



STUDY MATERIAL
ON
TRAINING PROGRAMME ON NEW CRIMINAL LAWS
FOR
JUDICIAL OFFICERS
(29.09.2026)

PREPARED BY
UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,
BHOWALI

INDEX OF CASE LAWS

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29.	Jayendra Vishnu Thakur Vs. State of Maharashtra (2009) 7 SCC SCC 104Para (43)	Effective Period/Valid Duration of Proclamation u/s 82 CRPC
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32.	Sanjay Bhandari vs Govt Of NCT Of Delhi 2018 SCC OnLine Del 10203Para (30, 31)	'Proclaimed Person' and 'Proclaimed Offender'

33.	Deveshwari Devi Vs. State of Uttarakhand 2013 SCC Online Utt 3381Para (2, 3)	Objection against attachment : Stage
34.	Abhila v. State of Kerala 2020 SCC OnLine Ker 4632Para (6)	Limitation Period of 02 years u/s Sec. 85(3) CrPC
35.	Tarsem Lal vs Directorate Of Enforcement Jalandhar (2024) 7 SCC 61Para (33.6)	Order accepting bonds under S. 88 from the accused does not amount to a grant of bail.
36.	T.T. Antony v. State of Kerala, AIR 2001 SC 2637	registering a second FIR on the same set of facts is not permissible. As per Section 154 of the Cr.P.C., the FIR is the first information received regarding the commission of a cognizable offence. Any subsequent oral or written statements made after the investigation has begun—based on the facts disclosed in the original FIR—fall under Section 162 of the Cr.P.C. Such statements cannot be treated as a fresh FIR or re-entered in the station house diary, as doing so would amount to lodging a second FIR, which is not allowed.
36.	Ramesh Chandra Nandlal Parikh v. State of Gujarat, (2006) 1 SCC 732,	there is no bar on registering a second FIR if it pertains to a different cognizable offence or arises from a distinct occurrence

		unrelated to the facts alleged in the first FIR.
37.	Shailesh Kumar v. State of UP (now State of Uttarakhand) 2024	The Supreme Court has held that information disclosing the commission of a cognizable offence needs to be recorded as an FIR in the designated FIR book, rather than being documented in the General Diary maintained by the Police under the Police Act, 1861. A General Diary entry cannot precede the registration of an FIR unless a preliminary inquiry is deemed necessary.
38.	Priyanka Srivastava v. State of UP (2015)	The Court held that prior to making an application to the Magistrate under Section 156(3) of the CrPC. the applicant must necessarily make applications under Sections 154(1) and 154(3).
39.	Om Prakash Ambadkar v. The State of Maharashtra & Ors. (2025)	➤ The Court observed that following

		safeguards have been introduced in Section 175 (3) of BNSS which were absent in Section 156 (3) of CrPC: ➤ Firstly, the requirement of making an application to the Superintendent of Police upon refusal by the officer in charge of a police station to lodge the FIR has been made mandatory, and the applicant making an application under Section 175(3) is required to furnish a copy of the application made to the Superintendent of Police under Section 173(4), supported by an affidavit, while making the application to the Magistrate under Section 175(3). ➤ Secondly, the Magistrate has been empowered to conduct such an enquiry as he
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		deems necessary before making an order directing the registration of FIR. ➤ Thirdly, the Magistrate is required to consider the submissions of the officer in charge of the police station as regards the refusal to register an FIR before issuing any directions under Section 175(3).
40.	Sakiri Vasu v. State of Uttar Pradesh (2008) 2 SCC409	The Magistrate has a power to some extent to monitor the investigation under section 175(3). 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. If such an application under Section 156(3) is filed before the Magistrate, the Magistrate can direct the FIR to be registered and also can direct a proper investigation to be made, in a case where, according to the aggrieved person, no proper investigation was made. The Magistrate can also under the same provision monitor the investigation to ensure a proper investigation.
41.	Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State Of Maharashtra -2012 9 SCC 1	it is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be provided to him from legal aid at the expense of the State. The right flows from Articles 21 and 22(1) of the Constitution and needs to be strictly enforced. We, accordingly, direct all the magistrates in the country to faithfully

		discharge the aforesaid duty and obligation and further make it clear that any failure to fully discharge the duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings.
42.	Arnesh Kumar v. State of Bihar AIR 2014 SC 2756	➤ Ensure that the ground of arrest has been intimated to the accused. ➤ Ensure that any relative of the accused has been informed about his arrest.
43.	Rasiklal V. Kishore Khanchand Wadhwani (AIR 2009 1341)	“As soon as it appears that the accused person is prepared to give bail, the police officer or the court before whom he offers to give bail, is bound to release him on such terms as to bail as may appear to the officer or the court to be reasonable. It would even be open to the officer or the court to discharge such person on his executing a bond as provided in the Section instead of taking bail from him”
44.	Chaganti Satyanarayan and Others V. State of Andhra	➤ The period of 90 days or 60 days shall be

	Pradesh 1986 SCC OnLine SC 159	computed from the date of remand and not from the date of arrest.
45.	Ravi Prakash Singh v. State of Bihar (2015) 8 SCC340	➤ While computing the period of 60 or 90 days, the day on which the accused is remanded has to be excluded, and the day on which charge sheet is filed in the court has to be included.
46.	Uday Mohanlal Acharya v. State of Maharashtra, (2001) 5 SCC 453	➤ Default bail can be granted only on the 91st day/61st day, if no police report is filed. If On the 91st day/61st day both bail Application and Charge sheet filed- Bail can be granted if the accused has availed of the opportunity of bail prior to filing of Charge Sheet.
47.	Natabar Parinda v. State of Orissa, AIR 1975 SC 1465	“the accused has a right to be released on bail under this provision even in serious and ghastly types of crimes.”

48.	In Re Policy Strategy for Grant of Bail SMW, 2023 (2) KLT 97 –	1) The Court which grants bail to an under trial prisoner/convict would be required to send a soft copy of the bail order by e-mail to the prisoner through the Jail Superintendent on the same day or the next day. The Jail Superintendent would be required to enter the date of grant of bail in the e-prisons software [or any other software which is being used by the Prison Department. 2) If the accused is not released within a period of 7 days from the date of grant of bail, it would be the duty of the Superintendent of Jail to inform the Secretary, DLSA who may depute para legal
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		volunteer or jail visiting advocate to interact with the prisoner and assist the prisoner in all ways possible for his release. 3) NIC would make attempts to create necessary fields in the e-prison software so that the date of grant of bail and date of release are entered by the Prison Department and in case the prisoner is not released within 7 days, then an automatic email can be sent to the Secretary, DLSA. 4) The Secretary, DLSA with a view to find out the economic condition of the accused, may take help of the Probation Officers or the Para Legal Volunteers to prepare
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		a report on the socio-economic conditions of the inmate which may be placed before the concerned Court with a request to relax the condition (s) of bail/surety. 5) In cases where the under trial or convict requests that he can furnish bail bond or sureties once released, then in an appropriate case, the Court may consider granting temporary bail for a specified period to the accused so that he can furnish bail bond or sureties. 6) If the bail bonds are not furnished within one month from the date of grant bail, the concerned Court may suo moto take up the case and consider
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		whether the conditions of bail require modification/relaxation. 7) One of the reasons which delays the release of the accused/convict is the insistence upon local surety. It is suggested that in such cases, the courts may not impose the condition of local surety.
49.	Munish Bhasin & Others versus State (Government of NCT of Delhi) & Another reported in (2009) 4 SCC 45	Hon'ble Supreme Court has held that while granting bail normally condition scan be imposed (i) To secure the presence of the accused before the investigating officer or before the court, (ii) To prevent him from fleeing the course of justice, (iii) To prevent him from tampering

		with the evidence or to prevent him from inducing or intimidating the witnesses so as to dissuade them from disclosing the facts before the police or court, or restricting the movements of the accused in a particular area or locality or to maintain law and order, etc.
50.	Dataram Singh v. State of Uttar Pradesh AIR 2018 SC 980	➤ :Conditions for the grant of bail ought not to be so onerous to be incapable of compliance, thereby making the grant of bail illusory.
51.	Guddan @ Roop Narayan vs State of Rajasthan (Criminal Appeal No. 120 of 2023 @ SLP (Criminal) No. 9756 of 2022),	The Hon'ble Supreme Court observed that we are unable to appreciate the excessive conditions of bail imposed by the High Court. The fact that bail

		has been granted to the Appellant herein is proof enough to show that he is not to be languishing in jail during the pendency of the case. While bail has been granted to the Appellant, the excessive conditions imposed have, in-fact, in practical manifestation, acted as a refusal to the grant of bail. If the Appellant had paid the required amount, it would have been a different matter. However, the fact that the Appellant was not able to pay the amount, and in default thereof is still languishing in jail, is sufficient indication that he was not able to make up the amount.
52.	Raghubir Singh v. State of Bihar 1986 SCC (Cri) 511	Supreme Court held that bail can be cancelled where:

		(i) the accused misuses his liberty by indulging in similar criminal activity, (ii) interferes with the course of investigation, (iii) attempts to tamper with evidence or witnesses, (iv) threatens witnesses or indulges in similar activities which would hamper smooth investigation, (v) there is likelihood of his fleeing to another country, (vi) attempts to make himself scarce by going underground or becoming
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		unavailable to the investigating agency, (vii) attempts to place himself beyond the reach of his surety, etc. The above grounds are illustrative and not exhaustive. It must also be remembered that rejection of bail stands on one footing but cancellation of bail is a harsh order because it interferes with the liberty of the individual and hence it must not be lightly resorted.
53.	Parvinder Singh Khurana v. Directorate of Enforcement, 2024 SCC OnLine SC 1765 : 2024 INSC 546,	The Para -11, an order granting a stay to the operation of the order granting bail during the pendency of the application for cancellation of bail should be passed in very rare cases. 12, An order granting bail can be stayed by the Court only in exceptional cases when a very strong prima facie case of the existence of the grounds for cancellation of bail is made out. The prima facie case must be of a very high standard. By way of illustration, we can point out a case where the bail is granted by a very cryptic order without recording

		any reasons or application of mind. One more illustration can be of a case where material is available on record to prove serious misuse of the liberty made the accused by tampering with the evidence, such as threatening the prosecution witnesses. If the High Court or Sessions Court concludes that an exceptional case is made out for the grant of stay, the Court must record brief reasons and set out the grounds for coming to such a conclusion. 13. An ex-parte stay of the order granting bail, as a standard rule, should not be granted. The power to grant an ex-parte interim stay of an order granting bail has to be exercised in very rare and exceptional cases where the situation demands the passing of such an order. While considering the prayer for granting an ex-parte stay, the concerned Court must apply its mind and decide whether the case is very exceptional, warranting the exercise of drastic power to grant an ex-parte stay of the order granting bail. Liberty granted to an accused under the order granting bail cannot be lightly and casually
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		interfered with by mechanically granting an ex-parte order of stay of the bail order.
54.	Mihir Rajesh Shah v. State of Maharashtra, 2025 SCC OnLine SC 2356	Grounds of arrest&principles reiterated
55.	Dablu Kujur Vs State Of Jharkhand 2024 INSC 197	The police report should be in the form prescribed by the State Government.
56.	Sameer Sandhir v. CBI 2025 INSC 776	Provision of Sec. 173(5) CrPC {Now 193(6) BNSS} is directory not mandatory.
57.	K. Vadivel vs. K. Shanthi 2024 INSC 746	Power to order further investigation is a significant power it has to be exercised sparingly and in exceptional cases and to achieve the ends of justice.
58.	MISS 'A' v. State of U.P. 2020 INSC 580	Copies of the documents referred to in Section 207, 208 CrPC.
59.	CBI v. Kapil Wadhawan (2024) 3 SCC 7	Filing of charge sheet and default bail.
60.	Narayan Yadav V. State of Chhattisgarh 2025 INSC 927	Confessional FIR. Implication of Section(s) 27 and 8 of the Indian Evidence Act, 1872.
61.	Munnesh vs State of U.P. 2025 SCC OnLine 1319	Disclosure of criminal antecedents in bail & anticipatory bail application by accused.
62.	Dhanraj Aswani vs Amar S. Mulchandani 2024 INSC 669	Anticipatory Bail
63.	Himanshu Sharma V. State of MP (2024) 4 SCC 222	considerations for grant of bail and cancellation thereof.
64.	Zeba Khan Vs. State of U.P. 2026 INSC 144	Mandatory obligation for every bail applicant to completely disclose all material particulars, including criminal

		antecedents, supported by an affidavit
65.	State Of Uttar Pradesh V. Anurudh & Anr 2026 INSC 47	Determining a victim's age in a POCSO Act case is a matter for trial and cannot be conclusively decided or mandated through broad investigative directions at the bail stage.
66.	Sumit v. State of U.P. & anr. 2026 INSC 145	Anticipatory bail, once granted, ordinarily continues without a fixed expiry, and the filing of a charge-sheet, taking of cognizance, or issuance of summons does not automatically terminate the protection.
67.	Sandeep Yadav v. Satish, 2026 SCC OnLine SC 474	A technical defect in the formal framing or signing of charges does not automatically vitiate a criminal trial.
68.	Anumandala Rajesh Reddy v. State of Karnataka 2026 INSC 1039	Sanction under Section 197 of the CrPC is not required to register an FIR or direct an investigation under Section 156(3) CrPC, A Magistrate's order directing the registration of an First Information Report (FIR) under Section 156(3) of the Code of Criminal Procedure (CrPC) is strictly a pre-cognizance step and does not amount to "taking cognizance".
69.	Union of India v. Chidiebere Kingsley Nawchara 2026 INSC 870	Strict nationwide guidelines for granting bail to foreign nationals.
70.	Jaskaran Jeet Singh Deol v. State of Punjab, 2026 SCC OnLine SC 1939	If an accused is released due to a violation of Article

		22 safeguards, the police cannot automatically re-arrest them without obtaining prior approval from a competent Magistrate.
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CANCELLATION OF BAIL

The Bharatiya Nagarik Suraksha Adhiniyan makes clear provisions for cancellation of bail and taking accused back in custody. Section 480(5) states that any court which has released a person on bail under sub-section (1) or (2) of Section 480, may, if it considers it necessary so to do, direct that such person be arrested and commit him to custody. Similarly, Section 483(3) BNSS confers on the High Court and the Court of Session power to cancel bail.

The power of cancellation of bail can be resorted to broadly in the following situations:

S. no.	Situations in which bail can be cancelled	By whom the bail can be cancelled
1.	On merits of a case mainly on the ground of the order granting bail being perverse, or passed without due application of mind or in violation of any substantive or procedural law.	By Superior Courts Only
2.	On the ground of misuse of liberty after the grant of bail or other supervening circumstances.	Court by which bail was granted.

CASE LAWS ON BAIL

S. No.	CASE LAWS WITH CITATIONS	LAW POINT
1.	Rukmani Mahato vs. State of Jharkhand (03.03.2017 - SC): MANU/SC/1318/2017	Supreme Court held: When this Court or a High Court or even a Sessions Judge grants interim anticipatory bail and the matter is pending before that Court, there can be no occasion for the accused to appear and surrender before the learned Trial Court and seek regular bail. The predicament of the subordinate Judge in considering the prayer for regular bail and the impossibility of denial of such bail in the face of the pre-arrest bail granted by a higher forum is real. Surrender and a bail

		application in such circumstances is nothing but an abuse of the process of law by the concerned accused. Once a regular bail is granted by a subordinate Court on the strength of the interim/pre-arrest bail granted by the superior Court, even if the superior Court is to dismiss the plea of anticipatory bail upon fuller consideration of the matter, the regular bail granted by the subordinate Court would continue to hold the field, rendering the ultimate rejection of the pre-arrest bail by the Superior Court meaningless.
2.	Kalyan Chandra Sarkar and Ors. vs. Rajesh Ranjan and Ors. (18.01.2005 - SC): MANU/SC/0045/2005	“19. The principles of res judicata and such analogous principles although are not applicable in a criminal proceeding, still the courts are bound by the doctrine of judicial discipline having regard to the hierarchical system prevailing in our country. The findings of a higher court or a coordinate bench must receive serious consideration at the hands of the court entertaining a

		bail application at a later stage when the same had been rejected earlier. In such an event the courts must give due weight to the grounds which weighed with the former or higher court in rejecting the bail application.... 20. The decisions given by a superior forum, undoubtedly, is binding on the subordinate for on the same issue even in bail matters unless of course, there is a material change in the fact situation calling for a different view being taken. Therefore, even though there is room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application.”
3.	Pradeep Ram vs. State of Jharkhand and Another, (2019)	The Hon’ble Supreme Court came to a conclusion that in respect

	17 SCC 326: 2019 SCC OnLine SC 825,	of a circumstance where after grant of bail to an accused, further cognizable and non-bailable offences are added: “31.1. The accused can surrender and apply for bail for newly added cognizable and non-bailable offences. In event of refusal of bail, the accused can certainly be arrested. 31.2. The investigating agency can seek order from the court under Section 437(5) or 439(2) CrPC for arrest of the accused and his custody. 31.3. The court, in exercise of power under Section 437(5) or 439(2) CrPC, can direct for taking into custody the accused who has already been granted bail after cancellation of his bail. The court in exercise of power under Section 437(5) as well as Section 439(2) can direct the person who has already been granted bail to be arrested and commit him to custody on addition of graver and non- bailable offences which may not be necessary always with order of cancelling of earlier bail.
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		31.4. In a case where an accused has already been granted bail, the investigating authority on addition of an offence or offences may not proceed to arrest the accused, but for arresting the accused on such addition of offence or offences it needs to obtain an order to arrest the accused from the court which had granted the bail.”
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**CIRCULAR LETTERS OF HON’BLE HIGH COURT OF
UTTARAKHAND PERTAINING TO BAIL.**

From,
Registrar General,
High Court of Uttarakhand
Nainital.
To,
All the District Judges,
State Judiciary, Uttarakhand.

C.L. No. 09 /UHC/Admin.B/2023

Dated: 09/05/2023.

Subject :- Implementation of Orders issued by Hon'ble Supreme Court in SLP (Crl.) No. 5191 of 2021 titled as Satender Kumar Antil vs. CBI and Anr.

Sir/Madam,

Apropos to the subject noted above, I am directed to inform you that Hon'ble the Supreme Court has taken a serious note upon the practice of Judicial Officers of dealing in matters of custody and bail in lackadaisical manner even after clear directions issued in this regard time and again.

2. In terms of the Judgment & Order dated 11.07.2022 (*copy enclosed*) passed by the Hon'ble Supreme Court of India in M.A. No. 1849 of 2021 in SLP (Crl.) No. 5191 of 2021 (*Satender Kumar Antil vs. CBI & Anr.*), this Hon'ble Court has been pleased to issue the following directions:-

I. Any dereliction on the part of the investigating agencies and their officers to comply with the mandate of Section 41 and 41A of the Code of Criminal Procedure and the directions issued by the Hon'ble Supreme Court of India in **Arnesh Kumar Case** has to be brought to the notice of the higher authorities by the Court concerned followed by appropriate action.

II. All the courts will have to satisfy themselves on the compliance of Section 41 and 41A of the Code of Criminal Procedure.

III. There need not be any insistence of a bail application while considering the application under Section 88, 170, 204 and 209 of the Code of Criminal Procedure.

IV. There needs to be a strict compliance of the mandate laid down in the Judgment of the Hon'ble Supreme Court in **Siddharta v. State of UP (2021) 1 SCC 676**.

V. While insisting upon sureties the mandate of Section 440 of the Code has to be kept in mind.

VI. An exercise will have to be done in a similar manner to comply with the mandate of Section 436A of the Code at all level as directed by the Hon'ble Supreme Court of India in ***Bhim Singh v. Union of India, (2015) 13 SCC 605.***

VII. Bail applications ought to be disposed of within a period of two weeks except if the provisions mandate otherwise, with the exception being an intervening application. Applications for anticipatory bail are expected to be disposed of within a period of six weeks with the exception of any intervening application.

3. It is therefore requested to circulate the aforesaid directions amongst all the Judicial Officers in your respective Judgeship for information and to ensure strict compliance.

4. You are further requested to monitor the Strict Compliance of the same and to submit the compliance report to this Hon'ble Court, by 10th of every month positively.

Regards.

Yours sincerely,

Sd/-

(Anuj Kumar Sangal)
Registrar General

Encl: As above.

No. 2191 /UHC/Admin.B/2023

Dated: 09/05/2023.

Copy for information and necessary action to:-

- (i) Principal Secretary, Home, Dehradun.
- (ii) DGP, Uttarakhand Police, Dehradun.
- (iii) Director, Uttarakhand Judicial & Legal Academy, Bhowali, Nainital.
- (iv) All the Family Court Judges, State of Uttarakhand.
- (v) Chairman, Commercial Tax Tribunal, Dehradun.
- (vi) Chairman, State Transport Appellate Tribunal, Dehradun.
- (vii) Registrar, State Consumer Redressal Commission, Dehradun.
- (viii) Member Secretary, Uttarakhand State Legal Services Authority, Nainital.
- (ix) Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
- (x) Presiding Officer, Labour Courts, Dehradun, Haridwar & Kashipur, District Udham Singh Nagar.



From,

Registrar General
High Court of Uttarakhand
Nainital

To,

All the District Judges
Subordinate to High Court of Uttarakhand

C. L. No. 4 / UHC/Admin.B/ XVII/09/2022 Dated: November 30th, 2022

Subject: Acceptance And Verification Of Surety Bonds.

Sir,

In supersession of all earlier Circulars and Instructions on the subject noted above, Hon'ble Court is pleased to direct that all surety bonds, submitted in support of bail applications before the court, shall be accepted by the court concerned upon its satisfaction.

Only in cases, where it appears to the court that there is a good reason to get the surety bonds verified, steps for verification shall be undertaken, and not otherwise.

In such cases, the process of verification shall be undertaken, in the first instance, by the court itself by accessing the Bhulekh Web Portals developed by the State Governments.

In any event, verification reports should be obtained from the concerned Police Station within three days at the most.

It is, therefore, requested to circulate it among all the Judicial Officers of your respective judgship for information and strict compliance.

Yours sincerely,

em
30.11.22

(Vivek Bharti Sharma)
Registrar General

No. 5289 UHC/Admin. B/ XVII/09/2022

Dated: November 30th, 2022

Copy for information and necessary action to:-

- (i) Director, Uttarakhand Judicial & Legal Academy, Bhowali, Nainital
- (ii) All the Family Court Judges, State of Uttarakhand

C.L. No. 02/UHC/Admin.A/2022

Dated: May 27, 2022.

Sub: Compliance and due execution of orders and other processes communicated by Hon'ble Supreme Court of India through "FASTER" system.

Sir/Madam,

In Suo Moto Writ Petition (C) No.4/2021, IN RE: DELAY IN RELEASE OF CONVICTS AFTER GRANT OF BAIL, the Hon'ble Supreme Court of India has directed vide order dated 23.09.2021 to adopt the procedure termed as FASTER (Fast and Secure Transmission of Electronic Records) for transmission of e-authenticated copies of the interim orders, stay orders, bail orders and record of proceedings to the duty-holders for compliance and due execution, through a secured electronic communication channel.

Rule 99 of the General Rules (Criminal), 1977 provides for duty of a trial court on receipt of judgment or order of Appellate or Revisional Court, while, Rule 102 of the General Rules (Criminal), 1977 provides for issue of a judicial order or communication of the purport of a warrant or process by electronic form, service of orders of Appellate Courts and processes through email and other electronic modes. Rule 100 of General Rules (Civil), 1957 provides for sending of copy of an appellate judgment certified to the lower court for perusal to the officer against whose order or decree the appeal was preferred.

Therefore, all concerned are hereby directed that the e-authenticated copy of the Order/Direction/Record of Proceedings received from the Hon'ble Supreme Court of India via secured email domain i.e., xxxxx@jcn.nic.in, shall be awarded due recognition and the directions contained therein shall be complied/executed without any delay.

Further, the District Judge shall be responsible to receive, acknowledge the receipt and to send compliance report of the orders of the Hon'ble Supreme Court, sent through the FASTER system via secured email domain i.e., xxxxx@jcn.nic.in, created by NIC.

Yours sincerely,

Sd/-

(Vivek Bharti Sharma)
Registrar General
27.05.2022

No. 2561/UHC/Admin A/FASTER/2022

Dated: May 27, 2022.

Copy forwarded for information to:

6. Secretary General, Supreme Court of India, New Delhi.

7. P.P.S. of the Court.

- P.S. to Hon'ble Judge(s) with the request to place it before His Lordship for kind perusal.
- P.S. to Registrar General.
- All the Registrars of the Court.
- Joint Registrars/Deputy Registrars/Librarian/Assistant Registrars/Section Officers of the Court.
- Assistant Registrar (I.T.) of the Court with request to upload it on the Official website of High Court of Uttarakhand.
- Guard File.

Registrar General
27.05.2022

.CASE LAWS ON SECTION 223 BNSS		
S.NO.	CASE LAWS & CITATIONS	LAW POINT
1.	Sri Basanagouda R Patil (Yatnal) vs Sri Shivananda S Patil on 27 September, 2024 Criminal Petition No.7526 OF 2024	“10. Therefore, the procedural drill would be this way: A complaint is presented before the Magistrate under Section 223 of the BNSS; on presentation of the complaint, it would be the duty of the Magistrate / concerned Court to examine the complainant on oath, which would be his sworn statement and examine the witnesses present if any, and the substance of such examination should be reduced into writing. The question of taking of cognizance would not arise at this juncture. The magistrate has to, in terms of the proviso, issue a notice to the accused who is given an opportunity of being heard. Therefore, notice shall be issued to the accused at that stage and after hearing the accused, take cognizance and regulate its procedure thereafter. 11. The proviso indicates that an accused should have an opportunity of being heard. Opportunity of being heard would not mean an empty formality. Therefore, the notice that is sent to the accused in terms of proviso to sub-section (1) of Section 223 of the BNSS shall append to it the complaint; the sworn statement; statement of

		witnesses if any, for the accused to appear and submit his case before taking of cognizance. In the considered view of this Court, it is the clear purport of Section 223 of BNSS 2023.”
2.	<i>SUBY ANTONY v. 1 R1(DELETED), CRL.MC NO. 508 OF 2025</i>	“7. Indeed, a radical change in procedure is brought about by the proviso to Section 223(1) of BNSS. Pertinently, in spite of the proviso to Section 223(1) making it mandatory to provide opportunity of hearing to the accused before taking cognizance, Section 226 does not reckon the accused's objection at the stage of taking cognizance as a relevant factor for dismissing the complaint. Being guided by the precedents on Sections 200 and 202 of the Code and the plain language of the proviso to Section 223(1) of the BNSS, this Court is of the opinion that, after the complaint is filed, the Magistrate should first examine the complainant and witnesses on oath and thereafter, if the Magistrate proceeds to take cognizance of the offence/s, opportunity of hearing should be afforded to the accused.”
3.	<i>Sanjabij Tari Vs. Kishore S. Borcar & Another. 2025 INSC 1158</i>	No need for pre cognizance summons to accused in 138 N.I. Act.

		The Hon'ble Supreme Court observed that an accused need not be heard at the pre cognizance stage of complaints filed for dishonour of cheque as per Section 138 of N.I. Act.
4.	State Of Karnataka By Nonavinakere ... vs Shivanna @ Tarkari Shivanna on 25 April, 2014	the Apex Court exercising powers under Article 142 of the Constitution of India issued interim directions in the form of mandamus to all police stations across the country, which are as follows: i. Upon receipt of information relating to the commission of the offence of rape, the Investigating Officer shall make immediate steps to take the victim to any Metropolitan/preferably Judicial Magistrate for the purpose of recording her statement Under Section 164 Code of Criminal Procedure and a copy of the statement should be handed over to the Investigating Officer immediately with a specific direction that

		the contents of such statement should not be disclosed to any person till charge sheet/report is filed. ii. The Investigating Officer shall take the victim to the nearest Lady Metropolitan/preferably Lady Judicial Magistrate as soon as possible. iii. The Investigating Officer shall record specifically the date and the time at which he learned about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/preferably Lady Judicial Magistrate as aforesaid. iv. If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate. v. Medical Examination of the victim: Section 164A
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		Code of Criminal Procedure imposes an obligation on the part of Investigating Officer to get the victim of the rape immediately for medical examination. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim Under Section 164 Code of Criminal Procedure.”
5.	Hardeep Singh v State of Punjab, AIR 2014 SC 1400, para 21	Where the offence is exclusively triable by the Court of Session, the Magistrate need not conduct any detailed inquiry except as required under Section 225 BNSS in private complaints.

CASE LAWS ON SUMMON TRAIL

S. No.	Case Law	Observation
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01	Subramaniam Sethuraman vs State Of Maharashtra & Anr., 2004 (13) SCC 324	No discharge of accused in summons trial cases: (Sec 251 CrPC)
02	Bharat K Gupta v Arun Kumar, (2000) 10 SCC 658	Substance of accusation to be stated by the Magistrate (Sec 251 CrPC)
03	Mahant Kaushalya v State of Madras, 1965 SCC OnLine SC 3	Terms of Sec 252 CrPC should be strictly complied with
04	Associated Cement Co. Ltd. V Keshvanand, 1998 Supreme Court Cases (Cri) 475	Purpose of sec 256 CrPC
05	S. Rama Krishna vs. S. Rami Reddy 2008 SCC OnLine SC 733	Complainant absent from the trial for a significant period : Magistrate has the authority to acquit the accused (Sec 256 CrPC)
06	Maj. Genl. A.S Gouraya and another v S.N. Thakur and another 1986 SCC OnLine SC 143 (Para 9 & 10)	If the complaint dismisses the complaint and acquits the accused due to the non appearance of the complainant, the magistrate has no jurisdiction to restore and revive the complaint.
07	Kushal Kumar Talukdar v Chandra Pd. Goenka 2004 SCC OnLine Gau 130 (Para 48)	On death of the complainant in Summon trial cases instituted on private complaint : No ipso facto termination of proceeding, Magistrate may permit substitution (sec 256 CrPC)
08	Ansar Ali Rana v State of U.P. and others 2017 SCC OnLine All 4011 (Para 7)	Order of acquittal under sec 256 CrPC will bar a fresh trial

09	M/s. BLS INFRASTRUCTURE LIMITED v M/s. RAJWANT SINGH & OTHERS, 2023 SCC OnLine SC 200 (Para 14)	When is the Dismissal of Complaint due to non-appearance of complainant not justified.
10	S. Rama Krishna vs. S. Rami Reddy 2008 SCC OnLine SC 733 (Para 9)	Ingredients of Sec 256 CrPC
11	Provident Fund Inspector Tirupati v Madhusudan Chaudhary(2000) 9 Supreme Court Cases 506	Pre requisite for permitting withdrawal – There must exist a request for withdrawal
12	Vinay Kumar v State of U.P.2007 CrLJ3161 (All). (Para 14, 15 & 16)	Dismissal of complaint amounts to acquittal. Therefore no revision lies.
13	Subramaniam Sethuraman vs State Of Maharashtra & Anr. 2004 (13) SCC 324 (Para 16 & 17)	No discharge of accused in summons trial cases: (Sec 251 CrPC)
14	Bharat K Gupta v Arun Kumar(2000) 10 SCC 658 (Para 3)	Substance of accusation to be stated by the Magistrate (Sec 251 CrPC)
15	Mahant Kaushalya v State of Madras,1965 SCC OnLine SC 3 (Para 6)	Terms of Sec 252 CrPC should be strictly complied with
16	Associated Cement Co. Ltd. V Keshvanand, 1998 Supreme Court Cases (Cri) 475 (Para 16)	Purpose of sec 256 CrPC
17	S. Rama Krishna vs. S. Rami Reddy 2008 SCC OnLine SC 733 (Para 13)	Complainant absent from the trial for a significant period : Magistrate has the authority to acquit the accused (Sec 256 CrPC)
18	Maj. Genl. A.S Gouraya and another v S.N. Thakur and	If the complaint dismisses the complaint and acquits the accused due to the non appearance of the

	another, 1986 SCC OnLine SC 143 (Para 9 & 10)	complainant, the magistrate has no jurisdiction to restore and revive the complaint.
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CASE LAWS IN WARRANT TRAIL

S. No.	CASE LAWS WITH CITATIONS	LAW POINT
01	Ajoy Kumar Ghose vs State Of Jharkhand &Anr on 18 March, 2009 2009 (14) SCC 115	Difference in procedure in warrant cases instituted on Police report and warrant cases instituted otherwise.
02	Gopal das Sindhi and Others v State of Assam, 1961 SCC OnLine SC 251	Summons case tried as a warrant case : Curable irregularity.
03	State of Maharashtra v Som Nath Thapa (1996) 4 SCC 659	If the Court were to think that the accused might have committed the offence it can frame the charge.
04	Kanti Bhadra Shah vs. State of West Bengal 2000 SCC OnLine SC 137	During framing of charges it is not necessary to record reasons or to do discuss evidence in detail.
05	State of Tamil Nadu v N Suresh Rajan 2014 SCC Online SC 10	Notwithstanding the difference in the language of sec 227, 235, 249 CrPC but common approach is to be adopted by the Court.
06	State of Orissa v Debendra Nath Paddi 2005 (1) SCC 568	The material sent by prosecution along with the record of the case and the documents sent along with it can be considered by the trial court at the time of framing of the charge. The

		accused at that stage has no right to place before the court any material.
07	Nitya Dharmananda and another v. Gopal Sheelum Reddy. 2017 SCC OnLine SC 1430	At the stage of framing of charge Ordinarily the court has to proceed on the basis of material produced with the charge sheet but if the court is satisfied that there is material of sterling quality which has been withheld by the investigator, the court is not debarred from relying upon the same even if such document is not part of the charge sheet.
08	Municipal Corporation of Delhi vs. Girdharilal Sapuru 1981 (2) SCC 758	An order of discharge terminates the proceedings and therefore it is revisable order under section 397 (1) CrPC.
09	Sanjay Kumar Rai vs. State of Uttar Pradesh, AIR ONLINE 2021 SC 239	Orders framing charges or refusing discharge are neither interlocutory nor final in nature and are therefore not affected by the bar of Section 397 (2) of the Code of Criminal Procedure.
10	Ajoy Kumar Ghose v State of Jharkhand and another. 2009 SCC OnLine SC 567	Significance of the words “ discharge at any previous stage of the case” occurring in sec 245 CrPC.
11	Nallapareddy Sridhar Reddy v. State of A.P. 2020 SCC OnLine SC 60	Veracity of deposition made by the witnesses need not be determined at the stage of framing of charge.

12	Hardeep Singh v. State of Punjab 2014 SCC OnLine SC 26	The court has to see as to whether the material brought on record reasonably connect the accused with the offence. Nothing more is required to be enquired into.
13	State of Tamil Nadu v. R. Soundirarasu and others.2022 SCC OnLine SC 1150	Extent of inquiry by court and matters to be considered at the stage of framing of charge.
14	Onkar Nath Mishra and others v. State (NCT of Delhi) and another.2007 SCC OnLine SC 1558	At the stage of framing of charge the court is not expected to go deep into the probative value of the material on record.
15	an vs State Of Kerala &Anr. 2010 (2) SCC 398 (Para 10)	If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the Trial Judge will be empowered to discharge the accused and at this stage he is not to see whether the trial will end in conviction or acquittal
16	T. Nagappa v. Y.R. Muralidhar (2008) 5 SCC 633	Court must determine as to whether the application filed by the accused in terms of sub-section (2) of Section 243 of the Code is bona fide or not or whether thereby he intends to bring on record a relevant material.

17	State of Kerala v. Rasheed(2019) 13 SCC 297	Judicial discretion under S.231(2) has to be exercised in consonance with the statutory framework and context while being aware of reasonably foreseeable consequences.
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SECTION 173 (4) & 175 (3) BHARTIYA NAGRIK SURAKSHA SANHITA

S. No.	CASE LAWS WITH CITATIONS	LAW POINT
1.	Om Prakash Ambadkar v. State of Maharashtra, 2025 SCC OnLine SC 238.	The Magistrate is therefore required to evaluate the totality of facts, including “credibility of information available” and weigh whether it is in the interest of justice to direct the involvement of the police by directing an investigation.
2.	S.N Vijayalakshmi v. State of Karnataka 2025 SCC OnLine SC 1575.,	“If the Magistrate proceeds without the requisite affidavit, such order/any consequential orders/proceedings can be quashed on the sole ground of noncompliance.
3.	Anurag Bhatnagar & Anr V. State (NCT OF DELHI) & Anr.2025 INSC 895	26. On a conspicuous reading of the provisions of Sections 154, 156 and 190 of the CrPC together, it is crystal clear that an informant who wants to report about a commission of a cognizable offence has to, In the first instance, approach the officer-in-

		charge of the police station for setting the criminal law into motion by lodging an FIR. However, if such an information is not accepted by the officer-in-charge of the police station and he refuses to record it. The remedy of the informant is to approach the Superintendent of Police concerned. It is only subsequent to availing the above opportunities if he is not successful, he may approach the Magistrate under Section 156(3)CrPC for necessary action or of taking cognizance in accordance with Section 190 of the CrPC. “33. To sum up, the Magistrate ought not to ordinarily entertain an application under Section 156(3) CrPC directly unless the informant has availed and exhausted his remedies provided under Section 154(3) CrPC, but as the Magistrate is otherwise competent under Section 156(3) CrPC to direct the registration of an FIR if the allegations in the application/complaint discloses the commission of a cognizable offence, we are of the opinion that the order so passed by the Magistrate
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		would not be without jurisdiction and would not stand vitiated on this count.
4.	XXX v. State of Kerala, 2026 SCC OnLine SC 114	When to invoke Section 175(4) – A guide for Judicial Magistrates: Upon receiving a complaint under sub-section (4) of Section 175, BNSS alleging commission of an offence by a public servant arising in course of the discharge of his official duties, the magistrate may do either of the following: Reading the complaint, if the judicial magistrate is prima facie satisfied that commission of the alleged act giving rise to an offence arose in course of discharge of official duties by the public servant, such magistrate may not have any option other than following the procedure prescribed under sub-section (4) of Section 175 of calling for reports from the superior officer and the accused public servant. OR, on a consideration of the complaint, where the judicial magistrate entertains a prima facie doubt depending upon the circumstances as to whether the offence alleged to have been committed by the public servant arose in course of discharge of his

		official duties, such magistrate might err on the side of caution and proceed to follow the procedure prescribed in sub-section (4) of Section 175. OR, where the judicial magistrate is satisfied that the alleged act of offence was not committed in the discharge of official duties and/or it bears no reasonable nexus thereto, and also that the rigours of sub-section (4) of Section 175 are not attracted, the complaint may be dealt with in accordance with the general procedure prescribed under sub-section (3) of Section 175. The Court clarified that the judicial magistrate would continue to retain the authority to reject an application under sub-section (3) of Section 175, lodged against a public servant, where such magistrate finds that the allegations made therein are wholly untenable, manifestly absurd, or so inherently improbable that no reasonable person could conclude that any offence is disclosed. In cases where the judicial magistrate has called for a report from the concerned superior officer under clause (a) of sub-section (4) of
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		Section 175, but such officer fails to comply with the direction or does not submit the report within reasonable time, the judicial magistrate is not obliged to wait indefinitely for compliance and may proceed further in accordance with sub-section (3) of Section 175 after considering the version of the accused public servant under clause (b) of sub-section (4) of Section 175, if on record. “What would constitute ‘reasonable time’ cannot be determined in rigid or inflexible terms and must necessarily depend upon the facts and circumstances of each case before the judicial magistrate who has to take the call”.
5.	Accamma Sam Jacob Vs The State of Karnataka & Anr, 2026 LiveLaw (SC) 368,	The Hon’ble S.C. observed that the existence of a civil remedy does not bar criminal proceedings if the allegations prima facie disclose a cognizable offence. At the stage of Section 156(3) CrPC, a Magistrate is only required to determine if a cognizable offence is disclosed, not to conduct a "mini-trial" or evaluate defense material. It is a gross error to hold that criminal proceedings cannot be initiated unless registered instruments (like sale deeds) relied upon by the accused

		are first cancelled by a civil court Civil and criminal remedies can proceed simultaneously even when allegations are identical.
6.	Ashish Dave versus The State of Rajasthan & Another,2026 LiveLaw (SC) 258 ,	The Hon'ble S.C. quashed an FIR registered against a media executive, holding that the allegations were "absolutely vague," "speculative," and "inherently improbable" and observed that Section 173(3) BNSS provides an additional safeguard for offences punishable between three and seven years. Unlike Section 154 CrPC, where a preliminary inquiry is limited to ascertaining if a cognizable offence is disclosed, Section 173(3) BNSS empowers police to conduct an inquiry to determine if a prima facie case exists even if the information ostensibly discloses a cognizable offence. The legislative intent is to prevent the registration of frivolous cases. In the instant case, the police acted with "unusual expediency" and registered the FIR in a mechanical manner without exercising the option of a preliminary inquiry despite the indeterminate nature of the allegations.

		The Hon'ble S.C. observed that the FIR was a "glaring example" of an influential media house managing to register a case against its own executive following a fallout. The complaint lacked specific victim names, dates, or instances of the alleged extortion and cheating. If the allegations, even taken at face value, do not constitute an offence or are so absurd that no prudent person could reach a conclusion of sufficient grounds for proceeding, the FIR must be quashed to prevent the abuse of the process of law.
7.	Ashwani Kumar Upadhyaya v. Union of India & others 2026 Live Law(SC)437	No requirement of sanction for registration of FIR
8.	Tushar bhai Rajnikant bhai Shah Vs. Kamal Dayani, (2025)1 SCC 753	Tendency to convert purely civil disputes into criminal cases disapproved
9.	Pradeep Nirankarnath Sharma Vs. State of Gujarat, (2025)4 SCC 818 (Paras 13-18)	Preliminary inquiry before registration of FIR not necessary where information received clearly discloses commission of cognizable offences