knowledge" would be attracted or not.

60. Section 106 of the Evidence Act states that:

"106. Burden of proving fact especially within knowledge.— When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him."

61. The law relating to the scope of Section 106 of the Evidence Act is well settled. The burden of proof in a criminal trial is always on the prosecution, and Section 106 is certainly not intended to relieve it of that duty. It can be invoked only in circumstances where certain facts are 'especially within the knowledge' of the accused. In the landmark judgment in Shambu Nath Mehra v. State of Ajmer, (1956) 1 SCC 337, the scope of Section 106 was explained as follows:

"9. Section 106 is an exception to Section 101. Section 101 lays down the general rule about the burden of proof:

"101. Burden of proof.— Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist."

10. .....

11. This lays down the general rule that in a criminal case the burden of proof is on the prosecution and Section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are "especially" within the knowledge of the accused and which he could prove without difficulty or inconvenience. The word "especially" stresses that. It means facts that are pre-eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not. It is evident that that cannot be the intention and the Privy Council has twice refused to construe this section, as reproduced in certain other Acts outside India, to mean that the burden lies on an accused person to show that he did not commit the crime for which he is tried. These cases are Attygalle v. R. [Attygalle

v. R., 1936 SCC OnLine PC 20 : AIR 1936 PC 169] and Seneviratne v. R. [Seneviratne v. R., 1936 SCC OnLine PC 57 : (1936) 44 LW 661]"

62. Section 106 of the Evidence Act thus provides that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. In our opinion, this knowledge, however, need not be confined to acts happening within a certain physical space; it can also extend to interpersonal relationships which form an intangible space formed by the relationship and any incident happening within that interpersonal realm will be known only to the individuals forming the space. Consequently, it will be within the especial knowledge of only those involved. Thus, whether, what the appellant had stated to the prosecutrix was true or not, whether the prosecutrix was telling a lie or not, only the appellant can state. Only he could explain the allegation or deny it, as he was in a romantic and intimate relationship with the prosecutrix, forming the very private space between them only.

63. Usually, the provision is invoked in cases involving crimes taking place within the four walls of a domestic house or a private space, where only the intimate or family members would have knowledge, or in cases of the "last seen" together, where the person last seen with the deceased can only explain what happened thereafter. However, this "especial" knowledge need not be confined to time and physical space only. It can also extend to interpersonal relationships where only the accused and the victim would be privy to any incident arising out of or within their intimate relationship, for only they would be in a position to explain or state what transpired between them in their private moments. In an intimate relationship founded on romance and physical intimacy and that too, if not legally wedded, there will be a tendency to keep such a relationship under wraps as far as possible, and they would not openly share what happens within their intimate moments with others. In such circumstances, only they would be privy to what they say or do to each other, and hence, what transpires between them during these moments in their relationship will be within their "especial knowledge" within the meaning of Section 106 of the Evidence Act. It may be also noted that in the present case, the relationship went on for a fairly long period of about two years and was not a chance acquaintance or a fleeting relationship or a relationship separated by distance. There cannot be any doubt that they had built a personal and private space between themselves to which ordinarily other third party would not have access.

64. At the same time, one must not lose sight of Section 114 of the Evidence Act, which provides that the court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business, in their relation to the facts of the particular case.

65. As discussed above, if the prosecutrix and the appellant had developed a romantic relationship involving sexual intercourse and since, they were not formally married and they had not publicly announced this relationship, it would be natural that they would not discuss what transpires between them with others unless circumstances compel them to do so and certain presumption about the relationship can be drawn based on certain accepted facts.

Further, the alleged fallout between the couple wherein the appellant didn't want the prosecutrix to contact him and insisted that the prosecutrix remove the Mangalsutra as well as tear off the photo taken together and the reasons attached to the same does not seem unusual or unprecedented in the context of romantic relationships.

66. This Court in Anees v. State (NCT of Delhi), (2024) 15 SCC 48, referring to the earlier case in Tulshiram Sahadu Suryawanshi v. State of Maharashtra (2012) 10 SCC 373, reiterated the settled principle governing the application of Section 106 of the Evidence Act, namely that once foundational facts are established by the prosecution, the Court may draw reasonable inferences under Section 114 of the Evidence Act, and in such circumstances, the burden shifts on the accused to furnish an explanation in respect of facts within his especial knowledge. It was thus, observed in Anees (Supra) as follows:

"40. In Tulshiram Sahadu Suryawanshi v. State of Maharashtra (2012) 10 SCC 373, this Court observed as under:

23. It is settled law that presumption of fact is a rule in law of evidence that a fact otherwise doubtful may be inferred from certain other proved facts. When inferring the existence of a fact from other set of proved facts, the court exercises a process of reasoning and reaches a logical conclusion as the most probable position... In these circumstances, the principles embodied in Section 106 of the Evidence Act can also be utilised. We make it clear that this section is not intended to relieve the prosecution of its burden to prove the guilt of the accused beyond reasonable doubt, but it would apply to cases where the prosecution has succeeded in proving facts from which a reasonable inference can be drawn regarding the existence of certain other facts, unless the accused by virtue of his special knowledge regarding such facts failed to offer any explanation which might drive the court to draw a different inference...."

67. It may be also noted that for Section 106 of the Evidence Act to be invoked, it will suffice if the prosecution is able to "make out a prima facie case". In Shivaji Chintappa Patil v. State of Maharashtra, (2021) 5 SCC 626, it was observed that:

"23. It could thus be seen that it is well-settled that Section 106 of the Evidence Act does not directly operate against either a husband or wife staying under the same roof and being the last person seen with the deceased. Section 106 of the Evidence Act does not absolve the prosecution of discharging its primary burden of proving the prosecution case beyond reasonable doubt. It is only when the prosecution has led evidence which, if believed, will sustain a conviction, or which makes out a prima facie case, that the question arises of considering facts of which the burden of proof would lie upon the accused."

(emphasis added)

68. We may now analyse the facts of the case in light of the above settled principles. The appellant was in an intimate and physical relationship with the prosecutrix for a fairly long period of about two years is a fact which stands established as we read the findings of the Trial Court concurred by the High Court. This is the foundational fact which stands established, on which the allegation qua the third charge is built. In such circumstances, keeping in mind human conduct, the allegations made by the prosecutrix that the appellant recorded the video of the prosecutrix while taking bath, cannot be brushed aside as improbable and as a product of fictional imagination of the prosecutrix. Therefore, ascertain to that effect by the prosecutrix cannot be rejected offhand.

However, the Court also should not rush to draw any conclusion of the existence of the aforesaid allegation as a fact without subjecting the evidence of the prosecutrix to scrutiny as contemplated under the law. Only when the evidence adduced on behalf of prosecution has stands scrutiny, and that a prima facie case is made out, the burden of proof can be shifted on the appellant as per Section 106 of the Evidence Act.

(B) Significance of "proviso" to Section 162 CrPC and Section 145 of Evidence Act.

69. For assessing the oral evidence adduced before the court, it is necessary to understand the statutory mechanisms provided to scrutinise the evidence. One such is to examine whether the evidence has been discredited in any manner, including by way of contradiction as provided under Section 162 of CrPC. Section 162 CrPC provides that no statement made by any person to a police officer in the course of investigation, if reduced to writing, shall be used for any purpose, save as provided in the proviso. The proviso thereto enables the accused to use such a statement to contradict a witness in the manner provided by Section 145 of the Evidence Act. Importantly, the Explanation to Section 162 CrPC makes it abundantly clear that an omission to state a fact or circumstance in a statement recorded under sub-section (1) may amount to a contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs.

70. Section 145 of the Evidence Act provides that a witness can be questioned during cross-examination about previous written statements they made, or statements that were recorded in writing. These writings are not required to be shown or proven at that moment. However, if the intention is to use the writing to contradict the witness, their attention must first be directed to the specific parts that will be used for that contradiction before the writing can be proved.

71. Thus, while there is a prohibition on the use of statement made to the police in evidence under Section 162 CrPC, there is an exception as provided under the proviso to the said Section which is to be applied read with Section 145 of the Evidence Act.

The proviso, thus, is applicable under the following conditions :

(i) Statement must have been reduced to writing and made to a police officer in course of an investigation.

(ii) The written statement must be duly proved.

(iii) The witness must have been called for the prosecution and does not apply to a defence witness.

(iv) It must be used only in the manner laid down in Section 145 of the Evidence Act, 1872.

72. The manner in which Section 145 of the Evidence Act is to be applied in conjunction with the proviso to Section 162 CrPC has been elaborated by this Court in Bhagwan Singh v. State of Punjab, (1952) 1 SCC 514, in the following words,

“18. ..... Resort to Section 145 would only be necessary if the witness denies that he made the former statement. In that event, it would be necessary to prove that he did, and if the former statement was reduced to writing, then Section 145 requires that his attention must be drawn to those parts which are to be used for contradiction. But that position does not arise when the witness admits the former statement ”.

73. In Tahsildar Singh & Another v. State of U.P., AIR 1959 SC 1012 this Court further elucidate as follows:

“13 The procedure prescribed is that, if it is intended to contradict a witness by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him. The proviso to Section 162 of the Code of Criminal Procedure only enables the accused to make use of such statement to contradict a witness in the manner provided by Section 145 of the Evidence Act. It would be doing violence to the language of the proviso if the said statement be allowed to be used for the purpose of cross-examining a witness within the meaning of the first part of Section 145 of the Evidence Act. Nor are we impressed by the argument that it would not be possible to invoke the second part of Section 145 of the Evidence Act

without putting relevant questions under the first part thereof. The difficulty is more imaginary than real. The second part of Section 145 of the Evidence Act clearly indicates the simple procedure to be followed. To illustrate: A says in the witness box that B stabbed C; before the police he had stated that D stabbed C. His attention can be drawn to that part of the statement made before the police which contradicts his statement in the witness box. If he admits his previous statement, no further proof is necessary; if he does not admit, the practice generally followed is to admit it subject to proof by the police officer. On the other hand, the procedure suggested by the learned counsel may be illustrated thus: If the witness is asked "did you say before the police officer that you saw a gas light?" and he answers "yes", then the statement which does not contain such recital is put to him as contradiction. This procedure involves two fallacies: one is it enables the accused to elicit by a process of cross-examination what the witness stated before the police officer. If a police officer did not make a record of a witness's statement, his entire statement could not be used for any purpose, whereas if a police officer recorded a few sentences, by this process of cross-examination, the witness's oral statement could be brought on record. This procedure, therefore, contravenes the express provision of Section 162 of the Code. The second fallacy is that by the illustration given by the learned counsel for the appellants there is no self-contradiction of the primary statement made in the witness box, for the witness has yet not made on the stand any assertion at all which can serve as the basis. The contradiction, under the section, should be between what a witness asserted in the witness box and what he stated before the police officer, and not between what he said he had stated before the police officer and what he actually made before him. In such a case the question could not be put at all: only questions to contradict can be put and the question here posed does not contradict; it leads to an answer which is contradicted by the police statement. This argument of the learned counsel based upon Section 145 of the Evidence Act is, therefore, not of any relevance in considering the express provisions of Section 162 of the Code of Criminal Procedure..."

Thus, Section 162 of CrPC read with Section 145 of the Evidence Act provides a very important mechanism to test the veracity of the testimony of a witness made in the court.

74. We have noted that the prosecutrix (PW-1) was extensively cross-examined by the defence/appellant. However, the cross-examination was in the nature of denial and in the form of suggestions only to the effect that the details stated in her examination-in-chief were not mentioned in the complaint filed by the prosecutrix. No suggestion was made proposing a possible alternative scenario. Thus, there was nothing to discredit or fundamentally shake the prosecutrix's testimony by invoking the mechanism contemplated under the proviso to Section 162 CrPC.

It is the settled principle of evidence law that even the reply made to the suggestions put forth by the defence has evidentiary value. The same was also observed by this Court in Balu Sudam Khalde v. State of Maharashtra, (2023) 13 SCC 365 :

"42. Therefore, we are of the opinion that suggestions made to the witness by the defence counsel and the reply to such suggestions would definitely form part of the evidence and can be relied upon by the Court along with other evidence on record to determine the guilt of the accused.

43. The main object of cross-examination is to find out the truth on record and to help the Court in knowing the truth of the case. It is a matter of common experience that many a times the defence lawyers themselves get the discrepancies clarified arising during the

cross-examination in one paragraph and getting themselves contradicted in the other paragraph. The line of cross-examination is always on the basis of the defence which the counsel would keep in mind to defend the accused. At this stage, we may quote with profit the observations made by a Division Bench of the Madhya Pradesh High Court in Govind v. State of M.P. [Govind v. State of M.P., 2004 SCC OnLine MP 344 : 2005 Cri LJ 1244] The Bench observed in para 27 as under : (SCC OnLine MP)

"27. The main object of cross-examination is to find out the truth and detection of falsehood in human testimony. It is designed either to destroy or weaken the force of evidence a witness has already given in person or elicit something in favour of the party which he has not stated or to discredit him by showing from his past history and present demeanour that he is unworthy of credit. It should be remembered that cross-examination is a duty, a lawyer owes to his clients and is not a matter of great personal glory and fame. It should always be remembered that justice must not be defeated by improper cross-examination. A lawyer owes a duty to himself that it is the most difficult art. However, he may fail in the result but fairness is one of the great elements of advocacy. Talents and genius are not aimed at self-glorification but it should be to establish truth, to detect falsehood, to uphold right and just and to expose wrongdoings of a dishonest witness. It is the most efficacious test to discover the truth. Cross-examination exposes bias, detects falsehood and shows mental and moral condition of the witnesses and whether a witness is actuated by proper motive or whether he is actuated by enmity towards his adversaries. Cross-examination is commonly esteemed the severest test of an advocate's skill and perhaps it demands beyond any other of his duties exercise of his ingenuity. There is a great difficulty in conducting cross-examination with creditable skill. It is undoubtedly a great intellectual effort. Sometimes cross-examination assumes unnecessary length, the Court has power to control the cross-examination in such cases. (See Wrottescey on cross-examination of witnesses). The Court must also ensure that cross-examination is not made a means of harassment or causing humiliation to the victim of crime [See State of Punjab v. Gurmit Singh [State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 : 1996 SCC (Cri) 316]]."

44. During the course of cross-examination with a view to discredit the witness or to establish the defence on preponderance of probabilities suggestions are hurled on the witness but if such suggestions, the answer to those incriminate the accused in any manner then the same would definitely be binding and could be taken into consideration along with other evidence on record in support of the same."

75. Such is the importance of cross-examination in the evaluation of evidence. However, what we have noticed is that the only question asked from the prosecutrix was whether she had stated in the complaint what she was deposing before the court, as evident from the following, as recorded in her cross-examination:

"Similarly, if it is stated that I have not mentioned in the complaint about the details of the accused having taken my photos when I was bathing in the house of my elder sister at Vizhuppuram, the same is correct".

76. The said question was with reference to the complaint, and no question was asked as regards any previous statement of the prosecutrix recorded under Section 161 CrPC during the investigation. If the prosecutrix had stated anything new in her deposition before the Trial Court which she did not mention in her statement recorded under Section 161 CrPC, the defence/appellant could have invoked the proviso to Section 162 CrPC and Section 145 of the Evidence Act to contradict her and discredit her testimony. The

Explanation to Section 162 CrPC makes it abundantly clear that an omission to state a fact or circumstance in the statement referred to in sub-section (1) may amount to a contradiction if the same appears to be significant and otherwise relevant having regard to the context in which such omission occurs.

However, no such contradiction was sought to be demonstrated by the defence/appellant by referring to the previous statement of the prosecutrix recorded under Section 161 CrPC. Instead, the defence merely referred to the contents of the FIR, which cannot be equated with a statement recorded under Section 161 CrPC. It may also be kept in mind that the FIR or the complaint filed is primarily to set the criminal investigation into motion and may not necessarily contain all the details of the case. It is not an encyclopaedia of all the relevant facts and omission to mention all the facts in the PIR, unless fundamentally goes to the root of the prosecution case cannot be faulted with.

77. Cross-examination under Section 145 of the Evidence Act is not the only enabling provision to impeach the credibility of a witness. By invoking Sections 140 (witness of character), 146 (lawful questions in cross-examination), and 155 (impeaching credit of witness) of the Evidence Act, the credibility of the prosecutrix could have been impeached. However, no endeavour was made to impeach the credibility of the prosecutrix by invoking any of these statutory provisions which the appellant was entitled to.

(C) Significance of Section 313 CrPC - Examination of the Accused

78. It is well settled that the exercise undertaken under Section 313 CrPC (examination of the accused) is not an idle formality. It is a procedural safeguard provided to an accused to meet the requirement of the principle of natural justice by providing him an opportunity to explain the facts and circumstances appearing against him in the evidence. In Paramjeet Singh v. State of Uttarakhand, (2010) 10 SCC 439, it was held that:

"22. Section 313 CrPC is based on the fundamental principle of fairness. The attention of the accused must specifically be brought to inculpatory pieces of evidence to give him an opportunity to offer an explanation if he chooses to do so. Therefore, the court is under a legal obligation to put the incriminating circumstances before the accused and solicit his response. This provision is mandatory in nature and casts an imperative duty on the court and confers a corresponding right on the accused to have an opportunity to offer an explanation for such incriminatory material appearing against him. Circumstances which were not put to the accused in his examination under Section 313 CrPC cannot be used against him and have to be excluded from consideration."

79. It is also settled that no adverse inference can be drawn against the appellant for not adducing any defence evidence or for maintaining a studied silence, which the appellant is entitled to. However, when a prima facie case is made out by the prosecution on the basis of the evidence led, Section 106 of the Evidence Act could be invoked against the accused, whereupon it becomes incumbent upon the accused to discharge his burden on the basis of preponderance of probability that the prosecution case may be doubtful. In Parminder Kaur v. State of Punjab, (2020) 8 SCC 811, it was observed:

"22. Under the Code of Criminal Procedure, 1973, after the prosecution closes its evidence and examines all its witnesses, the accused is given an opportunity of explanation through Section 313(1)(b). Any alternate version of events or interpretation proffered by the accused must be carefully analysed and considered by the trial court in compliance with the mandate of Section 313(4). Such opportunity is a valuable right of

the accused to seek justice and defend oneself. Failure of the trial court to fairly apply its mind and consider the defence, could endanger the conviction itself [Reena Hazarika v. State of Assam, (2019) 13 SCC 289, para 19 : (2019) 4 SCC (Cri) 546]. Unlike the prosecution which needs to prove its case beyond reasonable doubt, the accused merely needs to create reasonable doubt or prove their alternate version by mere preponderance of probabilities [M. Abbas v. State of Kerala, (2001) 10 SCC 103, para 10 : 2002 SCC (Cri) 1270]. Thus, once a plausible version has been put forth in defence at the Section 313 CrPC examination stage, then it is for the prosecution to negate such defence plea."
(emphasis added)

80. When the appellant was confronted with the incriminating evidence of the prosecutrix during his examination under Section 313 CrPC, he merely responded with two words, "False evidence". When asked whether he would like to lead any evidence in his defence or say anything concerning the case, he declined to examine any defence witness and merely stated that the allegations are false. Thus, he chose not to utilise the full opportunity granted to him to defend himself by examining himself or any other witness in his defence.

81. As noted above, the appellant, by his conduct in remaining silent and merely stating generally that the prosecution evidence is false, missed an important opportunity to discredit or contradict the evidence of the prosecutrix on material aspects or to proffer an alternative version on the basis of preponderance of probability which would have been fatal to the prosecution case. The aforesaid opportunity becomes vital for the reason that what transpired between the appellant and the prosecutrix was mostly within the private realm between them, to which normally a third party will not have any access. Thus, when the prosecutrix made certain specific allegations against the appellant relating to a very private moment, which only the two of them could have known, it cast a legal obligation on the appellant under Section 106 of the Evidence Act to give his own version of the incident to throw a doubt on the version of the prosecutrix. If the appellant had done so, the Court would be faced with two possible scenarios, which would have rendered the version of the prosecutrix doubtful. Once a reasonable doubt could be raised on the version of the prosecutrix, the defence would have accomplished its ultimate objective of getting the prosecution case thrown out.

The evidence of the prosecutrix does not appear to be a concocted tale merely to malign the appellant. There is a history behind the allegations made. Both the prosecutrix and the appellant were in a romantic relationship and physically involved which has been held established by the Trial Court and High Court. Thus, when the prosecutrix had given her version, the appellant could have cast a doubt on her version either by leading evidence, or by bringing out contradictions and inconsistencies in her evidence, or by impeaching the credibility of her evidence. However, as discussed above, that was not forthcoming from the appellant. Had the appellant denied any such close relationship and denied the allegations by claiming that the prosecutrix had made these allegations out of spite after he did not want to continue the relationship, he could have stated so. But he remained silent as if nothing even happened between them and that they were strangers. Unfortunately, in view of the finding of the courts below that there was a physical relationship between them, his studied silence does not help him. The appellant appears to have relied his defence solely on the failure of the prosecution to recover the mobile phone and by maintaining a studied silence, and by merely denying the allegations as if nothing had happened between them. To every incriminating evidence of

the prosecution put to the appellant, his stock reply is “false evidence”, nothing less and nothing more. Since the testimony of the prosecutrix who appeared before the Court and testified in front of the appellant and was cross-examined, has not been discredited, reliance on the said evidence would justify conviction of the appellant on the third charge.

This oral evidence of the prosecutrix had passed through the statutory filtrations of, and was tested on the anvil of Sections 162(2) and 145 of Evidence Act, Sections 280 and 313 CrPC during the trial and emerged unscathed, thus can be acted upon.

VI. Standard of Proof

94. At this stage we must also address the standard of proof in a criminal trial. We are mindful that the prosecution case, which is primarily based on oral testimony, must pass the test of “proof beyond reasonable doubt”. However, reasonable doubt which criminal law contemplates is not an imaginary, trivial, or merely possible doubt, but a fair doubt based upon reason and common sense. It must be actual and substantial, and not a mere apprehension devoid of suppositional speculation, as observed in Ramakant Rai v. Madan Rai, (2003) 12 SCC 395 as under:

“24. Doubts would be called reasonable if they are free from a zest for abstract speculation. Law cannot afford any favourite other than the truth. To constitute reasonable doubt, it must be free from an overly emotional response. Doubts must be actual and substantial doubts as to the guilt of the accused persons arising from the evidence, or from the lack of it, as opposed to mere vague apprehensions. A reasonable doubt is not an imaginary, trivial or a merely possible doubt; but a fair doubt based upon reason and common sense. It must grow out of the evidence in the case.”

In Goverdhan (Supra), this Court reiterated that the law requires the prosecution to establish the case “beyond reasonable doubt” and not “proof beyond all doubts” and it was observed as follows:

“25. At this point, it may be also relevant to mention an observation made by Lord Denning, J. in Miller v. Miller of Pensions (1947) 2 All ER 372, 373 H:

“That degree is well settled. It need not reach certainty, but it must carry a high degree of probability. Proof beyond reasonable doubt does not mean proof beyond the shadow of a doubt. The law would fail to protect the community if it admitted fanciful possibilities to deflect the court of justice....”

26. Thus, the requirement of law in criminal trials is not to prove the case beyond all doubt but beyond reasonable doubt and such doubt cannot be imaginary, fanciful, trivial or merely a possible doubt but a fair doubt based on reason and common sense. Hence, in the present case, if the allegations against the appellants are held proved beyond reasonable doubt, certainly conviction cannot be said to be illegal.”

95. Applying the aforesaid standard, the oral testimonial evidence of the prosecutrix, when scrutinised on the crucible of the statutory provisions to test the veracity and credibility as discussed above, we are satisfied that the evidence of the prosecutrix has successfully passed the test of “beyond reasonable doubt”.

2026 0 INSC 527; 2026 0 Supreme(SC) 575; Bhagat Singh Vs The State Of Uttar Pradesh And Anr.; Criminal Appeal No. of 2026 (@ Special Leave Petition (Crl.) No. 4240 of 2026); Decided On : 22-05-2026

It is well settled that the scope of an inquiry under Section 174[9][Police to enquire and report on suicide, etc.] of the Code of Criminal Procedure, 1973, now corresponding to

Section 194[10][Police to enquire and report on suicide, etc.] of the Bharatiya Nagarik Suraksha Sanhita, 2023, is a preliminary enquiry of a limited and specific character confined to ascertaining the apparent cause of death and not to record a detailed account of the incident or the names of the accused persons who could have caused the death. In this regard, a reference may be made to the decision of this Court in Pedda Narayana v. State of A.P., (1975) 4 SCC 153, wherein it was held as follows:

"11. A perusal of this provision would clearly show that the object of the proceedings under Section 174 is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted appears to us to be foreign to the ambit and scope of the proceedings under Section 174. In these circumstances, therefore, neither in practice nor in law was it necessary for the police to have mentioned these details in the inquest report..."

13. Similarly, this Court, while discussing the purpose and scope of Section 174 of the Code of Criminal Procedure, 1973, in Amar Singh v. Balwinder Singh, (2003) 2 SCC 518, observed as under:

"12. The High Court has also held that the details about the occurrence were not mentioned in the inquest report which showed that the investigating officer was not sure of the facts when the inquest report was prepared and this feature of the case carried weight in favour of the accused. We are unable to accept this reasoning of the High Court. The provision for holding of an inquest and preparing an inquest report is contained in Section 174 CrPC. The heading of the section is **"Police to enquire and report on suicide etc."** Sub-section (1) of this section provides that when the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give information to the nearest Executive Magistrate and shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death describing such wounds, fractures, bruises, and other marks of injury as may be found on the body and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. The requirement of the section is that the police officer shall record the apparent cause of death describing the wounds as may be found on the body and also the weapon or instrument by which they appear to have been inflicted and this has to be done in the presence of two or more respectable inhabitants of the neighbourhood. The section does not contemplate that the manner in which the incident took place or the names of the accused should be mentioned in the inquest report. The basic purpose of holding an inquest is to report regarding the apparent cause of death, namely, whether it is suicidal, homicidal, accidental or by some machinery etc."

14. Thus, non-mentioning of the author of the crime or the person who had caused the death in the inquest report cannot, by itself, be a reason to doubt the involvement of the accused, who may be subsequently named. Therefore, the High Court was not justified in drawing an adverse inference merely because the informant-Appellant and another Panch witness had not made any allegations against the Respondent No. 2 at the stage

of inquest proceedings. The judicial discretion to grant bail, though undoubtedly wide, is nevertheless required to be exercised in a judicious and reasoned manner by adverting to the settled parameters governing the grant of bail, particularly where the accusations are grave in nature.

2026 0 INSC 528; 2026 0 Supreme(SC) 576; Papan Sarkar @ Pranab Vs State of West Bengal; Criminal Appeal No. 2507 of 2026, Criminal Appeal No. 2508 of 2026; Decided On : 22-05-2026

The dead body was found in a field, an open space with free access to anybody. The stone and glass piece are said to have been recovered from the place of occurrence itself, albeit with the aid of the accused. We have serious doubts about the recoveries having the status of a recovery under Section 27 of the Indian Evidence Act, but for the time being we would assume it to be so. A stone, weighing 1-1.5 kg and a glass piece were said to have been recovered, on the showing of the accused, specifically A1 and A2. The seizure list as seen from the records does not indicate the specific place from which it was recovered other than stating that it is 'from the PO at the paddy land of Jogesh Roy'. The learned State Counsel would argue that though the paddy field had free access, it was thick with stalks and there could definitely be a concealment; the growth not borne out from the evidence. We do not for a moment doubt that there could be concealment even in a public place or in a field with thick vegetation, but there is no statement recorded from the accused as to such a concealment having been effected and then the police having been led to the location and the material object recovered from the place of concealment. Recital in the seizure list is only that 'on being shown and certified by accused 1 and 2'. **Concealment and its knowledge, revealed from the statement of the accused, is the crucial ingredient of Section 27 which can lead to that being used in a criminal trial, any other confession to a police officer being excluded as self-incriminating.**

We also have to observe that the seizure is said to have been made in the presence of both the accused without indicating as to who out of the two revealed the concealment.

More pertinently the alleged weapons of assault were not shown to the Doctor to elicit his opinion as to whether the said objects could have caused the injuries found on the dead body. The recoveries are of no avail and do not form a clinching incriminating circumstance against the accused.

One other incriminating circumstance was projected through PW4, the aunt of A3. PW4 was put in the box to speak of A3 having come to her on the night of 30.10.2012 to keep his bike in her house, having run out of petrol. There was nothing elicited from PW4 in her chief examination but for marking a statement recorded by the Magistrate. In cross examination she categorically stated that after the death of his son, PW1 had been frequently visiting her and threatening her with dire consequences if she does not depose falsely in the instant case. It was in re-examination that she was asked by the Prosecution about the statements made to the police, clearly impermissible. Even when she was asked the said questions, first she denied A3 having come to her house at night and then she admitted it. There can be no credence placed on such a witness or an incriminating circumstance found from her testimony. One other aspect is that there is no motive projected, which we are quite conscious is not imperative when the chain of circumstances is so complete as to establish only a hypothesis of guilt, without leaving

any room for a hypothesis of innocence. In the present case, the absence of motive, especially when the murder was brutal, is yet another aspect raising a reasonable doubt.

2026 0 INSC 533; 2026 0 Supreme(SC) 581; Arti Mehta & Ors. Vs The State of Madhya Pradesh & Anr.; Criminal Appeal No. of 2026 (@ Special Leave Petition (Criminal) No. 18345 of 2024) With Arti Mehta & Ors. Vs Sapna Dhakad; Criminal Appeal No(s). of 2026 (@ Special Leave Petition (Criminal) No. 1234 of 2025); Decided On : 25-05-2026

it is hereby clarified that the quashing of the criminal proceedings against the present appellants under Section 482 CrPC shall not preclude the trial court, from exercising its jurisdiction under Section 319 CrPC to summon and proceed against them in accordance with law, in the event evidence adduced in the course of the trial of the remaining accused reveals material indicating the involvement of the present appellants in the alleged offences.

2026 0 INSC 535; 2026 0 Supreme(SC) 583; Gour Acharjee Vs. The State of Tripura & Ors.; Criminal Appeal No. 1803 of 2014; Decided On : 25-05-2026

29. It is well settled that if an offence takes place inside the privacy of a house, though the initial burden to establish the case would be on the prosecution there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how the victim succumbed.

30. In the landmark judgment of Trimukh Maroti Kirkan vs. State of Maharashtra, (2006) 10 SCC 681, this Court had the following telling observations to make: -

"13. The demand for dowry or money from the parents of the bride has shown a phenomenal increase in the last few years. Cases are frequently coming before the courts, where the husband or in-laws have gone to the extent of killing the bride if the demand is not met. These crimes are generally committed in complete secrecy inside the house and it becomes very difficult for the prosecution to lead evidence. No member of the family, even if he is a witness of the crime, would come forward to depose against another family member. The neighbours, whose evidence may be of some assistance, are generally reluctant to depose in court as they want to keep aloof and do not want to antagonise a neighbourhood family. The parents or other family members of the bride being away from the scene of commission of crime are not in a position to give direct evidence which may inculpate the real accused except regarding the demand of money or dowry and harassment caused to the bride. But, it does not mean that a crime committed in secrecy or inside the house should go unpunished.

14. If an offence takes place inside the privacy of a house and in such circumstances where the assailants have all the opportunity to plan and commit the offence at the time and in circumstances of their choice, it will be extremely difficult for the prosecution to lead evidence to establish the guilt of the accused if the strict principle of circumstantial evidence, as noticed above, is insisted upon by the courts. A judge does not preside over a criminal trial merely to see that no innocent man is punished. A judge also presides to see that a guilty man does not escape. Both are public duties. (See Stirland v. Director of Public Prosecutions [1944 AC 315 : (1944) 2 All ER 13 (HL)]

— quoted with approval by Arijit Pasayat, J. in State of Punjab v. Karnail Singh [(2003) 11 SCC 271 : 2004 SCC (Cri) 135] .) The law does not enjoin a duty on the prosecution to lead evidence of such character which is almost impossible to be led or at any rate extremely difficult to be led. The duty on the prosecution is to lead such evidence which it is capable

of leading, having regard to the facts and circumstances of the case. Here it is necessary to keep in mind Section 106 of the Evidence Act which says that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him. Illustration (b) appended to this section throws some light on the content and scope of this provision and it reads:

"(b) A is charged with travelling on a railway without ticket. The burden of proving that he had a ticket is on him."

15. Where an offence like murder is committed in secrecy inside a house, the initial burden to establish the case would undoubtedly be upon the prosecution, but the nature and amount of evidence to be led by it to establish the charge cannot be of the same degree as is required in other cases of circumstantial evidence. **The burden would be of a comparatively lighter character. In view of Section 106 of the Evidence Act there will be a corresponding burden on the inmates of the house to give a cogent explanation as to how the crime was committed. The inmates of the house cannot get away by simply keeping quiet and offering no explanation on the supposed premise that the burden to establish its case lies entirely upon the prosecution and there is no duty at all on an accused to offer any explanation**." (Emphasis supplied)

Thereafter, in para 22, this Court emphatically laid down as under: -

"22. **Where an accused is alleged to have committed the murder of his wife and the prosecution succeeds in leading evidence to show that shortly before the commission of crime they were seen together or the offence takes place in the dwelling home where the husband also normally resided, it has been consistently held that if the accused does not offer any explanation how the wife received injuries or offers an explanation which is found to be false, it is a strong circumstance which indicates that he is responsible for commission of the crime**. In Nika Ram v. State of H.P. [(1972) 2 SCC 80 : 1972 SCC (Cri) 635 : AIR 1972 SC 2077] **it was observed that the fact that the accused alone was with his wife in the house when she was murdered there with "khukhri" and the fact that the relations of the accused with her were strained would, in the absence of any cogent explanation by him, point to his guilt**. In Ganeshlal v. State of Maharashtra [(1992) 3 SCC 106 : 1993 SCC (Cri) 435] **the appellant was prosecuted for the murder of his wife which took place inside his house. It was observed that when the death had occurred in his custody, the appellant is under an obligation to give a plausible explanation for the cause of her death in his statement under Section 313 CrPC. The mere denial of the prosecution case coupled with absence of any explanation was held to be inconsistent with the innocence of the accused, but consistent with the hypothesis that the appellant is a prime accused in the commission of murder of his wife**. In State of U.P. v. Dr. Ravindra Prakash Mittal [(1992) 3 SCC 300 : 1992 SCC (Cri) 642 : AIR 1992 SC 2045] the medical evidence disclosed that the wife died of strangulation during late night hours or early morning and her body was set on fire after sprinkling kerosene. The defence of the husband was that the wife had committed suicide by burning herself and that he was not at home at that time. The letters written by the wife to her relatives showed that the husband ill-treated her and their relations were strained and further the evidence showed that both of them were in one room in the night. It was held that the chain of circumstances was complete and it was the husband who committed the murder of his wife by strangulation and accordingly this Court reversed the judgment of the High Court acquitting the accused and convicted him under Section 302 IPC. In State of T.N. v.

Rajendran [(1999) 8 SCC 679 : 2000 SCC (Cri) 40] the wife was found dead in a hut which had caught fire. The evidence showed that the accused and his wife were seen together in the hut at about 9.00 p.m. and the accused came out in the morning through the roof when the hut had caught fire. His explanation was that it was a case of accidental fire which resulted in the death of his wife and a daughter. The medical evidence showed that the wife died due to asphyxia as a result of strangulation and not on account of burn injuries. It was held that there cannot be any hesitation to come to the conclusion that it was the accused (husband) who was the perpetrator of the crime." (Emphasis Supplied)

2026 0 INSC 538; 2026 0 Supreme(SC) 586; Uperndra Khare Vs. The State of Madhya Pradesh ; Criminal Appeal No. 1937 of 2013; Decided On : 25-05-2026

in Rameshbhai Mohanbhai Koli v. State of Gujarat, (2011) 11 SCC 111 wherein this Court has reiterated the settled principle that recovery is not vitiated merely because the panch witnesses have turned hostile. The judgment read as follows:

"33. In Modan Singh v. State of Rajasthan [(1978) 4 SCC 435 : 1979 SCC (Cri) 56] it was observed (at SCC p. 438, para 9) that where the evidence of the investigating officer who recovered the material objects is convincing, the evidence as to recovery need not be rejected on the ground that seizure witnesses did not support the prosecution version. Similar view was expressed in Mohd. Aslam v. State of Maharashtra [(2001) 9 SCC 362 : 2002 SCC (Cri) 1024] .

34. In Anter Singh v. State of Rajasthan [(2004) 10 SCC 657 : 2005 SCC (Cri) 597] , it was further held that: (SCC p. 661, para 10)

"10. ... even if panch witnesses turn hostile, which happens very often in criminal cases, the evidence of the person who effected the recovery would not stand vitiated."

35. This Court has held in a large number of cases that merely because the panch witnesses have turned hostile is no ground to reject the evidence if the same is based on the testimony of the investigating officer alone. In the instant case, it is not the case of defence that the testimony of the investigating officer suffers from any infirmity or doubt. (Vide Modan Singh case [(1978) 4 SCC 435 : 1979 SCC (Cri) 56] , Krishna Gopal case [(1988) 4 SCC 302 : 1988 SCC (Cri) 928] and Anter Singh case [(2004) 10 SCC 657 : 2005 SCC (Cri) 597] .

This position was further reiterated by this Court in Mallikarjun v. State of Karnataka, (2019) 8 SCC 359 observing as under:

"23.....On behalf of the accused, the learned Senior Counsel contended that the evidence of PW 17 PSI as to the recovery of MO 1 dagger at the behest of Accused 1 is doubtful and when PWs 8 and 9 have turned hostile, no weight could be attached to the alleged recovery of MO 1 dagger. There is no merit in the contention that merely because the panch witnesses turned hostile, the recovery of the weapon would stand vitiated. It is fairly well settled that the evidence of the investigating officer can be relied upon to prove the recovery even when the panch witnesses turned hostile....."

2026 0 INSC 539; 2026 0 Supreme(SC) 587; Pawan Kumar Sharma Vs. Manoj Kumar & Ors.; Criminal Appeal Nos. 1353-1355 of 2017 With Criminal Appeal No. 1356 of 2017, Criminal Appeal No. 1357 of 2017, Criminal Appeal No. 1358 of 2017; Decided On : 25-05-2026

In Jaikam Khan v. State of U.P., (2021) 13 SCC 716 it was observed: –

“One of the alleged recoveries is from the room where deceased Asgari used to sleep. The other two recoveries are from open field, just behind the house of deceased Shaukeen Khan i.e. the place of incident. It could thus be seen that the recoveries were made from the places, which were accessible to one and all and as such, no reliance could be placed on such recoveries.”

The view taken by the High Court also finds support from the decision of this Court in Thammaraya & Anr. v. The State Of Karnataka, (2025) 3 SCC 590 wherein this Court has reiterated the law relating to Test Identification Parade of recovered articles. It observed as follows:

“27. Therefore, this material omission on part of the Investigating Officer (PW-27) in not conducting a Test Identification Parade (TIP) of the recovered articles, more particularly when the case of prosecution is based solely upon recoveries of these articles, has created holes in the fabric of the prosecution story, which are impossible to mend.

28. Every piece of relevant fact needs to be sewn via the golden thread of duly proved circumstances, in order to ultimately formulate the fabric of guilt. Sadly, in the present case, the facta probantia fails to sustain and support the alleged factum probando, rendering the prosecution’s case miserably weak. Hence, the evidence led by the prosecution against the accused person is woefully short of the mandate to prove the case beyond reasonable doubt.”

2026 0 INSC 561; 2026 0 Supreme(SC) 609; Paliniswamy Veeraraja and Others Vs. The State of Karnataka and Another; Criminal Appeal No. 2870 of 2026 [Special Leave Petition (Crl.) No. 16149 of 2024]; Decided On : 26-05-2026

in Rama Chaudhary v. State of Bihar, (2009) 6 SCC 346 the text of Section 173(8) Cr.P.C. does not explicitly mandate seeking of permission from the Magistrate and neither does 193(9) BNSS. However, the proviso to the said Section mandates that permission of the Court is explicitly required once the trial has begun. Even though the statute does not require express permission, the law as it has developed, has made abundantly clear that seeking of permission from the concerned Magistrate has evolved into a requirement. In Vinay Tyagi v. Irshad Ali, (2013) 5 SCC 762 it has been held as follows:

“49. Now, we may examine another significant aspect which is how the provisions of Section 173(8) have been understood and applied by the courts and investigating agencies. It is true that though there is no specific requirement in the provisions of Section 173(8) of the Code to conduct “further investigation” or file supplementary report with the leave of the court, the investigating agencies have not only understood but also adopted it as a legal practice to seek permission of the courts to conduct “further investigation” and file “supplementary report” with the leave of the court. The courts, in some of the decisions, have also taken a similar view. The requirement of seeking prior leave of the court to conduct “further investigation” and/or to file a “supplementary report” will have to be read into, and is a necessary implication of the provisions of Section 173(8) of the Code. The doctrine of contemporanea expositio will fully come to the aid of such interpretation as the matters which are understood and implemented for a long time, and such practice that is supported by law should be accepted as part of the interpretative process.

This proposition was approved in Vinubhai Haribhai Malaviya v. State of Gujarat, (2019) 17 SCC 1 and reiterated in Peethambaran v. State of Kerala, (2024) 16 SCC 65. Recently,

in Robert Lalchungnunga Chongthu v. State of Bihar, 2025 SCC Online SC 2511 this Bench observed as follows:

"21. Before parting with this matter, we deem it fit to issue the following directions:

(i) In view of Vinay Tyagi v. Irshad Ali, it can be seen that the 'leave of the court' to file a supplementary chargesheet, is a part of Section 173(8) Cr.P.C. That being the position, in our considered view, the Court is not rendered functus officio having granted such permission. Since the further investigation is being made with the leave of the Court, judicial stewardship/control thereof, is a function which the court must perform.

(ii) Reasons are indispensable to the proper functioning of the machinery of criminal law. They form the bedrock of fairness, transparency, and accountability in the justice system. If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished. The direction above does not come based on this case alone. This Court has noticed on many unfortunate occasions that there is massive delay in filing chargesheet/taking cognizance etc. This Court has time and again, in its pronouncements underscored the necessity of speedy investigation and trial as being important for the accused, victim and the society. However, for a variety of reasons there is still a lag in the translation of this recognition into a reality.

(iii) While it is well acknowledged and recognised that the process of investigation has many moving parts and is therefore impractical to have strict timelines in place, at the same time, the discussion made in the earlier part of this judgment, clearly establishes that investigations cannot continue endlessly. The accused is not out of place to expect, after a certain point in time, certainty- about the charges against him, giving him ample time to preparing plead his defence. If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 Cr.P.C. seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered.

(iv) Reasons are not only important in the judicial sphere, but they are equally essential in administrative matters particularly in matters such as sanction for they open the gateway to greater consequences. Application of mind by the authorities granting or denying sanction must be easily visible including consideration of the evidence placed before it in arriving at the conclusion." [Emphasis in original]

10. Record reveals that although an application had been filed before the concerned Magistrate for further investigation a third time around, no order specifically granting permission is appended on record, neither it is a submission of the party that permission stood granted. In view of the above judgments, submission of respondent no. 2 that permission is not required has to be negated.

2026 0 INSC 565; 2026 0 Supreme(SC) 612; Mohammad Hanif Jainum Khalifa Vs. The State of Karnataka; Criminal Appeal No. 2902 of 2026 (Arising out of SLP (Crl.) No. 573 of 2026); Decided On : 27-05-2026

5.5 Ravi Kapur vs. State of Rajasthan, (2012) 9 SCC 284, was the case of a road accident involving an issue of rash and negligent driving. This Court expressed itself about relevant considerations and nature of proof to be applied. It was observed that the negligence has to be inferred from the attendant circumstances. It quoted with approval the concept of negligence analysed in Halsbury's Laws of England (4th Edition), Volume 34, Para 1 (pg. 3), which stated,

"Negligence is a specific tort and in any given circumstances is the failure to exercise that care which the circumstances demand. What amounts to negligence depends on the facts of each particular case. It may consist in omitting to do something which ought to be done or in doing something which ought to be done either in a different manner or not at all. Where there is no duty to exercise care, negligence in the popular sense has no legal consequence..."

5.5.1 In Ravi Kapur (supra), the Court highlighted the concept of "culpable rashness" and "culpable negligence". These concepts and considerations become relevant in the road accident cases to judge the negligence for becoming an offence in eye of law. The "culpable rashness" or "culpable negligence" amounts to acting with the consciousness that mischievous and illegal consequences may follow by such act, but with the hope that they will not, and often with the belief, that the actor has taken sufficient precautions to prevent their happening.

5.5.2 In the facts of the case, it could not be said that the driver did not exercise the due care which he was required to take. In the totality of facts and the scenario from evidence emerging, this Court is not inclined to hold that there was any culpable negligence on the part of the appellant.

5.6 "Recklessness" is perhaps a higher degree of "carelessness". One acts reckless when one conducts himself regardless or heedless of the possible harmful consequences of one's act. The recklessness covers a whole range of state of mind from failing to give any thought to what is to be acted upon. Recklessness presupposes that no thought was given in the matter by the doer before he did the act.

5.6.1 When the appellant-driver acted by following the conductor's instructions and moved the bus, he cannot be said to be reckless, even though the movement of the bus had the consequence of the passenger falling down. The act on part of the appellant was preceded by a thought and the thoughtfulness of the mind by heeding to and guided by the conductor's whistling. The passenger in the present case, though fell down, the appellant-driver could not have been saddled with the negligence. Nor was it a case of res ipsa loquitur.

5.7 It was observed in Ravi Kapur (supra) that negligence and rashness, to be punishable in terms of Section 304A, IPC must be attributable to a state of mind wherein the criminality arises because of no error of judgment but of a deliberation in the mind risking the crime as well as the life of the person who may lose his life as a result of the crime. The factor of such "deliberation in mind" could be said to be absent in the instant case on part of the driver, who acted bona fide on the instructions of the conductor in moving the bus. He could not be said to have acted with negligence, much less criminally negligence.

5.8 In State of Karnataka vs. Satish, (1998) 8 SCC 493 this Court observed that merely because a truck was driven at a high speed, it does not bespeak of either "negligence" or "rashness" by itself. These are relative terms, observed the Court. In a given case,

therefore, “rashness” or “negligence” cannot become presumptive, but must be informed by attendant facts, circumstances and the evidence.
6. The dictum of common sense often guides the process of interpretation and application of law, for, the law is also common sense when exposed to certain set of facts and circumstances. In natural exposition, the law becomes common sense. Therefore, the common sense and common wisdom can well be a canon for appreciating the evidence. This is more true when it comes to dealing with or judging human conduct. Applying common sense, common wisdom and common understanding while appreciating day-to-day affairs and natural human activities in the walks of life helps one to judge the things nearer to the truth. The truth, more often than not, emanates from common sense. Therefore, applying the yardstick of common sense and common wisdom in appreciating the evidence and the effect thereof, more particularly in criminal cases, brings home the correct picture.
6.1 The factum obtained that the appellant-driver acted regarding stoppage and movement of the bus upon whistling of the conductor, as established from the above-highlighted evidence of PW6, guides this Court to conclude that the driver could not have been held negligent. He discharged his duty to drive the bus and regulate the movement of the bus in accordance with the instructive signals from the conductor. In the ultimate analysis, it was the conductor who was to ensure the due movement of the bus and who would be stepping inside the bus or alighting from the bus, as the case may be. The evidence does not suggest that the driver was negligent and whose negligence resulted into the fall of said passenger-Shobha from the bus while getting off the bus.
7. In light of the above facts, circumstances and the principles of law to be applied, it is not possible to hold that the appellant-driver acted “in a manner so rash or negligent”. He could not have been treated as guilty of some omission or doing something which may require him to adjudge as negligent, nor the appellant was guilty of any rash or negligent act satisfying the ingredients of Section 304A, IPC. It is difficult to conclude with definitiveness by pinpointing and attaching negligence on the part of the appellant that deceased-Shobha died on account of negligence in driving or because of rash or reckless driving by the appellant.
7.1 The deceased might have slipped while alighting from the bus because of her own movement being less than careful at the time of getting down. The appellant-driver acted as per the conductor’s indicative instructions in moving the bus. The appellant deserves to be exonerated from the charge of acting negligently.

2026 0 INSC 568; 2026 0 Supreme(SC) 615; State of Uttar Pradesh Vs. A.K. Gaba; Criminal Appeal No(s). 3383-3385 of 2025; Decided On : 27-05-2026
It is equally important to bear in mind the settled principles governing interference against acquittal.
30. In Chandrappa v. State of Karnataka, (2007) 4 SCC 415 this Court summarized the principles governing appeals against acquittal and held that:
42. From the above decisions, in our considered view, the following general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal emerge:
(1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.

(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.
(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.
(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.
(5) **If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.**
(emphasis supplied)
31. In the State of Rajasthan v. Abdul Mannan, (2011) 8 SCC 65, this court discussed the scope of interference by this Court in an order of acquittal and held that:
"13. In coming to this conclusion, we are reminded of the well-settled principle that **when the court has to exercise its discretion in an appeal arising against an order of acquittal, the court must remember that the innocence of the accused is further re-established by the judgment of acquittal rendered by the High Court.** Against such decision of the High Court, the scope of interference by this Court in an order of acquittal has been very succinctly laid down by a three-Judge Bench of this Court in Sanwat Singh v. State of Rajasthan [AIR 1961 SC 715 : (1961) 3 SCR 120 : (1961) 1 Cri LJ 766] . At SCR p. 129, Subba Rao, J. (as His Lordship then was) culled out the principles as follows : (AIR pp. 719-20, para 9)
(emphasis supplied)
32. Similarly, in Hakeem Khan v. State of M.P., (2017) 5 SCC 719 it was held that:
34. It will be necessary for us to emphasise that a possible view denotes an opinion which can exist or be formed irrespective of the correctness or otherwise of such an opinion. **A view taken by a court lower in the hierarchical structure may be termed as erroneous or wrong by a superior court upon a mere disagreement. But such a conclusion of the higher court would not take the view rendered by the subordinate court outside the arena of a possible view.** The correctness or otherwise of any conclusion reached by a court has to be tested on the basis of what the superior judicial authority perceives to be the correct conclusion. A possible view, on the other hand, denotes a conclusion which can reasonably be arrived at regardless of the fact whether it is agreed upon or not by the higher court. The fundamental distinction between the two situations has to be kept in mind. **So long as the view taken by the trial court can be reasonably formed, regardless of whether the High Court agrees with the same or not, the view taken by the trial court cannot be interdicted and that of the High Court supplanted over and above the view of the trial court.**

(emphasis supplied)
33. The presumption of innocence gets strengthened by an order of acquittal and unless the findings recorded by the High Court are perverse or wholly unreasonable, interference under Article 136 of the Constitution of India is unwarranted.

2026 0 INSC 569; 2026 0 Supreme(SC) 616; Harjindra Singh Vs. The State of U.P.; Criminal Appeal No(s). 2811-2812 of 2024; Decided On : 27-05-2026

A TIP is not a substantive piece of evidence; it is merely corroborative. As correctly pointed out by the respondent-State, this Court in Ronny @ Ronald James Alwaris Etc (supra) clearly laid down that "where the witness had a chance to interact with the accused or that in a case where the witness had an opportunity to notice the distinctive features of the accused which lends assurance to his testimony in court, the evidence of identification in court for the first time by such a witness cannot be thrown away merely because no test identification parade was held." Furthermore, in Rajesh Govind Jagesha (supra), we held that the absence of a TIP is not fatal if the accused is sufficiently described or arrested immediately after the occurrence.

The appellants have fiercely contended that the acquittal of other co-accused renders their own conviction legally unsustainable. However, we are unable to accept the submissions of learned counsel for the simple reason that the roles played by those co-accused and the evidence against these co-accused was falling short to establish the case against these accused persons. As such, the Trial Court recorded an order of acquittal in favour of these co-accused persons, whereas there was sufficient legal evidence against the appellants before this Court and therefore, the Trial Court recorded order of conviction which was upheld by the High Court. In view of this fact, the appellants cannot claim principle of parity with the other co-accused and were acquitted by the Trial Court. As rightly relied upon by the respondent-State in the case of Goverdhan & another (Supra), "merely because some of the accused persons have been acquitted, though evidence against all of them, so far as direct testimony went, was the same does not lead as a necessary corollary that those who have been convicted must also be acquitted".

To summarize, the prosecution has successfully woven a seamless chain of evidence against the appellants.

1) The factual abduction of 8-year-old Satnam Singh on 05.08.2003 was established by unimpeachable eyewitness accounts (PW.2, PW.3).

2) The threat to life was proven by the overt use of a deadly firearm at the time of abduction, squarely satisfying the threshold of Section 364A IPC as interpreted in Shaik Ahmed.

3) The demand for a ransom of Rs. 5 Lakhs was unequivocally proven through consistent oral testimonies of the family and the Investigating Officer.

4) The identity and active role of the appellants were conclusively established not just by dock identification, but by the infallible recoveries made under Section 27 of the Evidence Act; the recovery of the living child at the behest of Dilbag Singh, and the recovery of the crime weapon at the behest of Harjindra Singh.

5) The defence of false implication due to "enmity" was entirely hollow, as the appellants utterly failed in their Section 313 Cr.P.C. statements to disclose any specific motive or preexisting animosity that would compel the victim's family to falsely frame them.

2026 0 INSC 584; 2026 0 Supreme(SC) 631; The State of Tripura Vs. Panna Ahmed; Criminal Appeal No. 2848 of 2026; Decided On : 26-05-2026

Section 311 of the CrPC confers wide discretionary power upon the Court. The said provision states that "any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or re-call and re-examine any such person if his evidence appears to it to be essential to the just decision of the case."

8. This Court has, through a consistent line of decisions, expounded upon the nature, scope, and limits of the power conferred by Section 311 CrPC.

9. This Court in Natasha Singh v. Central Bureau of Investigation, (2013) 5 SCC 741, observed as under:

"15. The scope and object of the provision is to enable the Court to determine the truth and to render a just decision after discovering all relevant facts and obtaining proper proof of such facts, to arrive at a just decision of the case. Power must be exercised judiciously and not capriciously or arbitrarily, as any improper or capricious exercise of such power may lead to undesirable results. An application under Section 311 Cr.P.C. must not be allowed only to fill up a lacuna in the case of the prosecution, or of the defence, or to the disadvantage of the accused, or to cause serious prejudice to the defence of the accused, or to give an unfair advantage to the opposite party. Further, the additional evidence must not be received as a disguise for retrial, or to change the nature of the case against either of the parties. Such a power must be exercised, provided that the evidence that is likely to be tendered by a witness, is germane to the issue involved. An opportunity of rebuttal however, must be given to the other party"

10. The Supreme Court, in Swapan Kumar Chatterjee v. Central Bureau of Investigation, (2019) 14 SCC 328, reiterated that the power under Section 311 CrPC is to be exercised with great caution and only for strong and valid reasons. It was observed as under:

"11. It is well settled that the power conferred under Section 311 should be invoked by the court only to meet the ends of justice. The power is to be exercised only for strong and valid reasons and it should be exercised with great caution and circumspection. The court has wide power under this section to even recall witnesses for re-examination or further examination, necessary in the interest of justice, but the same has to be exercised after taking into consideration the facts and circumstances of each case. The power under this provision shall not be exercised if the court is of the view that the application has been filed as an abuse of the process of law."

11. Similarly, the Supreme Court in the case of Vijay Kumar v. State of Uttar Pradesh & Anr., 2011 (8) SCC 136, observed that,

"14. There is no manner of doubt that the power under Section 311 of Code of Criminal Procedure is a vast one. This power can be exercised at any stage of the trial. Such a power should be exercised provided the evidence which may be tendered by a witness is germane to the issue involved, or if proper evidence is not adduced or relevant material is not brought on record due to any inadvertence. It hardly needs to be emphasized that power under Section 311 should be exercised for the just decision of the case. The wide discretion conferred on the court to summon a witness must be exercised judicially, as wider the power, the greater is the necessity for application of the judicial mind. Whether to exercise the power or not would largely depend upon the facts and circumstances of

each case. As is provided in the Section, power to summon any person as a witness can be exercised if the court forms an opinion that the examination of such a witness is essential for the just decision of the case."

12. In State (NCT of Delhi) v. Shiv Kumar Yadav & Anr., (2016) 2 SCC 402, this Court further emphasised that recall of witnesses cannot be permitted as a matter of course and that the Court must balance the requirement of a fair trial with other relevant considerations. It was observed:

"27. ....Certainly, recall could be permitted if essential for the just decision, but not on such consideration as has been adopted in the present case. Mere observation that recall was necessary "for ensuring fair trial" is not enough unless there are tangible reasons to show how the fair trial suffered without recall. Recall is not a matter of course and the discretion given to the court has to be exercised judiciously to prevent failure of justice and not arbitrarily. While the party is even permitted to correct its bona fide error and may be entitled to further opportunity even when such opportunity may be sought without any fault on the part of the opposite party, plea for recall for advancing justice has to be bona fide and has to be balanced carefully with the other relevant considerations including un-called for hardship to the witnesses and un-called for delay in the trial. Having regard to these considerations, we do not find any ground to justify the recall of witnesses already examined."

Furthermore, the application under Section 311 CrPC came to be filed on 14.12.2023, after an inordinate lapse of nearly four years from the completion of the cross-examination of the prosecutrix and approximately seven years after the registration of the FIR. No satisfactory explanation has been offered for this delay. The stage at which the application came to be filed is also of considerable significance. By the time the recall application was moved, 19 other prosecution witnesses had already been examined and the trial had substantially progressed. The trial has already been prolonged unduly, and the Court has a duty to ensure its expeditious conclusion. The trial in this case has been pending for over eight years.

16. Secondly, the principal ground urged in support of the application under Section 311 CrPC is that certain facts arising from the CDRs of the relevant mobile numbers could not be brought on record during the earlier cross-examination due to inadvertence. However, it is an admitted position that the said CDRs were filed by the prosecution itself along with the chargesheet and formed part of the record throughout the course of the trial. The defence was thus aware of the said material and had adequate opportunity to examine the prosecutrix with reference thereto. The power under Section 311 CrPC cannot be exercised merely to fill up lacunae in the defence case.

17. Lastly, it is important to mention that the prosecutrix has already been subjected to the ordeal of deposition and cross-examination on four separate occasions before the Trial Court, in addition to having her statement recorded during investigation and before the learned Magistrate under Section 164 CrPC. Directing recall would inflict further and unjustifiable hardship upon the prosecutrix. The witnesses cannot be expected to face hardship of appearing in court repeatedly, particularly in sensitive cases. It can result in undue hardship for the victims, especially so, of heinous crimes, if they are required to repeatedly appear in Court to face cross-examination.

18. In view of the foregoing discussion, we hold that the High Court erred in setting aside the order of the Trial Court and allowing the application under Section 311 CrPC.

https://indiankanoon.org/doc/155953120/; 2026 INSC 587; Ishwar Chand Sharma vs State Of U.P on 29 May, 2026; CRIMINAL APPEAL NO. OF 2026 (Arising out of Special Leave Petition (Criminal) No.18035 of 2025)

There are also instances where in cases of enmity between the members of a family, between neighbours or business partners or associates, or even between borrowers and lenders of financial assistance, a weapon of harassment being resorted to is a complaint under the POCSO Act at the instance of a parent of a child (in most cases being the daughter) so as to wreak vengeance or to get over civil disputes between the parties by a subdued accused under the said Act yielding to the demands of the complainant. Also, the threat of a false complaint under the POCSO Act is used as a means to escape legal consequences arising out of a commercial transaction, a matrimonial dispute or such other disputes.

While we are conscious of the fact that there are instances and a plethora of cases that are true and deserve the utmost attention and deft handling on the side of authorities and Courts and which should be pursued vigorously to reach a logical conclusion, on the other side of the spectrum, are cases invoking such serious and heinous allegations which are prima facie vague, omnibus and general in nature and thereby lacking any material backing or evidence which should be shunned at the very threshold. We say so for the reason that if a person is made an accused and forced to face a criminal trial on general and sweeping allegations without bringing on record any specific instances of criminal conduct, it would tantamount to an abuse of the process of law and court. Hence, legal practitioners who tender advice in such cases must restrain parties from filing such false/frivolous complaints when requested to do so. **Further, lawyers/advocates must also not advise filing of criminal complaints which are false/concocted so as to keep the opposite parties under a tight leash so that they could come forward for a settlement on the terms dictated by their parties or else, to face a criminal prosecution which can prolong for years.** When such is the trend, on the other side, efforts are made to seek anticipatory bail by persons apprehending arrest owing to a false/frivolous complaint being lodged which sometimes reach the portals of this Court after being unsuccessful at the level of the trial court and High Court. Also, steps are taken for seeking quashing of such false/frivolous complaints before the High Court which has its own saga of uncertainties causing undue pressure, harassment, stress and tension on the so-called accused. The consequence of all this is docket explosion and burden on Courts resulting in genuine complaints and cases not being given due time and attention that they need.

https://indiankanoon.org/doc/49859618/; 2026 INSC 588; **Vijay Kumar Kela vs Central Bureau Of Investigation on 29 May, 2026; CRIMINAL APPEAL NO. OF 2026; (ARISING OUT OF SLP (CRIMINAL) NO. 18035 OF 2024)**

A three-Judge Bench of this Court considered the question as to whether the inherent power of the High Court to quash criminal proceedings against an offender who had settled his dispute with the victim of the crime but the crime is not compoundable under Section 320 CrPC should be invoked or not. After delineating the amplitude of the power under Section 482 CrPC and after discussing various case laws, the larger Bench held that the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction under Section 482 CrPC is distinct and

different from the power given to a criminal court for compounding the offence under Section 320 CrPC. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidelines engrafted in such power viz. (i) to secure the ends of justice or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed but before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Similarly, any compromise between the victim and the offender in relation to offences under special statutes like the PC Act or offences committed by public servants while working in that capacity cannot provide for any basis for quashing criminal proceedings involving such offences.

In Narinder Singh Vs. State of Punjab5, the appellant faced charges amongst others under Section 307 of the IPC. A compromise was arrived at between the appellant and the complainant pursuant to which the appellant had moved the High Court under Section 482 CrPC for quashing of the FIR. High Court refused to do so on the ground that one of the four injuries suffered by the complainant was serious in nature as per medical opinion. This Court held that offences under Section 307 IPC would fall in the category of heinous and serious offences; therefore, such offences are to be generally treated as crime against the society and not against the individual alone. Such cases should not ordinarily be quashed.

If the respondent-Bank is permitted to go ahead with the criminal prosecution initiated after settlement of the loan account before the DRT, it would adversely impact the sanctity of such settlement which has become part of the judicial proceeding and which had the approval of a judicial forum like the DRT. If such a conduct is overlooked and prosecution is allowed to continue, many persons including commercial entities would be hesitant to come forward and seek resolution of their disputes arising out of banking transactions which are after all commercial transactions, having predominantly elements of civil dispute(s). This in turn would have a debilitating effect on the overall economy, more so, when the focus is on settlement of commercial disputes. This is the larger picture we need to keep in mind.

https://indiankanoon.org/doc/187082713/; Harjindra Singh Etc vs The State Of U.P on 27 May, 2026; CRIMINAL APPEAL NO(s). 2811-2812/2024

As rightly relied upon by the respondent-State in the case of Goverdhan & another (Supra), “merely because some of the accused persons have been acquitted, though evidence against all of them, so far as direct testimony went, was the same does not lead as a necessary corollary that those who have been convicted must also be acquitted”.

A TIP is not a substantive piece of evidence; it is merely corroborative. As correctly pointed out by the respondent-State, this Court in Ronny @ Ronald James Alwaris Etc (supra) clearly laid down that “where the witness had a chance to interact with the accused or that in a case where the witness had an opportunity to notice the distinctive features of the accused which lends assurance to his testimony in court, the evidence of identification in court for the first time by such a witness cannot be thrown away merely

because no test identification parade was held." Furthermore, in Rajesh Govind Jagesha (supra), we held that the absence of a TIP is not fatal if the accused is sufficiently described or arrested immediately after the occurrence.
The defence vigorously highlighted a supposedly "suspicious circumstance" wherein the mother and sisters of the victim went to the jail to meet Harjindra Singh and allegedly brought eatables for him. The appellants argued that such conduct is highly abnormal for a victim's family and points towards false implication.
It is a natural human reaction for a traumatized family to seek answers about why they were targeted. Bringing eatables does not equate to absolving a kidnapper of his crimes. As the High Court rightly noted, this explanation is neither impossible nor implausible. We are in complete agreement with the view expressed by the High Court, as such this single circumstance cannot be a reason to discard the other credible evidence brought before the Court and on a thorough appreciation accepted by the Court.
The accused have in their testimony under Section 313 Cr.P.C. stated that they have falsely implicated on account of enmity. However, no reason for any enmity between the appellants and the prosecution witnesses has been offered.
The defence of false implication due to "enmity" was entirely hollow, as the appellants utterly failed in their Section 313 Cr.P.C. statements to disclose any specific motive or pre- existing animosity that would compel the victim's family to falsely frame them.

2026 0 INSC 442; 2026 0 Supreme(SC) 479; Sujal Vishwas Attavar & Anr. Vs The State of Maharashtra & Ors.; Criminal Appeal No. 2325 of 2026 (@ of Special Leave Petition (Crl.) No. 1088 of 2026) With Criminal Appeal No. of 2026 (@ of Special Leave Petition (Crl.) No.1133 of 2026); Decided On : 04-05-2026
the extraordinary jurisdiction under Article 226 of the Constitution of India ought not to have been invoked when alternative equally efficacious statutory remedies were available. If a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being conducted, then the remedy does not ordinarily lie in invoking the writ jurisdiction in the first instance, but in seeking recourse to the statutory framework, unless of course the urgency of the circumstances warrant otherwise.
8. The Bharatiya Nagarik Suraksha Sanhita 2023 [Hereinafter referred to as 'BNSS'] (erstwhile Code of Criminal Procedure, 1973 [Hereinafter referred to as 'CrPC'.]) provides a structured sequential mechanism for initiating criminal prosecution. The statutory framework contemplates that information relating to the commission of a cognizable offence is first placed before the officer-in-charge of the police station and an FIR is registered under Section 173(1) BNSS. In the event of refusal to register the FIR, recourse lies before the jurisdictional Superintendent of Police under Section 173(4) BNSS and, thereafter, before the Magistrate, under Section 175(3) BNSS.
The High Court is not bound to entertain a writ petition merely because a case of alleged inaction or negligence is made out against a statutory authority. Ordinarily, where a statute provides a complete and efficacious remedy, the same must be exhausted before invoking constitutional jurisdiction [See: Sakiri Vasu (supra) and Sudhir Bhaskarrao Tambe (supra)]. In the present facts, the complainant Company, has not exhausted the sequential statutory remedies available under BNSS. There is, therefore, no foundation to invoke the extraordinary jurisdiction of the High Court for the reason

that efficacious and efficient alternative remedies exists. Hence, at this stage, we find the instant writ petition to be premature, and, therefore, not fit to be entertained.

Crl. A. No. / 2026 (@ SLP (Crl.) No. 1383/2026); R. GANESH Vs. THE STATE OF TAMIL NADU; April 27, 2026.

After perusal thereof, it cannot be doubted that in case any document has been filed by the prosecution or the accused in any Court, such document is required to be included in a list. The genuineness of the documents included in the list can be ascertained by the Court by calling upon the prosecution or the accused, as the case may be. If such document is not disputed, it can be read in inquiry, trial or other proceedings under Cr.P.C. without proving the signature of the person to whom it purports to be. As per proviso thereto, if necessary, it is on the discretion of the Court to require such signature to be proved, while applying the provision of Section 294 (3) Cr.P.C. 6) In the facts of the present case, it is clear that the documents as sought to be marked as exhibits by the appellant are part of the chargesheet and of documents produced by the prosecution. The appellant, through averments made in the application, contends that these documents were included in the list of documents of prosecution. Learned Additional Solicitor General, appearing for the CBI, disputes this fact, but on prima facie examination of the record, it suggests that the documents sought by accused formed part of the list of documents produced by CBI. Nevertheless, we reserve the CBI's liberty to raise this objection at the appropriate stage before court. 7) We have further perused the findings as recorded by the High Court relying upon the judgment in State of Punjab Vs Naib Din (2001) 8 SCC 578. The said judgment deals with the provisions of Section 296 Cr.P.C. which relates to the evidence of formal character on affidavit; it has nothing to do with the case wherein no formal proof of certain documents are required. It is needless to express that Section 294 Cr.P.C. deals with documentary evidence while Section 296 Cr.P.C. deals with the formal character of some evidence which is on affidavit. Therefore, the ratio of the judgment in the case of Naib Din (supra) is, in fact, not applicable, in particular, while rejecting the application under Section 294 Cr.P.C. it is the duty of the Court to uphold the spirit of the provision, particularly with regard to the documents for which the application has been filed. The order has to be passed after ascertaining the genuineness of such document by admission or denial or by proof, if any required.

W.P.(C)No.943 of 2021; ASHWINI KUMAR UPADHYAY Vs. UNION OF INDIA & ORS; 29.04.2026

164. For the foregoing reasons and discussion, our conclusions are summarised as follows: -

I. The creation of criminal offences and the prescription of punishments lie squarely within the legislative domain. The constitutional scheme, founded upon the Doctrine of Separation of Powers, does not permit the judiciary to create new offences or expand the contours of criminal liability through judicial directions.

II. The precedents of this Court consistently affirm that while constitutional Courts may interpret the law and issue directions to secure the enforcement of fundamental rights, they cannot legislate or compel legislation. At the highest, the Court may draw attention to the need for reform; the decision whether, and in what manner, to legislate remains within the exclusive domain of the Parliament and the State Legislatures. III. The

contention that the field of hate speech remains legislatively unoccupied is misconceived. The existing framework of substantive criminal law, including the provisions of the IPC and allied legislations, adequately addresses acts that promote enmity, outrage religious sentiments, or disturb public tranquillity. The field is, therefore, not unoccupied.

IV. The material placed before this Court indicates that a greater extent of the concerns highlighted by the petitioners arise not from the absence of law, but from deficits in its consistent and effective enforcement. Such concerns, however significant, cannot justify the judicial assumption of legislative functions.

V. The statutory framework under the CrPC (now the Bharatiya Nagarik Suraksha Sanhita, 2023), provides a comprehensive and layered mechanism to set the criminal law in motion. The duty of the police to register an FIR upon disclosure of a cognizable offence is mandatory, as settled in Lalita Kumari (supra).

VI. In cases of non-registration of FIR, the CrPC/BNSS provide efficacious remedies. An aggrieved person may approach the Superintendent of Police under Section 154(3) of CrPC or corresponding Section 173(4) of BNSS and thereafter invoke the jurisdiction of the Magistrate under Section 156(3) of CrPC (corresponding Section 175 of BNSS) or proceed by way of a complaint under Section 200 of CrPC (corresponding Section 223 of BNSS). These remedies constitute a complete statutory architecture.

VII. The availability of such remedies, coupled with the supervisory jurisdiction of constitutional Courts under Articles 32 and 226 of the Constitution demonstrates that no legislative vacuum exists warranting the intervention sought. The appropriate course lies in ensuring faithful and even-handed enforcement of existing law.

VIII. The supervisory jurisdiction of the Magistrate under Section 156(3) of CrPC or corresponding Section 175 of BNSS is of wide amplitude and includes supervisory oversight over the investigation at appropriate stages. This power is intended to ensure that the investigation is conducted in a fair, impartial, and lawful manner, and may be exercised simultaneously during the stage of investigation, where the material on record discloses any deficiency, inaction, or taint in the investigative process.

IX. The requirement of prior sanction under Sections 196 and 197 of CrPC (corresponding Sections 217 and 218 of BNSS) operates at the stage of taking cognizance and does not extend to the pre-cognizance stage of registration of FIR or investigation under Section 156(3) of CrPC (corresponding Section 175(3) of BNSS). An order directing investigation under Section 156(3) of CrPC does not amount to taking cognizance within the meaning of Section 190 of CrPC (corresponding Section 210 of BNSS).

X. While we decline to issue directions of the nature sought, we deem it appropriate to observe that issues relating to ‘hate speech’ and ‘rumour mongering’ bear directly upon the preservation of fraternity, dignity, and constitutional order. It would be open to the Union of India and competent legislative authorities to consider, in their wisdom, whether any further legislative or policy measures are warranted in light of evolving societal challenges or to bring about suitable amendments as suggested by the Law Commission’s 267th Report dated 23rd March, 2017.

01.05.2026; CRIMINAL APPEAL NO: 33/2021; Shaik Saleem, s/o Mastanvali @ Mabusubhani @Mabula Vs The State Of Andhra Pradesh

[i] This Court finds it proper and important to note the following:-

(1) Prima facie it is clear that, a false document is intentionally used as if a genuine one, knowing that it is a fabricated one, in the judicial process;
(2) A statement is made under a notarized affidavit by relying on fake document, which amounts to a false statement,
(3) Using a fake document in judicial proceedings is an offence, covered under Chapter XIV of BNS (Chapter XI of Indian Penal Code). The persons, who aided in such falsification are also liable;
[ii]. Production of fake certificate cannot be ignored.
[iii] In the present case, said fabrication and production of fake certificate has taken place, prior to the document reaching the Court.
[iv] **Now, whether the procedure contemplated under Section 379 of BNSS (Section 340 Crpc), shall be followed in view of Section 215 of BNSS (Section 195 Cr.P.C.), in relation to any offence punishable under the provisions of BNSS vide 229 to 233, 236, 237, 242 to 248 and 267, (vide Sections193 to 196, 199, 200, 205 to 211 and 228 IPC), require answer.**
[a] As per section 215 BNSS (195 (1) Crpc) no Court shall take cognizance, of any said offences except on the complaint in writing of that Court Or by the Officer of the Court as that Court may authorize in writing in this behalf Or some other Court to which that Court is subordinate. For which preliminary inquiry in terms of Section 379 BNSS (340 Crpc) is contemplated.
[b] Further question is whether the inquiry in terms of (Section 340Crpc) 379 BNSS and compliance of Section 215 BNSS (195(1) (b) Cr.P.C.) is necessary in the context where fabrication has taken place in respect of the document viz., fake Date of Birth Certificate, before it reached the Court.
[c] In the above context, this Court finds it proper to refer the observations of the Full Bench (5 judges) of the Honourable Apex Court in Iqbal Singh Marwah v. Meenakshi Marwah1, wherein the Hon'ble Apex Court considered the scope of Sections 195 (1) (b) and Section 340 Crpc and the crucial question - the bar under Section 195 Crpc, as to taking cognizance whether would apply in respect of an offence committed where forgery of a (2005) 4 SCC 370 document has taken place before a document has produced in a Court. To resolve the conflicting opinions in between the decisions passed in Singh v. Balbir Singh [(1996) 3 SCC 533 : 1996 SCC (Cri) 521] and Sachida Nand Singh v. State of Bihar [(1998) 2 SCC 493 : 1998 SCC (Cri) 660] (both rendered by 3 judges Bench), the matter was placed before Full Bench of Five Judges and the controversy and conflicting views are narrated in para numbers 4, 5, 6 and 7 of the judgment which reads as follows :-
"4. Sub-section (1) of Section 195 CrPC, which according to the appellants, creates a bar in taking cognizance on the complaint filed by the respondents, reads as under:
—195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.--(1) No court shall take cognizance--
(a)(i) of any offence punishable under Sections 172 to 188 (both inclusive) of the Penal Code, 1860, or
(ii) of any abetment of, or attempt to commit, such offence, or
(iii) of any criminal conspiracy to commit such offence, except on the complaint in writing of the public servant concerned or of some other public servant to whom he is administratively subordinate;

(b)(i) of any offence punishable under any of the following sections of the Penal Code, 1860, namely, Sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any court, or
(ii) of any offence described in Section 463, or punishable under Section 471, Section 475 or Section 476, of the said Code, when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any court, or
(iii) of any criminal conspiracy to commit, or attempt to commit, or the abetment of, any offence specified in sub-clause (i) or sub-clause (ii), except on the complaint in writing of that court, or of some other court to which that court is subordinate.‖
5. The principal controversy revolves round the interpretation of the expression —when such offence is alleged to have been committed in respect of a document produced or given in evidence in a proceeding in any court‖ occurring in clause (b)(ii) of sub-section (1) of Section 195 CrPC. The appellants place reliance on the following observations made in para 10 of the Report in Surjit Singh v. Balbir Singh [(1996) 3 SCC 533 : 1996 SCC (Cri) 521] : (SCC p. 538) —10. It would thus be clear that for taking cognizance of an offence, the document, the foundation for forgery, if produced before the court or given in evidence, the bar of taking cognizance under Section 195(1)(b)(ii) gets attracted and the criminal court is prohibited from taking cognizance of offence unless a complaint in writing is filed as per the procedure prescribed under Section 340 of the Code by or on behalf of the court. The object thereby is to preserve purity of the administration of justice and to allow the parties to adduce evidence in proof of certain documents without being compelled or intimidated to proceed with the judicial process. The bar of Section 195 is to take cognizance of the offences covered thereunder.‖ to contend that once the document is produced or given in evidence in court, the taking of cognizance on the basis of private complaint is completely barred.
6. In Sachida Nand Singh [(1998) 2 SCC 493 : 1998 SCC (Cri) 660] after analysis of the relevant provisions and noticing a number of earlier decisions (but not Surjit Singh [(1996) 3 SCC 533 : 1996 SCC (Cri) 521]), the Court recorded its conclusions in paras 11, 12 and 23 which are being reproduced below: (SCC pp. 499 & 501) —11. The scope of the preliminary enquiry envisaged in Section 340(1) of the Code is to ascertain whether any offence affecting administration of justice has been committed in respect of a document produced in court or given in evidence in a proceeding in that court. In other words, the offence should have been committed during the time when the document was in custodia legis.
12. It would be a strained thinking that any offence involving forgery of a document if committed far outside the precincts of the court and long before its production in the court, could also be treated as one affecting administration of justice merely because that document later reached the court records.
***
23. The sequitur of the above discussion is that the bar contained in Section 195(1)(b)(ii) of the Code is not applicable to a case where forgery of the document was committed before the document was produced in a court.‖ This extract is taken from Iqbal Singh Marwah v. Meenakshi Marwah, (2005) 4 SCC 370 : 2005 SCC (Cri) 1101 : 2005 SCC OnLine SC 531 at page 379
7. On a plain reading clause (b)(ii) of sub-section (1) of Section 195 is capable of two interpretations. One possible interpretation is that when an offence described in Section

463 or punishable under Section 471, Section 475 or Section 476 IPC is alleged to have been committed in respect of a document which is subsequently produced or given in evidence in a proceeding in any court, a complaint by the court would be necessary. The other possible interpretation is that when a document has been produced or given in evidence in a proceeding in any court and thereafter an offence described as aforesaid is committed in respect thereof, a complaint by the court would be necessary. On this interpretation if the offence as described in the section is committed prior to production or giving in evidence of the document in court, no complaint by court would be necessary and a private complaint would be maintainable. The question which requires consideration is which of the two interpretations should be accepted having regard to the scheme of the Act and object sought to be achieved.‖ [d] The Hon'ble Apex Court, in the same judgment, after addressing and analyzing the provisions of sections 195, 340 and 341 Crpc, in para 33 of the judgment, observed as follows:

"33. In view of the discussion made above, we are of the opinion that Sachida Nand Singh [(1998) 2 SCC 493 : 1998 SCC (Cri) 660] has been correctly decided and the view taken therein is the correct view. Section 195(1)(b)(ii) CrPC would be attracted only when the offences enumerated in the said provision have been committed with respect to a document after it has been produced or given in evidence in a proceeding in any court i.e. during the time when the document was in custodia legis.

[e] In view of the ratio laid down by the Honourable Apex Court in Iqbal Singh Marwah v. Meenakshi Marwah's case (cited Supra), this Court finds that there is no necessity to conduct any inquiry in terms of 379 BNSS, (Section 340 Crpc) and compliance of Section 215 BNSS (195(1) (b) Cr.P.C.).

[v] Further, we find that the conduct of producing a fake document in a judicial process cannot be ignored.

[vi] It is prima facie clear that the accused has used a fake document in the judicial process. Therefore, it is proper to direct the Registry to send the relevant material, i.e., (1) the Date of Birth Certificate dated 2.2.2024 relied upon by the Petitioner, (2) the Report of the Juvenile Justice Board, and (3) a copy of the present orders, to the Superintendent of Police, Guntur, for a proper investigation by the concerned Police Station and appropriate prosecution against all those involved in the fabrication of the Date of Birth Certificate, and to inform the action-taken report to the Registrar (Judicial), High Court of Andhra Pradesh within a period of six months. The material papers shall be sent with a proper report/complaint, duly signed by a proper Officer of this Court.

12. Hence, we find it expedient and necessary, in the interest of justice, to direct appropriate prosecution against the petitioner and all concerned for producing a fake document in a judicial proceeding. Point No.2 is answered accordingly.

13. For the aforestated reasons, I.A. No. 2 of 2025 is disposed of, as follows:

(1) For the purpose of further proceedings in this appeal, in view of Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and the report of the Juvenile Justice Board, the petitioner/accused is considered as an adult and his prayer for recognizing him as juvenile is rejected.

(2) The material papers i.e., 1) Date of Birth Certificate dated 2.2.2024 relied on by the Petitioner, 2) Report of Juvenile Justice Board, and 3) Copy of the present orders, shall be sent to the Superintendent of Police, Guntur for taking appropriate legal action.

(3) The concerned Police shall initiate appropriate prosecution, in accordance with law, against all the persons involved in the fabrication of the Date of Birth Certificate. The

competent Court shall adjudicate the matter independently, on merits, and in accordance with law, uninfluenced by the observations made herein.
(4) The report as to the action taken shall be placed by the Superintendent of Police, Guntur before the Registrar (Judicial), High Court of A.P. within a period of Six (06) months.

CIVIL REVISION PETITION NO: 311 OF 2026; Bheemisetti Suryanarayana vs Bheemisetti Mrudula Naga Bhavani; 30.04.2026
In view of the aforesaid discussion, this Court holds, on points of determination 'A' and 'B', that video conferencing is permissible in matrimonial proceedings, whether before the Family Court or the Civil Court, after reconciliation fails. In other words, at the stage of reconciliation, until it fails, video conferencing is not permissible for such purpose. The judgment in Santhini v. Vijaya Venketesh (2018) 1 SCC 1 (three-Judge Bench) applies with full force in the State of Andhra Pradesh as well and is not inapplicable, as contended by the petitioner's counsel, on account of the Andhra Pradesh High Court "Rules for Video Conferencing for Courts, 2023".

NOSTALGIA

Evidentiary Value of a Hostile witness
The law as to how to appreciate and apply the evidence of a hostile witness is also not far away to search. In Khujji @ Surendra Tiwari vs. State of Madhya Pradesh, (1991) 3 SCC 627 this court observed:
".....the evidence of a prosecution witness cannot be rejected in toto merely because the prosecution chose to treat him as hostile and cross-examined him. The evidence of such witnesses cannot be treated as effaced or washed off the record altogether but the same can be accepted to the extent their version is found to be dependable on a careful scrutiny thereof...." (Para 6)
8.4. In Koli Lakhmanbhai Chanabhai vs. State of Gujarat, (1999) 8 SCC 624 this Court reiterated that the testimony of a hostile witness is useful to the extent which it supports the prosecution case. In Bhagwan Singh vs. State of Haryana, (1976) 1 SCC 389 also this Court held that when a witness is declared hostile and is cross examined with the permission of the court, his evidence remains admissible and there is no legal bar to arrive at a finding of conviction on the basis of the testimony of such hostile witness, if corroborated by other reliable evidence.
8.4.1. This Court in Himanshu alias Chintu vs. State (NCT of Delhi), (2011) 2 SCC 36 after referring to the law on the evidence of the hostile witness as above underlined as under:
"The aforesaid legal position leaves no manner of doubt that the evidence of a hostile witness remains admissible evidence, and it is open to the court to rely upon the dependable part of that evidence which is found to be acceptable and duly corroborated by some other reliable evidence available on record....." (Para-31)
8.4.2. Thus, the evidence of the hostile witness is admissible, once it gets strengthened with the help of other evidence. In Khujji (supra) and in Koli Lakhmanbhai Chanabhai (supra), it was held that it is open to the court to have a conviction upon the testimony of a hostile witness.

Dying Declaration

Uttam vs. State of Maharashtra2 for the proposition that where an oral dying declaration made by the deceased and what is stated in dying declaration is not stated by material witnesses, the same cannot be believed. In the cases cited, the deceased is said to have mentioned about the accused suspecting her character in her oral dying declaration and the same is not stated in the (2022) 8 SCC 576 prosecution version. Non-mentioning of such an important aspect was found casting a shadow. It was a case of multiple dying declarations. The observations in para Nos.11 to 16 of the judgment, as to how dying declarations have to be appreciated, found fit to be noted. They are as follows:

11. Dying declaration is the last statement that is made by a person as to the cause of his imminent death or the circumstances that had resulted in that situation, at a stage when the declarant is conscious of the fact that there are virtually nil chances of his survival. On an assumption that at such a critical stage, a person would be expected to speak the truth, courts have attached great value to the veracity of such a statement. Section 32 of the Evidence Act, 1872 (for short "the Evidence Act") states that when a statement is made by a person as to the cause of death, or as to any of the circumstances which resulted in his death, in cases in which the cause of that person's death comes into question, such a statement, oral or in writing made by the deceased victim to the witness, is a relevant fact and is admissible in evidence. It is noteworthy that the said provision is an exception to the general rule contained in Section 60 of the Evidence Act that "hearsay evidence is inadmissible"

and only when such an evidence is direct and is validated through cross- examination, is it considered to be trustworthy.

12. In Kundula Bala Subrahmanyam v. State of A.P. [Kundula Bala Subrahmanyam v. State of A.P., (1993) 2 SCC 684 : 1993 SCC (Cri) 655] , this Court had highlighted the significance of a dying declaration in the following words : (SCC p. 697, para 18) "18. Section 32(1) of the Evidence Act is an exception to the general rule that hearsay evidence is not admissible evidence and unless evidence is tested by cross-examination, it is not creditworthy. Under Section 32, when a statement is made by a person, as to the cause of death or as to any of the circumstances which result in his death, in cases in which the cause of that person's death comes into question, such a statement, oral or in writing, made by the deceased to the witness is a relevant fact and is admissible in evidence. The statement made by the deceased, called the dying declaration, falls in that category provided it has been made by the deceased while in a fit mental condition. A dying declaration made by person on the verge of his death has a special sanctity as at that solemn moment, a person is most unlikely to make any untrue statement. The shadow of impending death is by itself the guarantee of the truth of the statement made by the deceased regarding the causes or circumstances leading to his death. A dying declaration, therefore, enjoys almost a sacrosanct status, as a piece of evidence, coming as it does from the mouth of the deceased victim. Once the statement of the dying person and the evidence of the witnesses testifying to the same passes the test of careful scrutiny of the courts, it becomes a very important and a reliable piece of evidence and if the court is satisfied that the dying declaration is true and free from any embellishment such a dying declaration, by itself, can be sufficient for recording conviction even without looking for any corroboration."

13. In Shudhakar v. State of M.P. [Shudhakar v. State of M.P., (2012) 7 SCC 569 : (2012) 3 SCC (Cri) 430] , this Court had opined that once a dying declaration is found to be reliable,

it can form the basis of conviction and made the following observations : (SCC p. 580, para 20) "20. The "dying declaration" is the last statement made by a person at a stage when he is in serious apprehension of his death and expects no chances of his survival. At such time, it is expected that a person will speak the truth and only the truth. Normally in such situations the courts attach the intrinsic value of truthfulness to such statement. Once such statement has been made voluntarily, it is reliable and is not an attempt by the deceased to cover up the truth or falsely implicate a person, then the courts can safely rely on such dying declaration and it can form the basis of conviction. More so, where the version given by the deceased as dying declaration is supported and corroborated by other prosecution evidence, there is no reason for the courts to doubt the truthfulness of such dying declaration."

14. In Paniben v. State of Gujarat [Paniben v. State of Gujarat, (1992) 2 SCC 474 : 1992 SCC (Cri) 403] , on examining the entire conspectus of the law on the principles governing dying declaration, this Court had concluded thus : (SCC pp. 480-81, para 18) "18. ... (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. [Munnu Raja v. State of M.P., (1976) 3 SCC 104 : 1976 SCC (Cri) 376])

(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 [State of U.P. v. Ram Sagar Yadav, (1985) 1 SCC 552 : 1985 SCC (Cri) 127] ; Ramawati Devi v. State of Bihar [Ramawati Devi v. State of Bihar, (1983) 1 SCC 211 : 1983 SCC (Cri) 169] .)

(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 [K. Ramachandra Reddy v. Public Prosecutor, (1976) 3 SCC 618 : 1976 SCC (Cri) 473].)

(iv) Where dying declaration is suspicious it should not be acted upon without corroborative evidence. (Rasheed Beg v. State of M.P. [Rasheed Beg v. State of M.P., (1974) 4 SCC 264 : 1974 SCC (Cri) 426])

(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. [Kake Singh v. State of M.P., 1981 Supp SCC 25 : 1981 SCC (Cri) 645])

(vi) A dying declaration which suffers from infirmity cannot form the basis of conviction. (Ram Manorath v. State of U.P. [Ram Manorath v. State of U.P., (1981) 2 SCC 654 : 1981 SCC (Cri) 581])

(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 [State of KSR, J & AHHS, J Maharashtra v. Krishnamurti Laxmipati Naidu, 1980 Supp SCC 455 : 1981 SCC (Cri) 364] .)

(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 Ojha v. State of Bihar [Surajdeo Ojha v. State of Bihar, 1980 Supp SCC 769 : 1979 SCC (Cri) 519] .)

(ix) Normally the court in order to satisfy whether 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. [Nanhau Ram v. State of M.P., 1988 Supp SCC 152 : 1988 SCC (Cri) 342])

(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 [State of U.P. v. Madan Mohan, (1989) 3 SCC 390 : 1989 SCC (Cri) 585].)"

15. In cases involving multiple dying declarations made by the deceased, the question that arises for consideration is as to which of the said dying declarations ought to be believed by the court and what would be the guiding factors for arriving at a just and lawful conclusion. The problem becomes all the more knotty when the dying declarations made by the deceased are found to be contradictory. Faced with such a situation, the court would be expected to carefully scrutinise the evidence to find out as to which of the dying declarations can be corroborated by other material evidence produced by the prosecution. Of equal significance is the condition of the deceased at the relevant point in time, the medical evidence brought on record that would indicate the physical and mental fitness of the deceased, the scope of the close relatives/family members having influenced/tutored the deceased and all the other attendant circumstances that would help the court in exercise of its discretion.

16. In Lakhan v. State of M.P. [Lakhan v. State of M.P., (2010) 8 SCC 514 : (2010) 3 SCC (Cri) 942] , where the deceased was burnt by pouring kerosene oil on her and was brought to the hospital by the accused and his family members, the Court noticed that she had made two varying dying declarations and held thus : (SCC pp. 518-19, paras 9-10) "9. The doctrine of dying declaration is enshrined in the legal maxim nemo moriturus praesumitur mentire, which means "a man will not meet his Maker with a lie in his mouth". The doctrine of dying declaration is enshrined in Section 32 of the Evidence Act, 1872 (hereinafter called as "the Evidence Act") as an exception to the general rule contained in Section 60 of the Evidence Act, which provides that oral evidence in all cases must be direct i.e. it must be the evidence of a witness, who says he saw it. The dying declaration is, in fact, the statement of a person, who cannot be called as witness and, therefore, cannot be cross-examined. Such statements themselves are relevant facts in certain cases.

10. This Court has considered time and again the relevance/probative value of dying declarations recorded under different situations and also in cases where more than one dying declaration has been recorded. The law is that if the court is satisfied that the dying declaration is true and made voluntarily by the deceased, conviction can be based solely on it, without any further corroboration. It is neither a rule of law nor of prudence that a dying declaration cannot be relied upon without corroboration. When a dying declaration is suspicious, it should not be relied upon without having corroborative evidence. The 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 must be in a fit state of mind to make the declaration and must identify the assailants. Merely because a dying declaration does not contain the details of the occurrence, it cannot be rejected and in case there is merely a brief statement, it is more reliable for the reason that the shortness of the statement is itself a guarantee of its veracity. If the dying declaration suffers from some infirmity, it cannot alone form the basis of conviction. Where the prosecution version differs from the version given in the dying declaration, the said declaration cannot be acted upon. (Vide Khushal Rao v. State of Bombay [Khushal Rao v. State of Bombay, AIR 1958 SC 22] , Rasheed Beg v. State of M.P. [Rasheed Beg v. State of M.P., (1974) 4 SCC 264 : 1974 SCC (Cri) 426] , K. Ramachandra Reddy v. Public Prosecutor [K. Ramachandra Reddy v. Public Prosecutor, (1976) 3 SCC 618 : 1976 SCC

(Cri) 473] , State of Maharashtra v. Krishnamurti Laxmipati Naidu [State of Maharashtra v. Krishnamurti Laxmipati Naidu, 1980 Supp SCC 455 : 1981 SCC (Cri) 364] , Uka Ram v. State of Rajasthan [Uka Ram v. State of Rajasthan, (2001) 5 SCC 254 : 2001 SCC (Cri) 847] , Babulal v. State of M.P. [Babulal v. State of M.P., (2003) 12 SCC 490 : 2005 SCC (Cri) 620] , Muthu Kutty v. State [Muthu Kutty v. State, (2005) 9 SCC 113 : 2005 SCC (Cri) 1202] , State of Rajasthan v. Wakteng [State of Rajasthan v. Wakteng, (2007) 14 SCC 550 : (2009) 3 SCC (Cri) 217] and Sharda v. State of Rajasthan [Sharda v. State of Rajasthan, (2010) 2 SCC 85 : (2010) 2 SCC (Cri) 980] .)"

Cancellation of Bail

It is a settled law vide a catena of decisions from the Hon'ble Supreme Court and this Court that the following illustrative list of principles are to be taken into consideration while considering an application for bail:

a. the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution;

b. reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; c. reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; d. character, behaviour and standing of the accused and the circumstances which are peculiar to the accused; e. larger interest of the public or the State and similar other considerations.

14. It is essential now to discuss a few precedents on cancellation of bail. Very recently, the Hon'ble Supreme Court in State of Karnataka v. Sri Darshan1, while cancelling the bail granted to the Accused in a murder case, held as follows:

> "20.4.1. It is well settled that the mere filing of a charge- sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during investigation, or the likelihood of tampering with witnesses.
>
> 20.4.2. In Kalyan Chandra Sarkar vs. Rajesh Ranjan (supra), this Court categorically held that "The High Court could not have allowed the bail application on the sole ground of delay in the conclusion of the trial without taking into consideration the allegation made by the prosecution 1 2025 SCC OnLine SC 1702 in regard to the existence of prima facie case, gravity of offence, and the allegation of tampering with the witness by threat and inducement when on bail. ... non-consideration of the same and grant of bail solely on the ground of long incarceration vitiated the order..."
>
> 20.4.3. In Brijmani Devi v. Pappu Kumar (supra), this Court held that the possibility of the accused absconding or threatening witnesses had a direct bearing on the fairness of the trial. In serious offences, such apprehensions - when reasonably supported by record - must weigh against the grant of bail.
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> 24. On a cumulative analysis, it is evident that the order of the High Court suffers from serious legal infirmities. The order fails to record any special or cogent reasons for granting bail in a case involving charges under Sections 302, 120B, and 34 IPC. Instead, it reflects a mechanical exercise of discretion, marked by significant omissions of legally relevant facts. Moreover, the High Court undertook an extensive examination of witness statements at the pre-trial stage, highlighting alleged contradictions and delays - issues that are inherently matters for the trial Court to assess through cross-examination. The trial Court alone is the

appropriate forum to evaluate the credibility and reliability of witnesses. Granting bail in such a serious case, without adequate consideration of the nature and gravity of the offence, the accused's role, and the tangible risk of interference with the trial, amounts to a perverse and wholly unwarranted exercise of discretion. The well-founded allegations of witness intimidation, coupled with compelling forensic and circumstantial evidence, further reinforce the necessity for cancellation of bail. Consequently, the liberty granted under the impugned order poses a real and imminent threat to the fair administration of justice and risks derailing the trial process. In light of these circumstances, this Court is satisfied that the present case calls for the exercise of its extraordinary jurisdiction under Section 439(2) Cr.P.C."

(emphasis supplied)

15. In Imran v. Mohammed Bhava2, a three-Judge Bench of the Hon'ble Supreme Court held as follows:

"23. Indeed, it is a well-established principle that once bail has been granted it would require overwhelming circumstances for its cancellation. However, this Court in its judgment in Vipan Kumar Dhir v. State of Punjab has also reiterated, that while conventionally, certain supervening circumstances impeding fair trial must develop after granting bail to an accused, for its cancellation by a superior court, bail, can also be revoked by a superior court, when the previous court granting bail has ignored relevant material available on record, gravity of the offence or its societal impact. It was thus observed:--

"9. ..... Conventionally, there can be supervening circumstances which may develop post the grant of bail and are non conducive to fair trial, making it necessary to cancel the bail. This Court in Daulat Ram v. State of Haryana observed that:

"Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are : interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial."

10. These principles have been reiterated time and again, more recently by a 3 Judge Bench of this Court in X v. State of Telegana and Another.

11. In addition to the caveat illustrated in the cited decision(s), bail can also be revoked where the court has 2 2022 SCC Online SC 496 considered irrelevant factors or has ignored relevant material available on record which renders the order granting bail legally untenable. The gravity of the offence, conduct of the accused and societal impact of an undue indulgence by Court when the

investigation is at the threshold, are also amongst a few situations, where a Superior Court can interfere in an order of bail to prevent the miscarriage of justice and to bolster the administration of criminal justice system..."

24. xxxxxxx

25. xxxxxxx

26. Thus, while considering cancellation of bail already granted by a lower court, would indeed require significant scrutiny at the instance of superior court, however, bail when granted can always be revoked if the relevant material on record, gravity of the offence or its societal impact have not been considered by the lower court. In such instances, where bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Moreover, the decisions cited herein above, enumerate certain basic principles which must be borne in mind when deciding upon an application for grant of bail. Thus, while each case has its own unique factual matrix, which assumes a significant role in determination of bail matters, grant of bail must also be exercised by having regard to the above-mentioned well-settled principles."

(emphasis supplied)

16. The Hon'ble Supreme Court in Prakash Kadam v. Ramprasad Vishwanath Gupta3, held that even without misuse, bail can be cancelled for grave allegations if the lower court ignored material.

Section 307 IPC and Injury

an accused charged u/s 307 IPC cannot be acquitted merely because the injuries inflicted on the victim were in the nature of simple hurt, as the determinative factor is intention or knowledge and not the nature of the injury. This principle was discussed by this Court in State of Madhya Pradesh v. Saleem @ Chamaru, (2005) 5 SCC 554, the relevant paragraph of which reads hereunder:

“12. To justify a conviction under this section, it is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between an act of the accused and its result, if any. Such an act may not be attended by any result so far as the person assaulted is concerned, but still there may be cases in which the culprit would be liable under this section. It is not necessary that the injury actually caused to the victim of the assault should be sufficient under ordinary circumstances to cause the death of the person assaulted. What the court has to see is whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof.”

Nevertheless, the nature of injury actually caused does render considerable assistance to the court in ascertaining the intention of the accused. However, courts may also ascertain the intention from other circumstances, even without reference to actual wounds. The aforesaid principle stands reiterated in the case of Bipin Bihari v. State of M.P. (2006) 8 SCC 799, as follows:

“9. It is sufficient to justify a conviction under Section 307 if there is present an intent coupled with some overt act in execution thereof. It is not essential that bodily injury capable of causing death should have been inflicted. Although the nature of injury actually caused may often give considerable assistance in coming to a finding as to the intention of the accused, such intention may also be deduced from other circumstances, and may even, in some cases, be ascertained without any reference at all to actual wounds. The section makes a distinction between the act of the accused and its result, if any. The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section. An attempt in order to be criminal need not be the penultimate act. It is sufficient in law, if there is present an intent coupled with some overt act in execution thereof”

CHASTITY

Unchastity, as opposed to chastity, though not defined under the Indian Penal Code, is certainly a feminine attribute, and imputing unchastity would involve casting aspersions on the woman's virtue and modesty, particularly with reference to her sexual behaviour and conduct. Over the decades, Indian jurisprudence has understood chastity in different ways. This Court finds it prudent to lay out an evolved understanding of chastity.

32. During the colonial times, the courts in India, primarily following traditional Hindu law, connected unchastity with a woman's sexual conduct, even going to the extent of holding that if a woman was living in adultery or was leading a life of unchastity, she stood disqualified from inheriting property, as was held in Minor Ramaiya Konar Alias Ramasami Konar v. Mottayya Mudaliar, AIR 1951 Mad 954. This view held sway for a long period, as was noted by this Court as late as in 1999 as can be noticed in Velamuri Venkata Sivaprasad (Dead) by LRs v. Kothuri Venkateswarlu (Dead) by LRs and Others, AIR 2000 SC 434.

33. However, there has been a paradigm shift in recent times with the gendered approach to chastity and differentiation of sexuality based on gender, as is noticeable in Joseph Shine v. Union of India, (2019) 3 SCC 39, wherein the constitutional validity of Section 497 IPC, by which adultery was criminalised, was challenged. The Constitution Bench held that Section 497 IPC is founded on the antiquated notion by treating the wife as the property of her husband. While law punishes only the men, it makes the sexual freedom of the wife depended upon the consent of the husband. The Constitution Bench thus declared that this classification between men and women lacks rational nexus with the legitimate object of the statute and declared it unconstitutional. Consequently, the provisions of Section 198(2) CrPC which made only the husband the aggrieved person for offence under Section 497 or Section 498 IPC was also held invalid.

34. This changed perspective in the traditional notion of sexuality with the assigned role of women as the torchbearer of virtues and morality can observed in the aforesaid decision of Joseph Shine (supra) in the following words,

“191. Patriarchy has permeated the lives of women for centuries. Ostensibly, society has two sets of standards of morality for judging sexual behaviour. One for its female members and another for males. Society ascribes impossible virtues to a woman and confines her to a narrow sphere of behaviour by an expectation of conformity... Anachronistic conceptions of 'chastity' and 'honour' have dictated the social and cultural lives of women, depriving them of the guarantees of dignity and privacy, contained in the Constitution.”

35. The changed perception of the sexual autonomy of women was further noticed in Pawan Kumar v. State of H.P., (2017) 7 SCC 780, wherein this Court observed that:

"47.....The right to live with dignity as guaranteed under Article 21 of the Constitution cannot be violated by indulging in obnoxious act of eve-teasing. It affects the fundamental concept of gender sensitivity and justice and the rights of a woman under Article 14 of the Constitution. That apart it creates an incurable dent in the right of a woman which she has under Article 15 of the Constitution. One is compelled to think and constrained to deliberate why the women in this country cannot be allowed to live in peace and lead a life that is empowered with dignity and freedom. It has to be kept in mind that she has a right to life and entitled to love according to her choice. She has an individual choice which has been legally recognised. It has to be socially respected. No one can compel a woman to love. She has the absolute right to reject.

48. In a civilised society male chauvinism has no room. The Constitution of India confers the affirmative rights on women and the said rights are perceptible from Article 15 of the Constitution. When the right is conferred under the Constitution, it has to be understood that there is no condescension. A man should not put his ego or, for that matter, masculinity on a pedestal and abandon the concept of civility. Egoism must succumb to law. Equality has to be regarded as the summum bonum of the constitutional principle in this context."

36. Chastity, accordingly, is not to be considered purely from a moral perspective focused on virtue alone; it has to be seen from the prism of dignity and autonomy of the individual woman to decide her sexual preferences and habits, and empowering her to reprobate what is not desirable and approbate what is acceptable to her. This autonomy to decide what is acceptable or not is to be based on inner self-determination and not dictated by external societal norms which had been the determining factor for centuries.

Chastity, thus, has to be determined not only by societal values but also based on her individual sensitivities as regards her sexuality. Chastity of a woman should be understood as a person's control over their own sexual choices, in light of freedom of self-determination. It is the ability to determine one's own sexual choices and one's own sexual relationships without interference from another. It would encompass the ability to freely decide who to establish a sexual relationship with on their own terms without any undue pressure or interference. As described in K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1, the dignity of an individual encompasses autonomy over fundamental personal choices and control over dissemination of personal information.

In Puttuswamy (supra) it was observed that:

"524. Privacy enables the individual to retain the autonomy of the body and mind. The autonomy of the individual is the ability to make decisions on vital matters of concern to life. Privacy has not been couched as an independent fundamental right. But that does not detract from the constitutional protection afforded to it, once the true nature of privacy and its relationship with those fundamental rights which are expressly protected is understood. Privacy lies across the spectrum of protected freedoms. The guarantee of equality is a guarantee against arbitrary State action. It prevents the State from discriminating between individuals. The destruction by the State of a sanctified personal space whether of the body or of the mind is violative of the guarantee against arbitrary State action. Privacy of the body entitles an individual to the integrity of the physical aspects of personhood. The intersection between one's mental integrity and privacy

entitles the individual to freedom of thought, the freedom to believe in what is right, and the freedom of self-determination.

525. But most important of all is the cardinal value of fraternity which assures the dignity of the individual. The dignity of the individual encompasses the right of the individual to develop to the full extent of his potential. And this development can only be if an individual has autonomy over fundamental personal choices and control over dissemination of personal information which may be infringed through an unauthorised use of such information. It is clear that Article 21, more than any of the other articles in the fundamental rights chapter, reflects each of these constitutional values in full, and is to be read in consonance with these values and with the international covenants that we have referred to. In the ultimate analysis, the fundamental right of privacy, which has so many developing facets, can only be developed on a case-to-case basis. Depending upon the particular facet that is relied upon, either Article 21 by itself or in conjunction with other fundamental rights would get attracted."

37. Seen from the above perspective, any consensual sexual act is one that an individual, more particularly a woman would reasonably want to keep private and retain autonomy over, and is, therefore, an act that deserves protection. 'Unchastity' should then be read also as an action that interferes with the privacy and autonomy of one's own consensual sexual activities. Any such interference would be a violation of the constitutional understanding of both privacy and dignity under Article 21. Any unwarranted interference with such sexual autonomy can be said to impute unchastity, insofar as it prevents the affected person from controlling the information and choices that she chooses to make with respect to her sexual life. Such a reading protects the dignity of all persons, regardless of their sexual history. [1][Section 53-A of the Indian Evidence Act (now Section 48 of the Bharatiya Sakshya Adhiniyam) states that a person's previous sexual experience is not relevant to the prosecution of sexual offences. We must borrow from this provision the principle that a sexually active person is no less deserving of their dignity being protected than someone who is not sexually active.]

38. The threat to the reputation of the prosecutrix and thus to her chastity must be understood in the context of the dignity of individuals.

In Charu Khurana v. Union of India, (2015) 1 SCC 192 this Court held that:

"33.....Be it stated, dignity is the quintessential quality of a personality and a human frame always desires to live in the mansion of dignity, for it is a highly cherished value."

In K.S. Puttaswamy (supra), it was stated that:

"298. Privacy of the individual is an essential aspect of dignity. Dignity has both an intrinsic and instrumental value. As an intrinsic value, human dignity is an entitlement or a constitutionally protected interest in itself. In its instrumental facet, dignity and freedom are inseparably intertwined, each being a facilitative tool to achieve the other. The ability of the individual to protect a zone of privacy enables the realisation of the full value of life and liberty. Liberty has a broader meaning of which privacy is a subset. All liberties may not be exercised in privacy. Yet others can be fulfilled only within a private space."

Reasons for Bail

in Sudha Singh v. State of Uttar Pradesh & Anr., (2021) 4 SCC 781, observed that:

"11. There is no doubt that liberty is important, even that of a person charged with crime but it is important for the courts to recognise the potential threat to the life and liberty of victims/witnesses, if such accused is released on bail."

33. This Court has repeatedly emphasised that bail orders must be reasoned orders that engage with the material on record. In Mahipal v. Rajesh Kumar, (2020) 2 SCC 118, this Court held that bail orders must reveal the factors that weighed with the Court for granting relief, and that a mere recitation of "the facts and circumstances of the case" without more does not constitute a reasoned order. Further, in Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 this Court laid down the principles guiding the assessment of correctness of an order granting or rejecting bail:

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

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

(ii) nature and gravity of the accusation;

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

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

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

(vi) likelihood of the offence being repeated;

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

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

Public Services – Departmental Promotion Committees – Constitution of Committees - Nomination of Members in the Departmental Promotion Committees for both Head of Department (Non-Cadre) and Additional/ Joint Secretary to Government (Non-Cadre) level Posts and 3rd Level Gazetted – Partial modification - Orders – Issued.

the Citizenship (Amendment) Rules, 2026.

Writ Jurisdiction when Alternate remedy available

In Radha Krishan Industries v. State of H.P., (2021) 6 SCC 771, a co-ordinate Bench of this Court has summarized the principles governing the exercise of writ jurisdiction by the High Court in the presence of an alternative remedy and held as under:

"27. The principles of law which emerge are that:

27.1. The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well.

27.2. The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person.

27.3. Exceptions to the rule of alternate remedy arise where : (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the

order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged.

27.4. An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law.

27.5. When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion.

27.6. In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with."

(emphasis supplied)

[See also: Thansingh Nathmal v. Superintendent of Taxes, AIR 1964 SC 1419 and Whirlpool Corporation. v. Registrar of Trade Marks, (1998) 8 SCC 1]

5.1 Similarly, very recently this Court in Rikhab Chand Jain v. Union of India, 2025 SCC OnLine 2510 held as under:

"10. We may profitably refer, in this context, to the Constitution Bench decision in Thansingh Nathmal v. Superintendent of Taxes [(1964) 15 STC 468 (SC); 1964 SCC OnLine SC 13; AIR 1964 SC 1419.] . In Thansingh Nathmal v. Superintendent of Taxes [(1964) 15 STC 468 (SC); 1964 SCC OnLine SC 13; AIR 1964 SC 1419.] , this court had the occasion to lay down a principle of law which is salutary and not to be found in any other previous decision rendered by it. The principle, plainly, is that, if a remedy is available to a party before the High Court in another jurisdiction, the writ jurisdiction should not normally be exercised on a petition under article 226, for, that would allow the machinery set up by the concerned statute to be bye-passed. The relevant passage from the decision reads as follows (page 474 in 15 STC):

"... The jurisdiction of the High Court under article 226 of the Constitution is couched in wide terms and the exercise thereof is not subject to any restrictions except the territorial restrictions which are expressly provided in the article. But the exercise of the jurisdiction is discretionary; it is not exercised merely because it is lawful to do so. The very amplitude of the jurisdiction demands that it will ordinarily be exercised subject to certain self-imposed limitations. Resort to that jurisdiction is not intended as an alternative remedy for relief which may be obtained in a suit or other mode prescribed by statute. Ordinarily the court will not entertain a petition for a writ under article 226, where the petitioner has an alternative remedy, which, without being unduly onerous, provides an equally efficacious remedy. Again the High Court does not generally enter upon a determination of questions which demand an elaborate examination of evidence to establish the right to enforce which the writ is claimed. The High Court does not therefore act as a court of appeal against the decision of a court or Tribunal, to correct errors of fact, and does not by assuming jurisdiction under article 226 trench upon an alternative remedy provided by statute for obtaining relief. Where it is open to the aggrieved petitioner to move another Tribunal, or even itself in another jurisdiction for obtaining redress in the manner provided by a statute, the High Court normally will not permit, by entertaining a petition under article 226 of the Constitution, the machinery created under

the statute to be by-passed, and will leave the party applying to it to seek resort to the machinery so set up."
(emphasis ours)
12. That apart, the majority view in a previous Constitution Bench in A.V. Venkateswaran, Collector of Customs v. Ramchand Sobhraj Wadhwani [1961 SCC OnLine SC 16; AIR 1961 SC 1506.] reads thus:
"14... ., we must express our dissent from the reasoning by which the learned judges of the High Court held that the writ petitioner was absolved from the normal obligation to exhaust his statutory remedies before invoking the jurisdiction of the High Court under article 226 of the Constitution. If a petitioner has disabled himself from availing himself of the statutory remedy by his own fault in not doing so within the prescribed time, he cannot certainly be permitted to urge that as a ground for the court dealing with his petition under article 226 to exercise its discretion in his favour. Indeed, the second passage extracted from the judgment of the learned C.J. in State of U.P. v. Mohammad Nooh [1957 SCC OnLine SC 21; AIR 1958 SC 86.] with its reference to the right to appeal being lost 'through no fault of his own' emphasizes this aspect of the Rule."
(emphasis ours)
In essence, this court was of the opinion that once a petitioner has due to his own fault disabled himself from availing a statutory remedy, the discretionary remedy under article 226 may not be available."
6. In the same vein, this Court has duly considered the question as to whether the remedy under Article 226 can be availed of if there exists inaction and/or nonaction by the police in registering the FIR relating to a cognizable offence. We may refer to few such pronouncements:
6.1 In Sakiri Vasu v. State of U.P., (2008) 2 SCC 409, a co-ordinate Bench of this Court observed:
"11. In this connection we would like to state that if a person has a grievance that the police station is not registering his FIR under Section 154 CrPC, then he can approach the Superintendent of Police under Section 154(3) CrPC by an application in writing. Even if that does not yield any satisfactory result in the sense that either the FIR is still not registered, or that even after registering it no proper investigation is held, it is open to the aggrieved person to file an application under Section 156(3) CrPC before the learned Magistrate concerned. ...
... ...
25. ... we often find that when someone has a grievance that his FIR has not been registered at the police station and/or a proper investigation is not being done by the police, he rushes to the High Court to file a writ petition or a petition under Section 482 CrPC. We are of the opinion that the High Court should not encourage this practice and should ordinarily refuse to interfere in such matters and relegate the petitioner to his alternating remedy...
26. If a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154(3) CrPC or other police officer referred to in Section 36 CrPC. If despite approaching the Superintendent of Police or the officer referred to in Section 36 his grievance still persists, then he can approach a Magistrate under Section 156(3) CrPC instead of rushing to the High Court by way of a writ petition or a petition under Section 482 CrPC. Moreover, he has a further remedy of filing a criminal complaint under Section 200 CrPC.

Why then should writ petitions or Section 482 petitions be entertained when there are so many alternative remedies?

27. As we have already observed above, the Magistrate has very wide powers to direct registration of an FIR and to ensure a proper investigation and for this purpose he can monitor the investigation to ensure that the investigation is done properly (though he cannot investigate himself). The High Court should discourage the practice of filing a writ petition or petition under Section 482 CrPC simply because a person has a grievance that his FIR has not been registered by the police, or after being registered, proper investigation has not been done by the police.

...

28. It is true that alternative remedy is not an absolute bar to a writ petition, but it is equally well settled that if there is an alternative remedy the High Court should not ordinarily interfere."

(emphasis supplied)

[See also: All India Institute of Medical Sciences Employees' Union (Regd.) v. Union of India, (1996) 11 SCC 582; Aleque Padamsee v. Union of India, (2007) 6 SCC 171; M. Subramaniam v. S. Janaki, (2020) 16 SCC 728; and Anurag Bhatnagar v. State (NCT of Delhi), 2025 SCC OnLine SC 1514]

6.2 Following the law laid in Sakiri Vasu (supra), this Court in Sudhir Bhaskarrao Tambe v. Hemant Yashwant Dhage, (2016) 6 SCC 277, observed as under:

"2. This Court has held in Sakiri Vasu v. State of U.P. [Sakiri Vasu v. State of U.P., (2008) 2 SCC 409 : (2008) 1 SCC (Cri) 440 : AIR 2008 SC 907], that if a person has a grievance that his FIR has not been registered by the police, or having been registered, proper investigation is not being done, then the remedy of the aggrieved person is not to go to the High Court under Article 226 of the Constitution of India, but to approach the Magistrate concerned under Section 156(3) CrPC. ... We have said this in Sakiri Vasu case [Sakiri Vasu v. State of U.P., (2008) 2 SCC 409 : (2008) 1 SCC (Cri) 440 : AIR 2008 SC 907] because what we have found in this country is that the High Courts have been flooded with writ petitions praying for registration of the first information report or praying for a proper investigation.

3. We are of the opinion that if the High Courts entertain such writ petitions, then they will be flooded with such writ petitions and will not be able to do any other work except dealing with such writ petitions. Hence, we have held that the complainant must avail of his alternate remedy to approach the Magistrate concerned under Section 156(3) CrPC and if he does so, the Magistrate will ensure, if prima facie he is satisfied, registration of the first information report and also ensure a proper investigation in the matter, and he can also monitor the investigation."

(emphasis supplied)

Appraisal of Testimony of a witness

Eye witness version if even it is a case of single eye witness, the same can be relied on to convict the accused.

[ii] The testimony of injured eye-witness generally carries significant evidentiary weight, and such testimony cannot be dismissed as unreliable, unless there are substantial discrepancies. The observations of the Hon'ble Supreme Court, in the following cases are relevant:-

(A) In Baljinder Singh @ Ladoo Vs. State of Punjab1 vide Criminal Appeal No.1318 of 2012 decided on 25th September 2024 vide para 12, which reads as follows:-

—12. Also, it is worth indicating that P.W.3, P.W.4, and P.W.5 are —injured witnesses‖ or —injured eye-witnesses‖ in this case. The sworn testimonies provided by injured witnesses generally carry significant evidentiary weight. Such testimonies cannot be dismissed as unreliable unless there are pellucid and substantial discrepancies or contradictions that undermine their credibility. If there is any exaggeration in the deposition that is immaterial to the case, such exaggeration should be disregarded; however, it does not warrant the rejection of the entire evidence. Therefore, the suspicion raised by the appellants regarding the genesis of the case is rendered unfounded.

(B) In Balu Sudam Khalde vs State Of Maharashtra2 - para 26 and 27:-

—26. When the evidence of an injured eye-witness is to be appreciated, the under-noted legal principles enunciated by the Courts are required to be kept in mind:

(a) The presence of an injured eye-witness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.

(b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.

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(c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.

(d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.

(e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.

(f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded.

27. In assessing the value of the evidence of the eyewitnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, circumstances either elicited from those witnesses themselves or established by other evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a Court would attach to their evidence. Although in cases where the plea of the accused is a mere denial, the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or put forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence.‖ (C) For the similar preposition as to appreciating the value of the eye witness, and also the pattern of appreciation of oral evidence in Sessions Cases, certain observations are made by the Hon'ble Apex Court, in Bharwada Bhoginbhai Hirjibhai vs State Of Gujarat3 vide para 5 to 7, which read as follows:-

—5. .... It is a pure finding of fact recorded by the Sessions Court and affirmed by the High Court. Such a concurrent finding of fact cannot be reopened in an appeal by special leave

unless it is established : (1) that the finding is based on no evidence or (2) that the finding is perverse, it being such as no reasonable person could have arrived at even if the evidence was taken at its face value or (3) the finding is based and built on inadmissible evidence, which evidence, if excluded from vision, would negate the prosecution case or substantially discredit or impair it or (4) some vital piece of evidence which would tilt the balance in favour of the convict has been overlooked, disregarded, or wrongly discarded. The present is not a case of such a nature. The finding of guilt recorded by the Sessions Court as affirmed by the High Court has been challenged mainly on the basis of minor discrepancies in the evidence. We do not consider it appropriate or permissible to enter upon a reappraisal or reappreciation of the evidence in the context of the minor discrepancies painstakingly highlighted by learned Counsel for the appellant. Overmuch importance cannot be attached to minor discrepancies. The reasons are obvious :

—(1) By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen. (2) Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprised. The mental faculties therefore cannot be expected to be attuned to absorb the details. (3) The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind, whereas it might go unnoticed on the part of another.

(4) By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape-recorder. (5) In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess-work on the spur of the moment at the time of interrogation. And one cannot expect (1983) 3 SCC 217 people to make very precise or reliable estimates in such matters.

Again, it depends on the time-sense of individuals which varies from person to person.

(6) Ordinarily a witness cannot be expected to recall accurately the sequence of events which takes place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

(7) A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross-examination made by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him -- Perhaps it is a sort of a psychological defence mechanism activated on the spur of the moment.‖

6. Discrepancies which do not go to the root of the matter and shake the basic version of the witnesses therefore cannot be annexed with undue importance. More so when the all important —probabilities factor‖ echoes in favour of the version narrated by the witnesses.

7. It is now time to tackle the pivotal issue as regards the need for insisting on corroboration to the testimony of the prosecutrix in sex offences. This Court, in Rameshwar v. State of Rajasthan [1951 SCC 1213 : AIR 1952 SC 54 : 1952 SCJ 46 : 1952 SCR 377, 386 : 1952 Cri LJ 547] has declared that corroboration is not the sine qua non for a conviction in a rape case. The utterance of the court in Rameshwar

[Appeal by Special Leave from the Judgment and Order dated November 15, 1976 of the Gujarat High Court in Criminal Appeal No. 832 of 1976] may be replayed, across the time-gap of three decades which have whistled past, in the inimitable voice of Vivian Bose, J., who spoke for the court :

"The rule, which according to the cases has hardened into one of law, is not that corroboration is essential before there can be a conviction but that the necessity of corroboration, as a matter of prudence, except where the circumstances make it safe to dispense with it, must be present to the mind of the Judge, . . . The only rule of law is that this rule of prudence must be present to the mind of the Judge or the jury as the case may be and be understood and appreciated by him or them. There is no rule of practice that there must, in every case, be corroboration before a conviction can be allowed to stand. as per the observations of the Hon'ble Supreme Court in Chandra Sekar Bell and Vs state of Bihar4vide para 10 and 12.

" 10. This two-witness theory has also been adopted by this Court in the case of Binay Kumar Singh v. State of Bihar [(1997) 1 SCC 283 : 1997 SCC (Cri) 333] . It is held that there is no rule of evidence that no conviction can be based unless a certain minimum number of witnesses have identified a particular accused as a member of the unlawful assembly. It is held that it is axiomatic that evidence is not to be counted but only weighed and it is not the quantity of evidence but the quality that matters. It is held that even the testimony of one single witness, if wholly reliable, is sufficient to establish the identification of an accused as a 2001 (8) SCC 690 member of an unlawful assembly. It is held that all the same, when the size of the unlawful assembly is quite large and many persons would have witnessed the incident, it would be a prudent exercise to insist on at least two reliable witnesses to vouchsafe the identification of an accused as a participant in the rioting.

.....

In Bhimapa Chandapa Hosamani V. State of Karnataka7 vide para 24, reads as follows:-

—24. We have undertaken a very close and critical scrutiny of the evidence of PW 1 and the other evidence on record only with a view to assess whether the evidence of PW 1 is of such quality that a conviction for the offence of murder can be safely rested on her sole testimony. This Court has repeatedly observed that on the basis of the testimony of a single eyewitness a conviction may be recorded, but it has also cautioned that while doing so the court must be satisfied that the testimony of the solitary eyewitness is of such sterling quality that the court finds it safe to base a conviction solely on the testimony of that witness. In doing so the court must test the credibility of the witness by reference to the quality of his evidence. The evidence must be free of any blemish or suspicion, must impress the court as wholly truthful, must appear to be natural and so convincing that the court has no hesitation in recording a conviction solely on the basis of the testimony of a single witness.

(iv) When other witnesses turned hostile and when the solitary eye witness is there, the evidence of such solitary eye witness must be free from blemish or suspicion.

(2006) 11 SCC 323

(v) While appreciating of evidence of chance witness and cautious as well as close scrutiny is necessary as held in Harjinder Singh Vs. State of Punjab8 vide para 14.

"14. The foregoing discussion leads us to conclude that the trial court and the High Court did not consider certain material aspects apparent from the evidence and there was almost a mechanical acceptance of the evidence of the two chance witnesses whose

evidence should have been evaluated with greater care and caution. As pointed out by this Court in Satbir v. Surat Singh [(1997) 4 SCC 192 : 1997 SCC (Cri) 538] a —cautious and close scrutinyǁ of the evidence of chance witnesses should inform the approach of the Court. In these circumstances, this Court need not feel bound to accept the findings. The overall picture we get on a critical examination of the prosecution evidence is that PWs 3 and 4 were introduced as eyewitnesses only after the dead body was found."

NEWS

- Notification in respect of Transgender Persons Protection of Rights Amendment Act 2026
- Notification regarding Amendment in Schedule to amend definition of Acid Attack Victims in Rights of Persons with Disabilities Act 2016
- THE ANDHRA PRADESH ELECTRONIC PROCESSES (ISSUANCE, SERVICE AND EXECUTION) RULES, 2025. [G.O.Ms.No.107, Home (Courts-B), 22nd May, 2026.]
- AP- AWARD OF COMMUNITY SERVICES AS PUNISHMENT - GUIDELINES.. [G.O.Ms.No.108, Home (Courts-B), 22nd May, 2026.]
- THE ANDHRA PRADESH BANNING OF UNREGULATED DEPOSIT SCHEMES RULES, 2022 - AUTHORIZING THE CONCERNED UNIT OFFICER/OFFICERS TO ASSIST THE COMPETENT AUTHORITY. [G.O.Ms.No.80, Home (General.A), 1st May, 2026]
- High Court of Andhra Pradesh – Order dt. 09.03.2026 in Writ Petition (Civil) No. 1112 of 2025 of Hon'ble Supreme Court of India, directed to fix timeline(s) for the trial Courts regarding trials in acid attack cases - Minutes of the Committee meeting of Hon'ble Judges for "Ensuring the Implementation of the Decisions of the Apex Court" held on 29.04.2026 and 05.05.2026 - Timelines fixed for disposal of acid attack cases - Communicated for strict compliance-- Reg.
- SAMADHAN SAMAROH, 2026 (Special Lok Adalat at Supreme Court of India)

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ON A LIGHTER VEIN

An English man and an Irish man are driving head-on, at night, on a twisty, dark road. Both are driving too fast for the conditions and collide on a sharp bend in the road. To the amazement of both, they are unscathed, though their cars are both destroyed. In celebration of their luck, both agree to put aside their dislike for the other from that moment on. At this point, the Englishman goes to the boot and fetches a 12-year-old bottle of whiskey. He hands the bottle to the Irish man, who exclaims," may the Irish and the English live together forever, in peace, and harmony." The Irish man then tips the bottle and gulps half of the bottle down. Still flabbergasted over the whole thing, he goes to hand the bottle to the Englishman, who replies: " no thanks, I'll just wait till the Police get here

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