Compilation of Important Judicial Pronouncements in the month of July 2026



Compiled by: Bihar Judicial Academy

Disclaimer

This Digest has been prepared and compiled exclusively for academic, educational, and research purposes. It is intended to assist in the systematic study, reference, and understanding of judicial pronouncements delivered by the Hon'ble Supreme Court of India and the Hon'ble High Court of Judicature at Patna.

In preparing this Digest, judgments and orders have been referred to from authentic and publicly accessible legal sources, including the official websites of the Hon'ble Supreme Court of India and the Hon'ble High Court of Judicature at Patna. Recognised legal databases have also been consulted for research and reference purposes.

The case summaries, headnotes, ratio decidendi, key takeaways, and analytical observations contained herein constitute the independent academic work of the compiler and are intended solely to facilitate legal research, study, and reference.

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HON'BLE SUPREME COURT JUDGMENTS

Criminal Cases Judgements

1. Parveen Kumar alias Parveen Chauhan v. State of Haryana and Others

Citation: 2026 SCC OnLine SC 1250 : 2026 INSC 667
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court considered the remission policies governing premature release of life convicts in Haryana and held that the **2002 Remission Policy, framed under Article 161 of the Constitution, could not be superseded by the later 2008 Policy issued under Sections 432 and 433 CrPC.** It further held that *State of Haryana v. Raj Kumar* (2021) was **per incuriam** insofar as it treated the 2002 Policy as merely statutory, contrary to the binding three-Judge Bench ruling in *State of Haryana v. Jagdish* (2010). Eligible convicts were therefore entitled to the benefit of the more liberal constitutional policy.

Brief Facts

The appellant was convicted of murder under Section 302 IPC and other offences and sentenced to life imprisonment. After serving more than fourteen years of actual imprisonment, he sought premature release under Haryana's **2002 Remission Policy**. The request was rejected on the ground that the **2008 Remission Policy** applied and that he had not completed the qualifying period under it. The Punjab and Haryana High Court upheld the rejection, prompting the appeal before the Hon'ble Supreme Court.

Issue

Whether the appellant's remission claim was governed by the **2002 Haryana Remission Policy framed under Article 161 of the Constitution** or the **2008 Policy issued under Sections 432 and 433 CrPC**, and whether *State of Haryana v. Raj Kumar* correctly characterized the 2002 Policy.

Ratio Decidendi

The Hon'ble Supreme Court held that the **2002 Remission Policy derived from Article 161 of the Constitution**, as remission proposals were to be placed before the Governor for exercise of constitutional power. This power is independent of, and superior to, the statutory powers under Sections 432 and 433 CrPC. The **2008 statutory policy therefore could not override or extinguish the 2002 constitutional policy**. Reaffirming *State of Haryana v. Jagdish*, the Court held that an eligible life convict should generally receive the benefit of the more liberal remission policy. It further found that the contrary observations in *State of Haryana v. Raj Kumar* were inconsistent with the binding larger Bench ruling in *Jagdish* and were therefore **per incuriam**. The appellant was accordingly entitled to consideration under the 2002 Policy, though the judgment would operate prospectively.

Key Takeaways

- **A remission policy framed under Article 161 cannot be overridden by a later policy issued under Sections 432 and 433 CrPC**, as constitutional power prevails over statutory power.
- **State of Haryana v. Raj Kumar** (2021) was held **per incuriam** to the extent it treated the 2002 Haryana Remission Policy as statutory despite the binding ruling in **State of Haryana v. Jagdish** (2010).
- Eligible life convicts may claim the benefit of the **more liberal constitutional remission policy**, consistent with *Jagdish*.
- The ruling applies **prospectively** and does not reopen remission applications already finalized.

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2. Neeraj Gupta v. Pardeep Kumar Bansal and Others

Citation: 2026 SCC OnLine SC 1257 : 2026 INSC 660

Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.

Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court decisively clarified the limited role of a Magistrate in complaint cases involving offences **exclusively triable by the Court of Session**. It held that **Section 244 CrPC cannot be invoked to compel recording of pre-charge evidence before committal under Section 209 CrPC.** At that stage, the Magistrate performs only a limited statutory function and cannot undertake an assessment of evidence or merits. Any contrary approach would compel witnesses to depose twice, undermine procedural efficiency, and defeat the legislative purpose of the Code of Criminal Procedure, 1973.

Brief Facts

The case arose after an altercation between the complainant's family and the respondents, following which the complainant's father died. As the police did not register an FIR, the complainant approached the Judicial Magistrate under Section 156(3) CrPC, resulting in proceedings under Section 200 CrPC. After recording pre-summoning evidence, the Magistrate summoned the accused and committed the matter involving an offence under Section 302 IPC to the Court of Session. The High Court, in revision, remanded the matter to the Magistrate on the view that pre-charge evidence under Section 244 CrPC was mandatory before committal. The complainant challenged that order before the Hon'ble Supreme Court, contending that such a requirement was contrary to the scheme of the CrPC.

Issue

Whether a Magistrate, in a complaint case involving offences exclusively triable by the Court of Session, is legally required to record evidence under Section 244 CrPC before committing the case under Section 209 CrPC.

Ratio Decidendi

The Hon'ble Supreme Court rejected the High Court's approach as inconsistent with the statutory design of the CrPC. It held that Section 244 applies only to warrant cases triable by Magistrates and instituted otherwise than on a police report; it has no application where the offence is exclusively triable by the Court of Session. In such cases, Section 209 requires only committal after basic statutory formalities are satisfied. The Magistrate cannot test the evidence, evaluate the prosecution case, or conduct a pre-charge inquiry. The Court emphasized that the 1973 Code deliberately abolished the elaborate committal inquiry under the 1898 Code to prevent delay and duplication in Sessions trials. Requiring witnesses to depose before both the Magistrate and the Sessions Court would revive the very mischief the legislature intended to remove. The High Court's remand was therefore legally untenable and was rightly set aside.

Key Takeaways

- Section 244 CrPC has no role in complaint cases involving offences exclusively triable by the Court of Session; Section 209 CrPC alone governs committal.
- The Magistrate's role at committal is deliberately narrow: to ensure statutory compliance, not to examine evidence or decide merits.
- The 1973 Code removed the detailed pre-committal inquiry under the 1898 Code to accelerate Sessions trials and prevent duplication of testimony.
- Compelling witnesses to depose twice would defeat the statutory scheme, prolong trials, and undermine the legislative intent of the CrPC.

3. Chandrikaben Kishor Dafda v. State of Gujarat and Another

Citation: 2026 SCC OnLine SC 1252 : 2026 INSC 665
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court authoritatively clarified the disclosure obligations of candidates contesting **municipal elections**. It held that the expression **"of myself, my spouse and dependants"** cannot be read narrowly and necessarily requires disclosure not only of jointly held assets but also of assets independently owned by the spouse. The Court also made clear that the **Representation of the People Act, 1951 does not govern municipal elections**, which fall within the relevant State electoral framework. At the same time, the erroneous reference to **Section 125-A of the Representation of the People Act at the stage of cognizance did not vitiate the proceedings**, as such an error is curable under Section 465 CrPC absent prejudice or failure of justice. The matter was therefore remanded to the Magistrate for fresh cognizance under the correct statutory provisions, without any finding on merits.

Brief Facts

The appellant was elected as a Councillor in the 2015 Gujarat Municipal elections. She was later accused of concealing immovable properties exclusively owned by her husband in her election affidavit. A private complaint alleged an offence under **Section 125-A of the Representation of the People Act, 1951**, following which the Magistrate took cognizance and issued process. The High Court declined to quash the proceedings. Before the Hon'ble Supreme Court, the appellant argued that the Representation of the People Act did not apply to municipal elections and that the affidavit format did not require disclosure of assets solely owned by the spouse.

Issue

Whether a candidate contesting a **municipal election** must disclose assets exclusively owned by the spouse in the election affidavit, and whether criminal proceedings are invalid merely because cognizance was mistakenly taken under **Section 125-A of the Representation of the People Act, 1951**.

Ratio Decidendi

The Hon'ble Supreme Court held that the affidavit prescribed under **Rule 7-A of the Gujarat Municipalities (Conduct of Elections) Rules, 1994** must be construed to advance electoral transparency, not to create technical loopholes. The phrase "of myself, my spouse and dependants" clearly requires disclosure of assets belonging to the candidate, spouse, and dependants, including assets exclusively owned by the spouse. A restrictive reading based only on punctuation would defeat the purpose of mandatory asset disclosure. However, the Court also held that **Section 125-A of the Representation of the People Act, 1951** applies only to elections to Parliament and State Legislatures, not to municipal elections governed by

State law. Even so, the Magistrate's reliance on an incorrect provision did not by itself nullify the proceedings. Under **Section 465 CrPC**, such an error is curable unless it causes prejudice or failure of justice. Since cognizance is taken of the offence and not of the offender, the matter was rightly remanded for fresh cognizance under the proper statutory provisions.

Key Takeaways

- The phrase **"of myself, my spouse and dependants"** must be read purposively: it includes assets independently owned by the spouse and imposes a clear duty of disclosure on municipal election candidates.
- **Section 125-A of the Representation of the People Act, 1951** is confined to Parliamentary and State Legislative elections and cannot be mechanically applied to municipal elections governed by State law.
- A wrong statutory reference at the cognizance stage is not fatal; under **Section 465 CrPC**, it remains curable unless prejudice or failure of justice is shown.
- **Cognizance is taken of the offence, not the offender**; therefore, an incorrect provision does not automatically invalidate proceedings, and the Magistrate may proceed afresh under the correct law.

4. Sardari Lal v. Bishan Dass and Others

Citation: 2026 SCC OnLine SC 1266 : 2026 INSC 669
Coram: Hon'ble Manoj Misra and K.V. Viswanathan, JJ.
Decided on: 6 July 2026

Head Note

The Hon'ble Supreme Court forcefully reaffirmed the rigorous standard governing the **proof of a Will**. It held that formal compliance with **Section 63 of the Indian Succession Act, 1925 and Section 68 of the Evidence Act, 1872** is not enough when the Will is clouded by suspicious circumstances. In such cases, the **propounder must dispel every legitimate suspicion and satisfy the judicial conscience of the Court** that the document reflects the testator's free, conscious, and voluntary act. The Court also underscored that the High Court, in second appeal under **Section 100 CPC**, cannot disturb concurrent factual findings by reappreciating evidence in the absence of a genuine substantial question of law.

Brief Facts

The plaintiff, widow of late Chhajju Ram, claimed ownership of her husband's property by intestate succession and challenged a registered Will set up by the defendants. She asserted that the Will was forged, suspicious, and inexplicably excluded her despite her status as the natural heir. Both the Trial Court and the First Appellate Court found that the defendants had failed to establish the Will's genuineness in light of multiple suspicious circumstances and decreed the suit in her favour. The High Court, in second appeal, reversed those concurrent findings and upheld the Will, prompting the appeal before the Hon'ble Supreme Court.

Issue

Whether the defendants had discharged the stringent burden of proving the due execution and genuineness of the Will by removing the suspicious circumstances surrounding it, and whether the High Court was justified under **Section 100 CPC** in overturning concurrent findings of fact recorded by the courts below.

Ratio Decidendi

The Hon'ble Supreme Court held that the defendants had failed to discharge the heightened burden resting on a propounder of a suspicious Will. Although a Will may satisfy the formal requirements of execution and attestation, that alone does not prove its genuineness when surrounding circumstances create legitimate doubt. Here, the unexplained disinheritance of the widow, doubtful relationship of the beneficiaries with the testator, unexplained cuttings in the registration endorsement, absence of a convincing reason for executing the Will long before death, and other surrounding facts collectively undermined its credibility. The Trial Court and the First Appellate Court had carefully assessed these circumstances and reached sound concurrent findings of fact. The High Court, however, travelled beyond the narrow limits of **Section 100 CPC** by reassessing evidence and substituting its own view without any substantial question of law. The Supreme Court therefore set aside the High Court's judgment and restored the findings of the courts below.

Key Takeaways

- **Formal proof under Section 63 of the Succession Act and Section 68 of the Evidence Act is only a threshold requirement;** when suspicion exists, the propounder must affirmatively remove it and satisfy the Court's conscience.
- **Suspicious circumstances must be treated seriously**, especially where a natural heir is excluded, document recitals appear doubtful, alterations remain unexplained, or the circumstances of execution appear improbable.
- **The burden remains squarely on the propounder of the Will**; the challenger is not required to prove fraud or undue influence unless those pleas are specifically raised and relied upon.
- **Section 100 CPC strictly confines the High Court to substantial questions of law;** it cannot reopen concurrent factual findings merely because another interpretation of the evidence is possible.

5. Bejla Oraon v. Kali Das Oraon and Others

Citation: 2026 SCC OnLine SC 1302 : 2026 INSC 672
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 9 July 2026

Head Note

The Hon'ble Supreme Court emphatically reaffirmed that **customary law relating to succession cannot be presumed or expanded by assertion alone.** The party relying on a custom must prove, through cogent and consistent evidence, its existence, antiquity, certainty, reasonableness, and continuous observance. While recognised Oraon customary law may permit a **ghardamad (resident son-in-law)** to inherit from his father-in-law in limited circumstances, the Court held that **no recognised custom permitted an uncle-in-law to induct his niece's husband as a ghardamad so as to confer inheritance rights over ancestral property.** The Court further made clear that a lease or partition deed cannot create title where no pre-existing right exists under the applicable custom.

Brief Facts

The dispute concerned ancestral property of an Oraon family in Jharkhand. The plaintiff claimed exclusive ownership as the nearest surviving male agnate after the deaths of his uncles. The defendants resisted the claim by asserting that Punai, the husband of the deceased owner's niece, had been inducted as a **ghardamad** by Ledura Oraon and thereby acquired inheritance rights under Oraon custom. The Trial Court, First Appellate Court, and High Court accepted that claim. The plaintiff therefore approached the Hon'ble Supreme Court under Article 136, contending that the asserted custom had never been legally proved.

Issue

Whether recognised **Oraon customary law of succession** permits an **uncle-in-law** to induct his **niece's husband as a ghardamad** and thereby confer inheritance rights over ancestral property, and whether the defendants had discharged the strict burden of proving such a custom.

Ratio Decidendi

The Hon'ble Supreme Court held that the defendants' claim failed at the threshold because a custom affecting succession rights must be strictly proved and cannot rest on assumption, convenience, or isolated practice. The burden lay squarely on the defendants to establish an ancient, certain, reasonable, and continuously observed custom by reliable evidence. Although Oraon customary law recognises, in limited situations, the inheritance rights of a **ghardamad** in respect of his father-in-law's property, the defendants produced no credible evidence of any wider custom allowing an uncle-in-law to induct a niece's husband as a ghardamad with rights in ancestral property. Their evidence was inconsistent and legally insufficient. The alleged lease or partition deed also could not cure this defect, as such documents cannot create title without an underlying customary or legal right. The concurrent findings of the courts below therefore rested on an unproved custom and a misapplication of

law. The Supreme Court rightly interfered under Article 136, allowed the appeal, and decreed the plaintiff's suit.

Key Takeaways

- **Customary succession rights must be strictly proved.** The party asserting custom must establish its existence, antiquity, certainty, reasonableness, and continuous observance through cogent evidence; mere pleading is not enough.
- **Oraon customary law cannot be enlarged beyond what is recognised and proved.** A ghardamad may inherit from his father-in-law in limited circumstances, but no proved custom permits an uncle-in-law to confer such status on his niece's husband.
- **Documents cannot substitute for title.** A lease deed or partition deed cannot create ownership where no pre-existing right exists under the applicable customary law.
- **Article 136 intervention is justified where concurrent findings rest on an unproved custom, misapplication of law, or disregard of material evidence, resulting in miscarriage of justice.**

6. AAA v. Linda Sema and Others

Citation: 2026 SCC OnLine SC 1299 : 2026 INSC 675
Coram: Hon'ble Manoj Misra and K.V. Viswanathan, JJ.
Decided on: 9 July 2026

Head Note

The Hon'ble Supreme Court forcefully clarified the breadth of **mandatory reporting obligations under Sections 19 and 21 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act)** and the narrow scope of **discharge at the stage of framing of charge.** It held that **"knowledge" under Section 19 is not limited to direct personal knowledge; it includes credible information received about the commission of a sexual offence against a child.** Once such knowledge exists, the duty to report to the police is immediate, mandatory, and non-negotiable. School authorities cannot replace statutory reporting with an internal inquiry, institutional discretion, or silence. The Court further held that, at the discharge stage, courts must only determine whether the prosecution material creates a **strong or grave suspicion** against the accused and must not conduct a mini trial or weigh the evidence as though deciding guilt.

Brief Facts

The appellant, mother of an eight-year-old victim, lodged an FIR alleging that her daughter had been sexually assaulted by a senior student at a residential school. During investigation, statements of the victim, her sister, the Head Girl, and other witnesses indicated that the school authorities, including the Principal, teachers, and Linda Sema, were informed of the incident, examined the child, and allegedly chose not to inform either the police or the victim's parents. Instead, they allegedly instructed students to remain silent and monitored both the victim and the juvenile offender internally. The police filed a charge-sheet against the school authorities for offences under **Sections 176, 201 and 120-B IPC read with Section 21(2) of the POCSO Act**. Despite these materials, the Trial Court discharged the accused, and the High Court affirmed the discharge, leading to the appeal before the Hon'ble Supreme Court.

Issue

Whether the investigation materials disclosed a **prima facie case** against the school authorities for failing to report a POCSO offence under **Sections 19 and 21 of the POCSO Act**, along with allied IPC offences, and whether the Trial Court and High Court were justified in discharging the accused before trial.

Ratio Decidendi

The Hon'ble Supreme Court held that the discharge orders could not stand because they diluted both the protective purpose of the POCSO Act and the settled threshold for framing of charge. At the charge or discharge stage, the court must assume the prosecution material to be true and ask only whether it raises a **grave suspicion** that the accused committed the alleged offences. It cannot test credibility, resolve contradictions, or conduct a mini trial. The Court

emphasized that **Section 19 of the POCSO Act imposes an immediate and mandatory reporting duty on every person who has knowledge of the commission of a POCSO offence.** The term "knowledge" must be interpreted purposively to advance child protection and includes credible information received from the victim or reliable sources. School authorities cannot sit in judgment over the complaint, conduct a parallel internal inquiry, or suppress the matter instead of informing the police. Since the investigation materials indicated that the authorities were informed of the alleged assault, examined the victim, convened meetings, and allegedly decided not to report the incident, they created a strong suspicion warranting trial. The Trial Court and High Court therefore erred in short-circuiting the prosecution at the threshold, and their orders were rightly set aside.

Key Takeaways

- **The duty under Section 19 of the POCSO Act is immediate and mandatory;** once credible information of a POCSO offence is received, school authorities must report it to the police and cannot substitute that duty with an internal inquiry.
- **"Knowledge" under Section 19 must be read purposively;** it includes credible information about the offence and does not require direct observation, conclusive proof, or a prior internal determination.
- **At the discharge stage, courts must not weigh evidence or conduct a mini trial;** the existence of strong or grave suspicion is sufficient to require a full trial.
- **Failure by school authorities to report a suspected POCSO offence strikes at the statutory child-protection framework** and may attract liability under Sections 19 and 21 of the POCSO Act, subject to proof at trial.

7. State of Maharashtra v. Monika Kiran Suryawanshi and Others

Citation: 2026 SCC OnLine SC 1318 : 2026 INSC 685
Coram: Hon'ble Sanjay Karol and Prasanna B. Varale, JJ.
Decided on: 13 July 2026

Head Note

The Hon'ble Supreme Court authoritatively reaffirmed the stringent safeguards governing **conviction on circumstantial evidence** and the proof required for **criminal conspiracy under Section 120-B IPC**. Where the prosecution relies solely on circumstances, **each circumstance must be proved with certainty, and the chain must be so complete that it points only to the guilt of the accused and excludes every reasonable hypothesis of innocence.** The Court made clear that **suspicion, weak motive, defective recoveries, or unreliable forensic evidence cannot substitute proof beyond reasonable doubt** in a charge of murder or conspiracy. At the same time, where the evidence clearly shows that the accused knowingly attempted to conceal the dead body to screen the offenders, a conviction under **Section 201 IPC** remains legally sustainable even if the charges of murder and conspiracy fail.

Brief Facts

The prosecution alleged that accused No. 1, Monika, conspired with accused Nos. 2 and 3 to murder her husband, Kiran Suryawanshi, owing to her alleged extramarital relationship with accused No. 2. According to the prosecution, sedatives were administered to the deceased, who was then killed by repeated blows with a grinding stone. Accused Nos. 2 and 3 were allegedly intercepted by the police while transporting the body on a motorcycle for disposal. The Trial Court convicted accused Nos. 1, 2 and 3 under **Sections 302, 120-B and 201 read with Section 34 IPC**. The High Court, however, found the evidence insufficient to sustain the charges of murder and conspiracy, acquitted accused No. 1 entirely, and maintained the conviction of accused Nos. 2 and 3 only under **Section 201 read with Section 34 IPC**. The State of Maharashtra challenged that decision before the Hon'ble Supreme Court.

Issue

Whether the prosecution proved a **complete and unbroken chain of circumstantial evidence** sufficient to sustain convictions under **Sections 302 and 120-B IPC**, and whether the High Court rightly limited the conviction of accused Nos. 2 and 3 to **Section 201 IPC** while acquitting the accused of murder and conspiracy.

Ratio Decidendi

The Hon'ble Supreme Court held that the prosecution failed to meet the demanding standard required for conviction on circumstantial evidence. The alleged motive founded on an extramarital relationship remained unproved; the "last seen" evidence was unreliable; the call detail records weakened rather than supported the prosecution case; and the recoveries under Section 27 of the Evidence Act suffered from serious procedural lapses, including failure to seal seized articles, which rendered the forensic evidence unsafe. The Court rightly

emphasized that **even strong suspicion cannot replace legal proof**, and a conviction for murder or conspiracy cannot rest on broken links, doubtful circumstances, or speculative inferences. However, the evidence against accused Nos. 2 and 3 stood on a different footing. Their interception while transporting the deceased's body clearly established an attempt to cause disappearance of evidence and screen the offenders. The ingredients of **Section 201 read with Section 34 IPC** were therefore satisfied. Accordingly, the Court affirmed the acquittal under **Sections 302 and 120-B IPC** while sustaining the conviction under **Section 201 IPC**.

Key Takeaways

- **Circumstantial evidence must form a complete, coherent, and unbroken chain**; any reasonable hypothesis consistent with innocence is fatal to a conviction.
- **Criminal conspiracy under Section 120-B IPC requires proof of agreement or meeting of minds;** motive, suspicion, or association cannot by themselves establish conspiracy.
- **Defective recoveries and broken chain of custody seriously erode forensic reliability;** failure to seal seized articles or preserve evidentiary integrity can make such evidence unsafe for conviction.
- **Section 201 IPC may stand independently** where the prosecution proves that the accused knowingly attempted to dispose of a dead body or conceal evidence to screen the offenders, even if murder or conspiracy is not proved.

8. State of Jharkhand v. Jagdish Lakra

Citation: 2026 SCC OnLine SC 1316 : 2026 INSC 686
Coram: Hon'ble Sanjay Karol and Prasanna B. Varale, JJ.
Decided on: 13 July 2026

Head Note

The Hon'ble Supreme Court examined the essential requirements of **"conscious possession"** under **Sections 25(1-B)(a) and 26 of the Arms Act, 1959**. It held that the mere recovery of firearms or ammunition from the premises of an accused is insufficient to sustain a conviction unless the prosecution establishes that the accused had conscious possession of, and dominion over, the weapon. The Court further observed that where incriminating articles are found in a person's house as a result of coercion, intimidation, or threats by extremists, such involuntary or compelled custody cannot be treated as conscious possession under the Arms Act.

Brief Facts

Acting on secret information regarding the presence of extremists, the police and the CRPF conducted a raid at the house of the respondent, Jagdish Lakra. During the raid, one alleged extremist was apprehended, while the others escaped, leaving behind a country-made sten gun, ammunition, medicines, and extremist literature, all of which were recovered from the respondent's house. The Trial Court convicted the respondent under **Sections 25(1-B)(a) and 26 of the Arms Act, 1959**, and the Appellate Court affirmed the conviction. In revision, the Jharkhand High Court set aside the conviction, holding that the prosecution had failed to establish conscious possession of the recovered weapon. Aggrieved by the said decision, the State of Jharkhand preferred the present appeal before the Hon'ble Supreme Court.

Issue

Whether the **mere recovery of a firearm from the respondent's house**, in the absence of proof of **conscious possession or dominion over the weapon**, is sufficient to sustain a conviction under **Sections 25(1-B)(a) and 26 of the Arms Act, 1959**, particularly where the respondent contended that extremists had forcibly taken shelter in his house and left the weapon behind.

Ratio Decidendi

The Hon'ble Supreme Court held that **conscious possession is an indispensable ingredient of offences under the Arms Act** and requires proof that the accused knowingly exercised control or dominion over the weapon. The Court noted that the prosecution's own case indicated that the extremists had stayed in the respondent's house only for a short duration before fleeing, and that the respondent had consistently stated that they had occupied his house under threat and coercion. Recognising the realities of areas affected by extremist activities, the Court observed that villagers may be compelled to provide shelter out of fear of retaliation, and such involuntary custody of weapons cannot be regarded as conscious possession. Since the prosecution failed to prove that the respondent voluntarily possessed or

exercised dominion over the recovered firearm, the essential ingredients of the offences under **Sections 25(1-B)(a) and 26 of the Arms Act, 1959** were not established. Accordingly, the Court upheld the High Court's order of acquittal and dismissed the State's appeal.

Key Takeaways

- **Mere recovery of a firearm from the premises of an accused does not establish an offence under the Arms Act unless the prosecution proves conscious possession and dominion over the weapon.**
- **Conscious possession requires knowledge, control, and the ability to exercise dominion over the firearm; involuntary or coerced custody is insufficient to attract criminal liability.**
- **Where weapons are found in a person's house because extremists or other offenders forcibly occupied the premises, possession under coercion or threat cannot be equated with conscious possession under the Arms Act.**
- **A plausible view taken by the High Court on proper appreciation of evidence should not be interfered with by the Supreme Court unless shown to be perverse or legally unsustainable.**

9. Sagar v. State of Haryana

Citation: 2026 SCC OnLine SC 1315 : 2026 INSC 692
Coram: Hon'ble Aravind Kumar and Prasanna B. Varale, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court held that **Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, is mandatory in nature.** Upon receipt of the preliminary assessment made by the Juvenile Justice Board under Section 15, the Children's Court is required to **independently apply its mind and pass a reasoned order** determining whether the child in conflict with law should be tried as an adult or dealt with as a child. Non-compliance with this statutory requirement vitiates the trial and the consequent conviction, as it directly affects the jurisdiction of the Children's Court and the procedural safeguards available to children in conflict with law.

Brief Facts

The appellant, who was about **16½ years old** at the time of the alleged offence, was prosecuted for offences under Sections 302, 323 and 341 read with Sections 148 and 149 of the Indian Penal Code, arising from a fatal assault. The Juvenile Justice Board conducted a preliminary assessment under **Section 15** of the Juvenile Justice Act and concluded that the appellant had the requisite mental and physical capacity to commit the alleged offence. It accordingly recommended that he be tried as an adult. Pursuant to this recommendation, the matter was transferred to the Children's Court under Section 18(3). However, the Children's Court proceeded directly with the trial and convicted the appellant under Section 302 of the Indian Penal Code **without first passing the mandatory order under Section 19(1)** determining whether he was to be tried as an adult or dealt with as a child. The conviction was affirmed by the Punjab and Haryana High Court, resulting in the present appeal before the Hon'ble Supreme Court.

Issue

Whether the conviction and sentence imposed by the Children's Court could be sustained **in the absence of a reasoned determination under Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015**, deciding whether the child in conflict with law should be tried as an adult or dealt with as a child.

Ratio Decidendi

The Hon'ble Supreme Court held that **Section 19(1) is mandatory**, despite the use of the expression "may" in the provision. The Children's Court cannot assume jurisdiction to try a child as an adult solely on the basis of the Juvenile Justice Board's recommendation under Section 15. It must independently consider the matter, apply its mind, and record reasons as to whether the child should be tried as an adult under Section 19(1)(i) or dealt with as a child under Section 19(1)(ii). This determination is substantive, as it governs the applicable procedure, the nature of permissible punishment, and the rehabilitative safeguards available

under the Act. The Court relied on **Ajeet Gurjar v. State of Madhya Pradesh**, **Barun Chandra Thakur v. Master Bholu**, and **Thirumoorthy v. State** to reaffirm that non-compliance with Sections 15 and 19 strikes at the root of the proceedings. Since the Children's Court failed to pass the mandatory order under Section 19(1), the entire trial stood vitiated. Considering that the appellant had already attained the age of 24 years and had undergone more than six years of incarceration, the Court held that remanding the matter for fresh consideration would serve no useful purpose. Accordingly, the conviction and sentence were set aside, the appeal was allowed, and the appellant was acquitted.

Key Takeaways

- **Section 19(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, is mandatory, and the Children's Court must independently determine whether a child should be tried as an adult or dealt with as a child before proceeding with the trial.**
- **The word "may" in Section 19(1) must be construed as "shall", as the determination affects jurisdiction, trial procedure, punishment, and the statutory protections available to the child.**
- **Non-compliance with Section 19(1) vitiates the entire trial and conviction, even where the Juvenile Justice Board has made a preliminary assessment under Section 15.**
- **Upon receiving a case under Section 18(3), the Children's Court must first pass a reasoned order under Section 19(1) before taking any further steps in the proceedings.**

10. Debojit Pankika Charaideo Sonari v. State of Assam

Citation: 2026 SCC OnLine SC 1336 : 2026 INSC 687
Coram: Hon'ble Sanjay Karol and Prasanna B. Varale, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court considered the principles applicable to a **corpus delicti** prosecution where the victim's dead body is not recovered. The Court held that **non-recovery of the dead body is not, by itself, fatal to a prosecution for murder**, provided the prosecution establishes homicidal death and the accused's culpability through cogent direct or circumstantial evidence beyond reasonable doubt. The Court further held that where the deceased was last seen in the exclusive custody of the accused, the accused's failure to offer a credible explanation for the victim's disappearance may operate as an additional incriminating circumstance under **Section 106 of the Indian Evidence Act, 1872**, without diluting the prosecution's primary burden of proof.

Brief Facts

The deceased, **Soru Kharia**, a ten-year-old girl adopted by the appellant's mother, had been residing with the appellant and his mother for nearly seven years. After the appellant's mother left home for medical treatment, the deceased remained in the appellant's exclusive custody. The child thereafter went missing; however, the appellant neither informed her relatives nor reported the disappearance to the police for approximately **22 days**. During the investigation, **PW-4** stated that the appellant had admitted that the child had sustained burn injuries and had compelled him, under threat with a dagger, to assist in transporting the body, wrapped in a sack, for disposal in the Teok River. Although the dead body was never recovered, the Trial Court convicted the appellant under **Sections 302 and 201 of the Indian Penal Code, 1860**. The Gauhati High Court affirmed the conviction. Aggrieved, the appellant preferred the present appeal before the Hon'ble Supreme Court.

Issue

Whether a conviction for murder and causing disappearance of evidence under **Sections 302 and 201 of the Indian Penal Code, 1860**, can be sustained despite non-recovery of the dead body, where the prosecution relies on circumstantial evidence, testimony concerning disposal of the body, and the accused's failure to explain the disappearance of a child who was in his exclusive custody.

Ratio Decidendi

The Hon'ble Supreme Court held that **recovery of the dead body is not an indispensable prerequisite for proving the offence of murder**. Referring to the doctrine of ***corpus delicti***, the Court reiterated that the prosecution is required to establish the fact of homicidal death and the criminal agency responsible for it, both of which may be proved through reliable direct or circumstantial evidence even in the absence of the body. The Court found the testimony of **PW-4** credible, consistent, and trustworthy, and accepted his explanation that he

had assisted the appellant under threat. The Court also noted that the deceased was admittedly in the exclusive custody of the appellant at the time of her disappearance, and that the appellant failed to provide any plausible explanation or to report the matter to the police for approximately twenty-two days. This unexplained silence constituted a significant additional link in the chain of circumstances under **Section 106 of the Indian Evidence Act, 1872**, once the prosecution had otherwise established a complete and coherent chain of incriminating circumstances. Accordingly, the Court affirmed the conviction under **Sections 302 and 201 of the Indian Penal Code, 1860**, and dismissed the appeal.

Key Takeaways

- **Non-recovery of the dead body does not, by itself, defeat a prosecution for murder where reliable direct or circumstantial evidence establishes homicidal death and the accused's culpability beyond reasonable doubt.**
- **In a *corpus delicti* case, the prosecution must prove the fact of death and the criminal agency responsible, even if the victim's body is not recovered.**
- **Where the victim was last in the exclusive custody of the accused, failure to furnish a plausible explanation for the victim's disappearance may constitute an additional incriminating circumstance under Section 106 of the Indian Evidence Act, 1872, without shifting the prosecution's initial burden of proof.**
- **Credible testimony regarding disposal of the body, when supported by surrounding circumstances and the accused's conduct, may sustain a conviction under Sections 302 and 201 of the Indian Penal Code, 1860, notwithstanding the absence of the dead body.**

11. Dayanand Yadav v. State of Bihar

Citation: 2026 SCC OnLine SC 1326 : 2026 INSC 680
Coram: Hon'ble Dipankar Datta and Satish Chandra Sharma, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court considered the **scope of sentencing discretion and the applicability of the Probation of Offenders Act, 1958** in prosecutions under the **Arms Act, 1959**. The Court held that **probation is neither automatic nor available as a matter of right**; where a court declines such benefit, it must record **special, cogent, and meaningful reasons** after considering the nature of the offence, the offender's character and antecedents, the prospects of reformation, and the interests of society. The Court further held that where, owing to prolonged incarceration and the passage of time, the sentence becomes disproportionately harsh, the Supreme Court may, in the interests of justice, reduce the substantive sentence to the period already undergone without finally adjudicating the issue of probation.

Brief Facts

On the basis of secret information, a police raiding party apprehended the appellant while he was sleeping outside a house in Khagaria, Bihar. Upon search, the police recovered a **.315 bore country-made rifle and sixteen live cartridges** from beneath his bedding. As the appellant was unable to produce a valid licence, an FIR was registered, and he was prosecuted under **Sections 25(1-B)(a) and 26(1) of the Arms Act, 1959**. The Trial Court convicted him and sentenced him to **three years' rigorous imprisonment**, while declining the benefit of the **Probation of Offenders Act, 1958**. The conviction and sentence were subsequently affirmed by the Appellate Court and the Patna High Court. Before the Hon'ble Supreme Court, the appellant substantially confined his challenge to the sentence and sought the benefit of probation.

Issue

Whether the courts below were justified in **refusing the benefit of the Probation of Offenders Act, 1958** without recording adequate and special reasons, and whether the sentence imposed under **Sections 25(1-B)(a) and 26(1) of the Arms Act, 1959** warranted interference in view of the appellant's antecedents, the passage of time, and the period of incarceration already undergone.

Ratio Decidendi

The Hon'ble Supreme Court held that **the Trial Court had failed to record the special reasons required for denying the benefit of probation**. Its observation that probation was not "just or appropriate" was insufficient, as it did not reflect any meaningful assessment of the relevant statutory factors, including the appellant's age, character, antecedents, the nature of the offence, and the possibility of reformation. The Court reiterated that **the grant of probation is discretionary and must depend on the facts and circumstances of each case**.

It further clarified that offences under the Arms Act are not automatically excluded from the operation of the **Probation of Offenders Act, 1958**, unless the statute expressly provides otherwise. However, instead of remanding the matter for fresh consideration, the Court considered that the appellant had **no previous criminal antecedents**, the offence had taken place in **2010**, and he had already undergone **more than two years of imprisonment**. Having regard to the long passage of time and the interests of justice, the Court upheld the conviction but **reduced the substantive sentence to the period already undergone** and directed the appellant's release.

Key Takeaways

- **The benefit of the Probation of Offenders Act, 1958, is discretionary and not automatic; refusal to grant probation must be supported by special, cogent, and meaningful reasons based on the relevant statutory considerations.**
- **Offences under the Arms Act, 1959, are not, by that fact alone, excluded from the operation of the Probation of Offenders Act, 1958, unless the legislature expressly provides otherwise.**
- **Before granting or refusing probation, sentencing courts must assess the offender's age, antecedents, character, prospects of reformation, the nature of the offence, and the broader interests of society.**
- **Where considerable time has elapsed since the offence and the convict has already undergone substantial incarceration, the Supreme Court may, in the interests of justice, reduce the sentence to the period already undergone while maintaining the conviction.**

12. Brajesh Kumar @ Birjesh Kumar Singh v. State of Bihar

Citation: 2026 SCC OnLine SC 1311 : 2026 INSC 695
Coram: Hon'ble Sanjay Kumar and K. Vinod Chandran, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court examined the **scope of a Magistrate's authority upon receipt of a police report under Section 173 of the Code of Criminal Procedure, 1973, the evidentiary value of defence evidence in criminal proceedings, and the standard of proof applicable to prosecutions for dowry death and cruelty.** The Court held that **the opinion expressed by the investigating officer in a charge-sheet or closure report does not bind the Magistrate**, who retains independent judicial discretion to take cognizance under Section 190 of the Code of Criminal Procedure, 1973. The Court further reaffirmed that **defence evidence is entitled to the same objective judicial scrutiny as prosecution evidence**, and where such evidence raises a reasonable and plausible hypothesis of innocence, the accused is entitled to the benefit of doubt.

Brief Facts

The appellant was prosecuted for offences punishable under **Sections 498-A and 304-B of the Indian Penal Code, 1860, read with Sections 3 and 4 of the Dowry Prohibition Act, 1961**, following the death of his wife due to burn injuries at her matrimonial home in the year 2000. Initially, the police filed a charge-sheet only against the appellant's parents, while investigation against the other family members continued pursuant to directions issued by the Superintendent of Police. Thereafter, a second final report resulted in a separate sessions case in which the appellant alone was convicted, whereas the remaining accused were acquitted. The High Court remanded the matter on procedural grounds. Before the Hon'ble Supreme Court, the appellant challenged the conviction and the order of remand, contending that the prosecution had failed to prove the ingredients of dowry death and that the defence evidence, including the deceased's dying declaration suggesting an accidental fire, had been improperly disregarded.

Issue

Whether the **conviction of the appellant for dowry death and cruelty could be sustained** where the prosecution allegedly failed to prove the charges beyond reasonable doubt, the investigation suffered from serious deficiencies, and the **defence evidence, including an exculpatory dying declaration and independent documentary material, raised a plausible hypothesis of innocence.**

Ratio Decidendi

The Hon'ble Supreme Court held that **the prosecution had failed to establish the essential ingredients of dowry death and cruelty beyond reasonable doubt.** The Court noted that the investigation was perfunctory and materially deficient, as no post-mortem examination was conducted, crucial medical evidence and hospital records were not produced, and no

effective investigation was undertaken at the places where the deceased had received treatment. The prosecution witnesses only reiterated broad and general allegations of dowry demand, without proving persistent cruelty or harassment soon before the death. By contrast, the defence produced substantial documentary evidence, independent witnesses, medical records, and a dying declaration recorded by an Executive Magistrate, which indicated that the burn injuries were accidental. The Court reiterated that **defence evidence cannot be treated with suspicion merely because it is adduced by the accused**; once such evidence creates a reasonable doubt regarding the prosecution case, the benefit of that doubt must be extended to the accused. The Court also reaffirmed that **the Magistrate is not bound by the investigating officer's opinion in a charge-sheet or closure report**, since the power to take cognizance under Section 190 of the Code of Criminal Procedure, 1973, vests independently in the Court. Finding that the prosecution had not discharged its burden of proof, the Supreme Court set aside the conviction, acquitted the appellant, and strongly deprecated the casual investigation and the prolonged prosecution that had continued for nearly twenty-five years.

Key Takeaways

- **The opinion expressed by the investigating officer in a charge-sheet or closure report is not binding on the Magistrate, who independently exercises judicial discretion under Section 190 of the Code of Criminal Procedure, 1973, while taking cognizance.**
- **Defence evidence is entitled to the same objective judicial consideration as prosecution evidence and cannot be rejected merely because it is produced by the accused.**
- **Where the prosecution fails to prove dowry demand, cruelty, or the circumstances necessary to establish dowry death beyond reasonable doubt, and the defence raises a plausible hypothesis of innocence, the accused is entitled to the benefit of doubt.**
- **Criminal courts must carefully evaluate all evidence, including defence witnesses, documentary material, medical records, and dying declarations; convictions cannot rest on suspicion, incomplete investigation, or generalised allegations.**

13. R. Veronica and Another v. Rudrayani Devaki (D) Through Lrs. S. Satha Kumar and Others

Citation: 2026 SCC OnLine SC 1334 : 2026 INSC 703
Coram: Hon'ble J.B. Pardiwala and Manoj Misra, JJ.
Decided on: 14 July 2026.

Head Note

The Hon'ble Supreme Court considered the **mandatory requirement of formulating substantial questions of law under Section 100 of the Code of Civil Procedure, 1908**, and the **scope of Section 68 of the Indian Evidence Act, 1872, in relation to registered sale deeds.** The Court held that **the formulation of substantial questions of law is a jurisdictional prerequisite for the High Court to entertain and decide a second appeal**, and that failure to comply with this requirement renders the judgment legally unsustainable. The Court further clarified that **Section 68 of the Indian Evidence Act, 1872, applies only to documents that are required by law to be attested**. A registered sale deed does not fall within the ambit of Section 68, as attestation is not a statutory requirement for a sale under **Section 54 of the Transfer of Property Act, 1882**.

Brief Facts

The respondents instituted a civil suit seeking **declaration of title, recovery of possession, cancellation of a subsequent sale deed, and permanent injunction** in respect of the suit property. The Trial Court decreed the suit. In appeal, the First Appellate Court reversed the decree, holding that the plaintiff had failed to prove the execution of the earlier sale deed and had also failed to properly identify the suit property. In the second appeal, the Kerala High Court set aside the First Appellate Court's judgment and restored the Trial Court's decree without formulating any **substantial question of law** as required under **Section 100 of the Code of Civil Procedure, 1908**. The High Court also interpreted the proviso to **Section 68 of the Indian Evidence Act, 1872**, to hold that examination of an attesting witness was unnecessary. Aggrieved by the said judgment, the defendants approached the Hon'ble Supreme Court.

Issue

Whether the **High Court was justified in allowing a second appeal without first formulating substantial questions of law under Section 100 of the Code of Civil Procedure, 1908**, and whether **Section 68 of the Indian Evidence Act, 1872, applies to the proof of execution of a registered sale deed**, including the applicability of its proviso concerning specific denial.

Ratio Decidendi

The Hon'ble Supreme Court held that **Section 100 CPC, read with Order XLII Rule 2 CPC, mandates the formulation of substantial questions of law as a condition precedent for deciding a second appeal.** A second appellate judgment rendered without complying with this statutory requirement is vitiated and cannot be sustained. On this basis, the Court set

aside the judgment of the High Court and remitted the matter for fresh consideration after framing appropriate substantial questions of law. The Court further clarified that **Section 68 of the Indian Evidence Act, 1872, is attracted only to documents that the law requires to be attested**, such as certain instruments where attestation is a statutory mandate. Since **Section 54 of the Transfer of Property Act, 1882, does not require attestation of a sale deed**, a registered sale deed is not governed by Section 68. Consequently, the proviso to Section 68, including the requirement relating to specific denial, has no application to registered sale deeds. The Court also reiterated that **a proviso cannot travel beyond, enlarge, or operate independently of the main provision**; it merely qualifies or creates an exception within the scope of the principal enactment.

Key Takeaways

- **Formulation of substantial questions of law under Section 100 CPC is mandatory, and a High Court cannot decide a second appeal on merits without first framing such questions.**
- **Section 68 of the Indian Evidence Act, 1872, applies only to documents that are required by law to be attested and does not apply to registered sale deeds governed by Section 54 of the Transfer of Property Act, 1882.**
- **The proviso to Section 68, including the requirement of specific denial, cannot be invoked in relation to a registered sale deed because the main provision itself is inapplicable to such documents.**
- **A proviso must be construed in harmony with the principal provision and cannot enlarge, restrict, or create an independent rule beyond the scope of the main enactment.**

14. In Re: Order dated 17.03.2025 Passed by the High Court of Judicature at Allahabad in Criminal Revision No. 1449/2024 and Ancillary Issues

Citation: 2026 SCC OnLine SC 1450 : 2026 INSC 783
Coram: Hon'ble Surya Kant, C.J., Joymalya Bagchi and V. Mohana, JJ.
Decided on: 14 July 2026.

Head Note

The Hon'ble Supreme Court, in exercise of its **suo motu jurisdiction**, approved and adopted the **Handbook on Developing Guidelines to Inculcate Sensitivity and Compassion into Judges and Judicial Processes in the Context of Sexual Offences and Other Vulnerable Cases**. The Court held that adjudication in matters involving sexual offences and vulnerable persons must be guided by **sensitivity, dignity, empathy, compassion, inclusiveness, and constitutional morality**. It further directed that the Handbook shall operate as a **mandatory guiding resource** for judicial officers, police authorities, prosecutors, tribunals, legal services institutions, educational bodies, and other stakeholders. The Court also issued directions for nationwide dissemination, structured training, capacity-building, and institutional implementation to promote victim-centric and inclusive justice delivery.

Brief Facts

The proceedings arose from **suo motu cognizance** taken by the Hon'ble Supreme Court of certain observations made by the Allahabad High Court in a criminal revision relating to a sexual offence. After setting aside the impugned judgment in earlier proceedings, the Supreme Court addressed the broader institutional concern of ensuring **judicial sensitivity and compassion in cases involving sexual offences and other vulnerable persons**. For this purpose, the Court constituted an Expert Committee under the chairmanship of **Justice Aniruddha Bose (Retd.)**, Director of the National Judicial Academy, to prepare comprehensive guidelines for compassionate, inclusive, respectful, and victim-centric judicial practices. The Committee submitted its report along with the Handbook, which was thereafter placed before the Court for consideration and approval.

Issue

Whether the **Handbook prepared by the Expert Committee on judicial sensitivity, compassion, and victim-centric judicial processes** ought to be approved and adopted as a guiding framework for courts and other stakeholders dealing with **sexual offences and cases involving vulnerable persons**, and what consequential directions were necessary to ensure its effective dissemination, training, and institutional implementation.

Ratio Decidendi

The Hon'ble Supreme Court held that **judicial language, courtroom conduct, and adjudicatory processes must consistently reflect the constitutional values of dignity, equality, sensitivity, compassion, empathy, and inclusiveness**, particularly in matters

involving victims of sexual offences and other vulnerable persons. The Court accepted the Expert Committee's Handbook and described it as a practical, accessible, and institutionally significant resource for judicial officers at all levels. It directed that the Handbook shall serve as a **mandatory guiding resource** in such matters and ordered its publication on the websites of the Supreme Court, High Courts, National Judicial Academy, State Judicial Academies, and other relevant institutions. The Court further directed judicial authorities, police departments, prosecution agencies, legal services institutions, governmental bodies, and educational institutions to conduct **orientation programmes, workshops, training sessions, and capacity-building initiatives** for meaningful implementation. Recognising that language, social understanding, and institutional practices evolve over time, the Court clarified that the Handbook is **not exhaustive or final**, but constitutes an important starting point for a continuing institutional effort to foster respectful, inclusive, and victim-centric justice delivery.

Key Takeaways

- **The Handbook on judicial sensitivity, compassion, and victim-centric judicial processes has been approved as a mandatory guiding resource for cases involving sexual offences and other vulnerable persons.**
- **Judicial reasoning, courtroom conduct, and institutional processes must uphold the constitutional values of dignity, equality, empathy, compassion, inclusiveness, and victim-centric justice.**
- **The Handbook is to be disseminated through the Supreme Court, High Courts, Judicial Academies, police authorities, prosecution agencies, legal services institutions, governmental bodies, and educational institutions, supported by regular training and capacity-building programmes.**
- **The standards contained in the Handbook are evolutionary in nature and must be periodically revisited and refined to ensure that judicial discourse remains aligned with constitutional values and evolving societal understanding.**

15. Didar Singh alias Dari v. State of Haryana; Ranjeet Singh alias Jeeta v. State of Haryana

Citation: 2026 SCC OnLine SC 1361 : 2026 INSC 726
Coram: Hon'ble Manoj Misra and Vijay Bishnoi, JJ.
Decided on: 14 July 2026.

Head Note

The Hon'ble Supreme Court examined the **principles governing conviction on the basis of circumstantial evidence**, particularly the evidentiary significance of the **"last seen together" theory**, the application of **Section 106 of the Indian Evidence Act, 1872**, and the standard of proof required to sustain a conviction for murder. The Court held that **the "last seen" circumstance is, by itself, a weak piece of evidence and cannot constitute the sole basis for conviction unless the interval between the accused being last seen with the deceased and the death is so proximate as to rule out the possibility of intervention by any third person.** The Court further reiterated that **Section 106 of the Indian Evidence Act, 1872, does not dilute or displace the prosecution's primary burden to prove guilt beyond reasonable doubt**. Where the chain of circumstantial evidence is incomplete, or where the evidence is consistent with another plausible hypothesis, the accused is entitled to the benefit of doubt.

Brief Facts

The appellants were prosecuted for offences punishable under **Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860**, on the allegation that they had taken the deceased with them on a motorcycle on the evening of **24 May 2004**, after which he was not seen alive. The following morning, the deceased's body was recovered from a field. The prosecution relied upon the **last seen together theory**, recovery of a damaged motorcycle and slippers, alleged disclosure statements, and a purported motive based on suspicion that the deceased had informed the police about the appellants' alleged involvement in narcotic activities. The Trial Court convicted the appellants under **Section 302 read with Section 34 of the Indian Penal Code, 1860**, and the High Court affirmed the conviction. Aggrieved by the said judgments, the appellants approached the Hon'ble Supreme Court.

Issue

Whether the **circumstantial evidence relied upon by the prosecution, including the last seen circumstance, alleged motive, disclosure statements, and recoveries, formed a complete and unbroken chain of circumstances sufficient to sustain the appellants' conviction for murder beyond reasonable doubt.**

Ratio Decidendi

The Hon'ble Supreme Court held that **the prosecution had failed to establish a complete chain of circumstances pointing exclusively to the guilt of the appellants.** Reiterating the

principles laid down in **Sharad Birdhichand Sarda v. State of Maharashtra**, the Court observed that each incriminating circumstance must be fully proved and, when taken together, must exclude every reasonable hypothesis consistent with innocence. The Court found the **last seen evidence to be unreliable**, as a substantial time gap existed between the deceased allegedly leaving with the appellants and the probable time of death, thereby leaving open the possibility of third-party intervention. The medical evidence did not conclusively establish homicidal death and was also consistent with the possibility of a **motorcycle accident**. The prosecution further failed to prove ownership of the motorcycle allegedly used by the appellants, failed to recover the alleged weapon or blood-stained clothes, and failed to show that the disclosure statements led to the discovery of any new incriminating fact. The alleged motive also remained unsubstantiated. The Court clarified that **Section 106 of the Indian Evidence Act, 1872, cannot be invoked to fill material gaps in the prosecution case**, particularly where the prosecution has not first established a prima facie chain of incriminating circumstances. Accordingly, the Supreme Court extended the benefit of doubt, set aside the conviction, and acquitted the appellants.

Key Takeaways

- **The "last seen together" circumstance is inherently weak and cannot, by itself, sustain a conviction unless the time gap between the accused being last seen with the deceased and the death is so narrow as to exclude the possibility of intervention by any third person.**
- **Section 106 of the Indian Evidence Act, 1872, does not relieve the prosecution of its primary burden to prove guilt beyond reasonable doubt; the burden shifts to the accused only after the prosecution first establishes a prima facie incriminating chain.**
- **In a prosecution founded on circumstantial evidence, every incriminating circumstance must be proved beyond reasonable doubt and must collectively form a complete chain excluding every reasonable hypothesis consistent with innocence.**
- **Where the medical evidence, recoveries, motive, and disclosure statements do not conclusively connect the accused with the offence, and the evidence remains consistent with an alternative hypothesis such as accidental death, the accused is entitled to acquittal on the benefit of doubt.**

16. Shaurya Sunil Kumar Singh v. Central Bureau of Investigation

Citation: 2026 SCC OnLine SC 1251 : 2026 INSC 666
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court clarified the scope and operation of **statutory default bail under Section 187(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023**. The Court held that the right to default bail accrues only where the investigating agency fails to file the charge-sheet within the prescribed statutory period. The mere non-filing of additional copies of the charge-sheet, or delay in supplying copies to the accused under **Sections 193(8) and 230 BNSS**, does not render the charge-sheet invalid or revive the statutory right to default bail. Once a charge-sheet satisfying the requirements of **Section 193(3) BNSS** is filed within time, the accused's indefeasible right to default bail stands extinguished.

Brief Facts

The appellant was arrested in connection with a Central Bureau of Investigation case involving allegations of cyber fraud, mule bank accounts, forged KYC documents, and offences under the **Bharatiya Nyaya Sanhita, 2023**, the **Prevention of Corruption Act, 1988**, and the **Information Technology Act, 2000**. The investigating agency filed the charge-sheet within the statutory period. The appellant, however, contended that because copies of the charge-sheet and accompanying documents had not been filed or supplied in accordance with **Sections 193(8) and 230 BNSS**, he became entitled to default bail under **Section 187(3) BNSS**. The Special Judge and the Bombay High Court rejected the plea, whereafter the appellant approached the Hon'ble Supreme Court.

Issue

Whether **failure to file additional copies of the charge-sheet or delay in supplying copies to the accused under Sections 193(8) and 230 BNSS** entitles an accused to statutory/default bail under **Section 187(3) BNSS**, notwithstanding that the charge-sheet was filed within the prescribed statutory period.

Ratio Decidendi

The Hon'ble Supreme Court held that the right to default bail is a valuable and indefeasible right traceable to **Article 21 of the Constitution of India**; however, it arises only when the investigating agency fails to file the charge-sheet within the statutory period of sixty or ninety days prescribed under **Section 187(3) BNSS**. The Court clarified that **Section 193(8) BNSS**, which requires additional copies of the police report to be furnished for supply to the accused, is procedural in nature, and non-compliance with that requirement does not invalidate a charge-sheet otherwise filed in accordance with **Section 193(3) BNSS**. Once such a charge-sheet is filed within the prescribed period, the statutory right to default bail comes to an end. Any delay in supplying copies, or omission to file

additional copies, may call for procedural compliance but cannot be equated with non-filing of the charge-sheet or non-completion of investigation. Thereafter, the accused must seek regular bail on merits.

Key Takeaways

- **The right to default bail under Section 187(3) BNSS accrues only when the investigating agency fails to file the charge-sheet within the statutory period of sixty or ninety days.**
- **Non-filing of additional copies of the charge-sheet under Section 193(8) BNSS, or delayed supply of documents under Section 230 BNSS, does not invalidate a charge-sheet that has otherwise been filed within time.**
- **Once a charge-sheet complying with Section 193(3) BNSS is filed within the prescribed period, the statutory right to default bail is extinguished, and the accused must seek regular bail on merits.**
- **Procedural requirements relating to the supply of documents are distinct from the statutory conditions governing default bail, and non-compliance with such procedural provisions cannot be treated as failure to complete the investigation.**

17. Sudesh Pal v. State of Uttar Pradesh

Citation: 2026 SCC OnLine SC 1452

Court: Supreme Court of India

Coram: B.V. Nagarathna and R. Mahadevan, JJ.

Date: 15 July 2026

Headnotes: Sentencing — Life imprisonment — Parity — Long incarceration: Where a co-accused similarly situated had received a fixed-term sentence of 20 years and was released, the applicant, who had already undergone more than 24 years with remission, was held entitled to similar treatment on the principle of parity.

Brief Facts: Sudesh Pal was convicted under **Section 302 read with Section 149 IPC** and initially sentenced to death by the Sessions Court. The Hon'ble Allahabad High Court converted his death sentence into **life imprisonment**. In 2023, the Hon'ble Supreme Court confirmed his life sentence, while in the case of co-accused Madan, it converted the death penalty into **20 years' imprisonment without remission**. Madan was subsequently released after completing the term. Sudesh Pal sought modification of his life sentence, relying on parity, old age, good conduct and prolonged incarceration. He had undergone more than **24 years with remission**.

Main Issues: Whether Sudesh Pal's life sentence could be restricted to 20 years on the principle of parity with co-accused Madan.

Ratio Decidendi: The Hon'ble Supreme Court held that the **principle of parity in sentencing** warranted similar treatment. Since Madan, who was similarly sentenced to death by the Trial Court, had ultimately received a fixed-term sentence of 20 years and Sudesh Pal had already undergone more than 24 years with remission, his life sentence was also restricted to **20 years**.

Order: The Miscellaneous Application was **allowed**. Sudesh Pal's sentence was restricted to **20 years**, and as he had already completed the requisite period, the Court directed his **release forthwith**.

Key Takeaway: The case establishes that **sentencing parity may justify modification of a life sentence**, particularly where a similarly situated co-accused has received a lesser fixed-term sentence and the applicant has already undergone prolonged incarceration.

18. Deo Prasad & Anr. v. State of Uttar Pradesh

Citation: 2026 SCC OnLine SC 1339

Court: Supreme Court of India

Coram: Vikram Nath & Sandeep Mehta, JJ.

Date: 15 July 2026

Headnotes: Criminal law—Murder—Credibility of FIR and eye-witnesses—Unexplained delay in inquest, post-mortem and transmission of FIR to Magistrate—Cumulative circumstances indicating ante-timing and post-investigation preparation of FIR—Prosecution failing to establish occurrence and presence of eye-witnesses beyond reasonable doubt—Benefit of doubt—Acquittal.

Brief Facts: The accused were convicted under Sections 147, 148 and 302 read with Section 149 IPC for allegedly murdering Harihar Saran on 28 June 1977. The prosecution relied principally upon three alleged eye-witnesses and the recovery of bicycles. The Trial Court convicted the accused, and the Hon'ble Allahabad High Court affirmed the conviction. Before the Hon'ble Supreme Court, the accused challenged the genuineness of the FIR, the credibility of the eye-witnesses, the unexplained delay in investigation and the medical evidence.

Main Issues: Whether the prosecution established beyond reasonable doubt that the murder occurred on 28 June 1977 in the manner alleged and that the accused were the perpetrators.

Ratio Decidendi: The Hon'ble Supreme Court held that the prosecution case was surrounded by serious and cumulative infirmities. The dead body remained unattended overnight despite the police station being only about 3½ miles away; the inquest was delayed until the next day; the post-mortem was conducted nearly 48 hours later without satisfactory explanation; there were contradictions regarding who accompanied the complainant to the police station; and, most importantly, the FIR allegedly registered on 28 June reached the jurisdictional Magistrate only on 30 June. Though delay in forwarding an FIR is not by itself fatal, such delay becomes significant when accompanied by circumstances suggesting ante-timing, fabrication or subsequent embellishment. The Hon'ble Court therefore held that the FIR appeared to be a **post-investigation document** and that the presence and testimony of the alleged eye-witnesses could not safely be relied upon. The alleged recovery of bicycles also did not reliably connect the accused with the crime.

Order: The Hon'ble Supreme Court allowed Criminal Appeal Nos. 239 (insofar as it concerned Subedar), 238 and 236 of 2013. The judgments of the Trial Court and High Court were set aside and the surviving accused—Hira Lal, Raj Bux and Subedar—were acquitted of all charges. Bail bonds of those already on bail were discharged. The juvenility question for determination concerning Subedar was not examined as the Court had already granted him the benefit of doubt.

Key Takeaway: Delay in FIR transmission is not automatically fatal, but when coupled with unexplained investigative lapses, contradictions, delayed inquest/post-mortem and circumstances suggesting ante-timing or fabrication, it can seriously undermine the prosecution case. The accused is entitled to acquittal where the cumulative circumstances create a reasonable doubt regarding the occurrence, FIR and credibility of eye-witnesses.

19. National Legal Services Authority v. Union of India & Ors.

Citation: 2026 SCC OnLine SC 1341

Court: Supreme Court of India

Coram: Vikram Nath and Sandeep Mehta, JJ.

Date: 16 July 2026

Headnotes: Prisoners—Elderly and terminally ill prisoners—Right to dignity under Article 21—The constitutional guarantee of life and dignity continues within prisons. States and UTs must establish a structured, transparent and time-bound mechanism for early/premature release of prisoners who are terminally ill or of advanced age. Administrative inaction resulting in needless incarceration and suffering is inconsistent with Article 21.

Brief Facts: NALSA conducted a nationwide Special Campaign for Old Prisoners and Terminally Ill Prisoners from 10.12.2024 to 10.03.2025. It identified **5,393 vulnerable prisoners**, including **3,507 convicts and 1,886 undertrials**, with 11 terminally ill and 84 convicts above 70 years spread across several States/UTs. NALSA approached the Hon'ble Supreme Court under Article 32, highlighting inadequate medical facilities and continued incarceration of elderly and terminally ill prisoners and seeking appropriate mechanisms for their release.

Main Issues: Whether continued incarceration of elderly and terminally ill prisoners, without an effective mechanism for humane release and adequate medical care, violates Articles 14 and 21, and whether the Hon'ble Supreme Court could question for determination systemic directions to ensure their early or compassionate release.

Ratio Decidendi: The Hon'ble Court held that **conviction does not extinguish the fundamental right to life and dignity under Article 21**. Prisoners remain entitled to humane treatment, adequate healthcare and protection from cruel or degrading conditions. Advanced age and terminal illness are constitutionally relevant considerations in bail, remission and premature release. While prisons fall within the State List and States have primary responsibility, constitutional inaction resulting in violation of fundamental rights warrants judicial intervention. The Hon'ble Court therefore directed States/UTs to formulate comprehensive policies for early or premature release of elderly and terminally ill prisoners. The Court emphasised that punishment must remain consistent with **proportionality, humanity and dignity**.

Order: Exercising powers under **Articles 32 and 142**, the Hon'ble Court directed all States and UTs to formulate and notify, within **three months**, policies for early/premature release of advanced-age and terminally ill prisoners. The policies must provide for a clear definition of terminal illness, independent Medical Boards, time-bound procedures, periodic review through UTRCs, coordination with healthcare/legal-aid institutions and integration with the **e-Prisons Portal**. Compliance affidavits are to be filed within **six months**. The matter was directed to be listed on **19 January 2027** for consideration of compliance.

Key Takeaway: Prison walls do not suspend constitutional rights. Elderly and terminally ill prisoners are entitled to humane treatment, healthcare and consideration for early or compassionate release. The State cannot allow procedural or administrative inertia to convert lawful incarceration into **needless and undignified suffering**.

20. Maharaj Saran v. State of Punjab & Others

Citation: 2026 SCC OnLine SC 1378

Court: Supreme Court of India

Coram: M.M. Sundresh and Prasanna B. Varale, JJ.

Date: 16 July 2026

Headnotes: The Hon'ble Supreme Court held that while determining whether an offence under Section 66 of the Information Technology Act, 2000 is bailable or non-bailable, Section 77B of the IT Act shall further be considered. The High Court erred in treating Section 66 as non-bailable without examining Section 77B.

Brief Facts: The appellant sought a writ of habeas corpus for release of his son, who had been detained at an airport pursuant to a **Look Out Circular** issued in connection with FIR No. 07/2024 registered under Sections **66, 72 and 84-C of the Information Technology Act, 2000** and Section 78(1)(ii) of the Bharatiya Nyaya Sanhita, 2023. The Hon'ble High Court rejected the petition while observing that Section 66 of the IT Act was not defined as a bailable offence. The appellant challenged this finding before the Hon'ble Supreme Court.

Main Issues: Whether the High Court was correct in holding that an offence under Section 66 of the IT Act, 2000 is non-bailable, without considering the effect of Section 77B of the Act.

Ratio Decidendi: The Hon'ble Supreme Court held that **Section 77B of the IT Act has to be read while determining the nature of an offence under Section 66**. The High Court failed to consider this relevant statutory provision and therefore its observation that Section 66 was non-bailable could not be sustained. The Court accordingly set aside that finding.

Order: The Hon'ble Supreme Court allowed the appeal to the limited extent of setting aside the High Court's finding with regard to the bailable/non-bailable nature of Section 66 and disposed of the appeal with the clarification that Section 77B shall be considered. Pending applications were further disposed of.

Key Takeaway: For determining whether an offence under **Section 66 of the Information Technology Act, 2000 is bailable**, the provision **cannot be examined in isolation**. **Section 77B must necessarily be taken into consideration.** The judgment is particularly relevant in cases involving **cyber offences, arrest, bail and Look Out Circulars** under the IT Act.

21. Mani alias Subramaniyam v. State Rep. by the Deputy Superintendent of Police

Citation: 2026 SCC OnLine SC 1347

Court: Supreme Court of India

Coram: Sanjay Karol & Vipul M. Pancholi, JJ.

Date: 17 July 2026

Headnotes: Sections 294(b), 326 & 506(ii) IPC — **Obscenity, criminal intimidation and grievous hurt** — Vulgar or abusive language is not per se obscene; criminal intimidation requires intention to cause alarm; fracture caused by a dangerous weapon constitutes grievous hurt.

Brief Facts: The appellant assaulted the complainant during a land dispute using a billhook, causing a nasal bone fracture, and allegedly abused and threatened him. The Trial Court convicted him under Sections 294(b), 326 and 506(ii) IPC. The Hon'ble High Court partly reduced the conviction and sentence. The matter reached the Hon'ble Supreme Court.

Main Issues: Whether the abusive words constituted obscenity under Section 294(b); whether the threat constituted criminal intimidation under Section 506(ii); and whether the nasal fracture attracted Section 326 IPC.

Ratio Decidendi: Mere **abusive, vulgar or profane words do not amount to obscenity** unless they satisfy the legal test of obscenity and cause annoyance as required by Section 294(b). Criminal intimidation requires proof of **intent to cause alarm**; a threat during an altercation, without such proof, is insufficient. A **nasal bone fracture is grievous hurt under Section 320 IPC**, and when caused by a dangerous weapon, Section 326 IPC is attracted.

Order: Convictions under **Sections 294(b) and 506(ii) IPC set aside**; conviction under **Section 326 IPC affirmed**. Considering the appellant's age of about 70 years, health and circumstances, sentence modified to **imprisonment till rising of the Court + ₹50,000 fine**, payable within two months.

Key Takeaway:

The judgment is significant for drawing a clear legal distinction between **obscene language and merely abusive or vulgar language** under Section 294(b) IPC. **Profanity, vulgarity or insulting language, by itself, does not constitute obscenity** unless the statutory ingredients of obscenity and annoyance are established.

22. State of West Bengal v. Kader Khan

Citation: 2026 SCC OnLine SC 1348

Court: Supreme Court of India

Coram: Sanjay Karol and Vipul M. Pancholi, JJ.

Date: 17 July 2026

Headnotes: Section 299 CrPC — Evidence of witnesses recorded in absence of absconding accused — Admissibility in subsequent trial: No formal order of the Trial Court recording satisfaction under Section 299(1) CrPC is mandatory. It is sufficient if, at the time of recording the deposition, it is established that the accused had absconded and there was no immediate prospect of his arrest. If the witness subsequently dies or becomes unavailable, such deposition may be used against the accused in his subsequent trial.

Brief Facts: The respondent was one of the accused in a gang-rape matter however remained absconding. His trial was separated from that of the apprehended accused. During their trial, the victim was examined and extensively cross-examined, however she subsequently died. After the respondent was arrested, the prosecution sought to rely upon her earlier deposition under Section 299 CrPC. The Trial Court permitted it, however the Hon'ble Calcutta High Court declined to accept the deposition on the ground that no specific order under Section 299 had been passed earlier.

Main Issues: Whether a formal order under Section 299 CrPC declaring the accused absconding and recording that there was no immediate prospect of arrest is mandatory for using the deposition of a deceased witness in the subsequent trial.

Ratio Decidendi: The Hon'ble Supreme Court held that **Section 299 CrPC does not require a formal or specific order** recording satisfaction regarding the accused's abscondence and the absence of an immediate prospect of arrest. The crucial requirement is that these two conditions must in fact be established when the witness was examined. Section 299 is an exception to the ordinary rule under Section 33 of the Evidence Act and is intended to preserve evidence where an accused deliberately absconds. A restrictive interpretation would defeat the object of the provision.

Order: The appeals were **allowed**. The Calcutta High Court's order dated 06.05.2022 was **set aside**, and the Trial Court's order permitting the use of the deceased victim's earlier deposition was restored.

Key Takeaway: For invoking Section 299 CrPC, actual satisfaction of its conditions is essential, but a formal order recording such satisfaction is not mandatory. Evidence recorded when the accused was absconding and there was no immediate prospect of arrest can subsequently be used if the witness has died or is otherwise unavailable.

23. Piyush Shyamdasani v. State of Uttar Pradesh

Citation: 2026 SCC OnLine SC 1357

Court: Supreme Court of India

Coram: Dipankar Datta and Satish Chandra Sharma, JJ.

Date: 17 July 2026

Headnotes: Criminal law — Murder — Circumstantial evidence — Conspiracy — Call Detail Records (CDRs), location data, CCTV footage, recoveries and conduct of accused — A complete and consistent chain of circumstances can sustain conviction. Frequent telephonic conversations alone do not establish criminal conspiracy without independent corroboration. Section 34 IPC can apply where an accused actively participates in the offence from behind the scenes, without physical presence at the place of occurrence.

Brief Facts: The appellant-husband, A1, was accused of conspiring with A3 to A6 to murder his wife following strained marital relations. On 27.07.2014, he took the deceased to a restaurant and thereafter she was allegedly abducted by the co-accused and found dead in his car. The prosecution relied upon CDRs, mobile-location data, CCTV footage, recoveries, and the unnatural conduct of A1. The Trial Court convicted A1 and A3-A6. The Hon'ble High Court affirmed the convictions however acquitted A2, Manisha Makhija, for want of sufficient evidence connecting her with the conspiracy.

Main Issues: (i) Whether the circumstantial evidence established the guilt of A1, A4 and A5 beyond reasonable doubt; (ii) whether CDRs and location data sufficiently established criminal conspiracy; (iii) whether Section 34 IPC was properly invoked; and (iv) whether A2's frequent telephonic conversations with A1 were sufficient to establish her participation in the conspiracy.

Ratio Decidendi: The Hon'ble Supreme Court held that the evidence against A1, A4 and A5 formed a complete and unbroken chain comprising the last-seen circumstance, CDRs, location data, CCTV footage, recoveries under Section 27 of the Evidence Act and the unnatural conduct of the accused. Their failure to explain circumstances within their special knowledge further strengthened the prosecution case. Section 34 IPC was correctly applied because common intention does not require physical presence at the scene; active participation from behind the scenes is sufficient. However, frequent calls between A1 and A2, though capable of suggesting a relationship, could not by themselves establish A2's participation in the criminal conspiracy, particularly in the absence of evidence connecting her with A3-A6.

Order: Convictions of Piyush Shyamdasani (A1), Renu @ Akhilesh Kanaujiya (A4) and Sonu Kashyap (A5) were **upheld**. Acquittal of Manisha Makhija (A2) was **confirmed**. The convicted appellants were directed to surrender and serve their sentences in accordance with law.

Key Takeaway: Circumstantial evidence must form a complete chain pointing only towards guilt. CDRs and frequent calls may corroborate conspiracy but cannot, by themselves, prove it. Section 34 IPC does not require physical presence where active participation in the common design is established.

24. Ehsaan v. State of National Capital Territory of Delhi

Citation: 2026 SCC OnLine SC 1356;

Court: Supreme Court of India.

Coram: Sanjay Karol and Augustine George Masih, JJ.

Date: 20 July 2026.

Headnotes: Criminal Law — IPC, Section 376-D — Gang rape — Sentencing — Proportionality: The maximum sentence of imprisonment for the remainder of natural life is not to be imposed mechanically. Sentencing must balance the **gravity of the offence, interests of the victim and society, deterrence, and possibility of reformation**, while considering relevant mitigating factors such as age, antecedents and conduct of the accused.

Brief Facts: The appellant was convicted under **Section 376-D IPC** for gang rape of a woman after she was taken to a deserted place by the accused. The Trial Court sentenced him to **rigorous imprisonment for the remainder of his natural life** with fine of ₹25,000, which was affirmed by the Hon'ble Delhi High Court. The Hon'ble Supreme Court examined only the **quantum of sentence**, the conviction having not been challenged.

Main Issues: Whether, considering the facts and mitigating circumstances, imprisonment for the **remainder of natural life** was proportionate, or whether the sentence required modification.

Ratio Decidendi: The Court held that sentencing must satisfy the **doctrine of proportionality** and serve punitive, deterrent and protective purposes. Relevant factors include the nature and gravity of the offence, conduct and motive of the accused, age, criminal antecedents, premeditation, number of victims and **possibility of reformation**. In the present case, the appellant was **25 years old**, had **no criminal antecedents**, maintained good conduct in prison, and the State failed to establish that reformation was impossible. However, the gravity of gang rape required at least the statutory minimum sentence of **20 years**. Therefore, the sentence of imprisonment for natural life was disproportionate.

Order: The appeal was **partly allowed**. The sentence was modified from **imprisonment for the remainder of natural life to 20 years' rigorous imprisonment, with benefit of remission, if otherwise applicable**. The conviction and fine were maintained.

Key Takeaway: For offences under **Section 376-D IPC**, the statutory minimum of **20 years** must be respected, but the maximum sentence of imprisonment for natural life cannot be imposed mechanically. **Proportionality, mitigating circumstances and possibility of reformation must be considered**, while ensuring that the seriousness of gang rape and societal interest are adequately reflected in the sentence.

25. X v. State of Bihar & Anr.

Citation: 2026 SCC OnLine SC 1363

Court: Supreme Court of India

Coram: J.B. Pardiwala and Ujjal Bhuyan, JJ.

Date: 21 July 2026

Headnotes: Under the Juvenile Justice (Care and Protection of Children) Act, 2015, an offence under Section 302 IPC prescribing "death or imprisonment for life" is a **heinous offence**, since life imprisonment operates as the minimum punishment. The word **"may" in Section 101(2) of JJ Act** is discretionary and does not require the appellate court to obtain fresh expert assistance in every appeal against a preliminary assessment. A preliminary assessment under Section 15 is not a trial and must independently consider the child's mental and physical capacity, ability to understand consequences, circumstances of the offence, and the entire material including the SBR, SIR, witness statements and expert opinion.

Brief Facts: The appellant was aged 16 years and 4 months when he was alleged to have committed offences under Sections 302, 201 and 34 IPC. The Juvenile Justice Board conducted a preliminary assessment under Section 15 of the JJ Act. By majority, it held that the child lacked the mental and physical capacity to commit the offence and directed that he be tried by the Board. The Appellate Court reversed the determination and directed that he be tried as an adult before the Children's Court. The Hon'ble High Court affirmed this order. Before the Hon'ble Supreme Court, the appellant contended that Section 302 was only a "serious offence" and that the Appellate Court was mandatorily required under Section 101(2) to obtain fresh assistance from psychologists and medical specialists.

Main Issues:

1. Whether an offence punishable with death or life imprisonment under Section 302 IPC is a "heinous offence" under Section 2(33) of the JJ Act.
2. Whether the word "may" in Section 101(2) of the JJ Act makes expert assistance mandatory for the appellate court.

What material and factors shall be considered by the JJ Board while conducting preliminary assessment under Section 15.

Ratio Decidendi: The Hon'ble Supreme Court held that **Section 302 IPC is a heinous offence** because imprisonment for life is, by implication, the minimum punishment; the absence of the express word "minimum" does not alter the statutory position. The possibility of release under Section 21 of the JJ Act does not change the classification of the offence, as Section 21 operates at the **sentencing stage**, not at the stage of classification or determination of the forum of trial. The Hon'ble Court further held that **Section 101(2) is discretionary**, and the Sessions Court may obtain assistance from psychologists or medical specialists when the circumstances of the case require it, but such assistance is not mandatory in every appeal. Finally, the Board must independently assess all relevant material under the four parameters

of Section 15—**mental capacity, physical capacity, ability to understand consequences, and circumstances of the alleged offence**. Expert opinion is only one significant input and cannot be treated as conclusive.

Order: The Hon'ble Supreme Court **dismissed the appeal** and upheld the High Court's order directing that the appellant be tried as an adult before the Children's Court. Pending applications were disposed of and parties were directed to bear their own costs.

Key Takeaway: For children aged **16–18 years**, an offence under Section 302 IPC is a **heinous offence**, permitting preliminary assessment under Section 15. The JJ Board must conduct a holistic and reasoned assessment based on all relevant materials; **expert opinion alone cannot determine the outcome**. At the appellate stage, Section 101(2) gives the Sessions Court a **discretionary power**, not an automatic obligation, to obtain fresh expert assistance.

26. Suptan Marak v. State of Tripura

Citation: 2026 SCC OnLine SC 1449

Court: Supreme Court of India

Coram: P.K. Mishra & Shree Chandrashekhar, JJ.

Date: 21 July 2026.

Headnotes: POCSO—S.4(2)—Victim below 16 years—Non-mention of sub-section (2) does not vitiate sentence. Credible victim testimony corroborated by medical evidence can sustain conviction despite inconclusive DNA evidence.

Brief Facts: Appellant was convicted for sexually assaulting a 12-year-old girl. The Trial Court and Hon'ble High Court imposed imprisonment for the remainder of life. He challenged the sentence, principally relying on non-specific reference to S.4(2) POCSO.

Main Issues: Whether non-mention of S.4(2) of the POCSO Act invalidated the sentence; and whether life imprisonment should be reduced.

Ratio Decidendi: Since the victim was below 16 years, S.4(2) was the applicable provision, and its non-mention did not vitiate the sentence. The victim's consistent testimony, corroborated by witnesses and medical evidence, remained reliable despite inconclusive DNA evidence. Considering the appellant's age, clean antecedents and jail conduct, the sentence was reduced.

Order: Conviction under S.4(2) POCSO maintained; sentence reduced from imprisonment for remainder of life to **20 years' rigorous imprisonment**. Appeal partly allowed.

Key Takeaway: A credible, corroborated POCSO victim's testimony can sustain conviction despite inconclusive DNA evidence; sentencing may be moderated based on relevant mitigating circumstances.

27. Standard Chartered Bank & Anr. v. Enforcement Officer, Ministry of Home Affairs & Anr.

Citation: 2026 SCC OnLine SC 1368

Court: Supreme Court of India

Coram: J.B. Pardiwala and Manoj Misra, JJ.

Date: 21 July 2026

Headnotes: Section 482 CrPC — Availability of revision under Section 397 is not an absolute bar to inherent jurisdiction. Section 61(2) FERA — Opportunity notice before prosecution is mandatory. Article 21 — Unexplained and prosecution-attributable delay may violate the right to speedy trial.

Brief Facts: The appellants were prosecuted under Sections 56(1) and 73(3) FERA for alleged unauthorised foreign-exchange transactions dating back to 1991–92. The complaints were filed in 2002, however the mandatory opportunity notice under Section 61(2) FERA was neither produced nor proved to have been served. The proceedings remained at the summons stage for over two decades.

Main Issues: (i) Whether availability of revision under Section 397 CrPC bars a petition under Section 482 CrPC; (ii) whether non-compliance with Section 61(2) FERA invalidates the prosecution; and (iii) whether prolonged delay violated Article 21.

Ratio Decidendi: Availability of an alternative remedy under Section 397 CrPC does not, by itself, bar the Hon'ble High Court's inherent jurisdiction under Section 482. The opportunity notice mandated by Section 61(2) FERA is a **mandatory and meaningful pre-condition** to prosecution; the prosecution must establish its issuance and service before cognizance can be taken. Further, where prolonged delay is substantially attributable to the prosecution and proceedings remain stagnant for an extraordinary period, continuation may violate the accused's right to speedy trial under Article 21.

Order: Appeals allowed. The High Court judgment was set aside. Criminal Case Nos. 1503–1504 of 2002 and the summoning order dated 30.05.2002 were **quashed against the appellants**.

Key Takeaway: Section 397 is not a bar to Section 482; Section 61(2) FERA opportunity notice is mandatory; and extraordinary, unexplained prosecution delay can justify quashing under Article 21.

28. Sanjay Kumar v. State of Bihar & Anr.

Citation: 2026 SCC OnLine SC 1373

Court: Supreme Court of India

Coram: Sanjay Karol and N. Kotiswar Singh, JJ.

Date: 21 July 2026

Headnotes: Appeal against concurrent acquittal—Scope of interference under Article 136—Double presumption of innocence—Related witnesses—Medical evidence inconsistent with ocular version—Non-examination/hostility of independent witnesses—Benefit of doubt.

Brief Facts: The deceased Vinod Prasad was allegedly shot dead on 11.10.1998 by several accused, including Nakul Prasad @ Nakul Yadav. The Trial Court acquitted Nakul, and the Hon'ble Patna High Court affirmed the acquittal. The deceased's son and informant challenged the concurrent findings before the Hon'ble Supreme Court.

Main Issues: Whether the concurrent acquittal suffered from perversity, manifest illegality or gross misappreciation of evidence warranting interference under Article 136.

Ratio Decidendi: The Hon'ble Supreme Court held that an acquittal carries a strengthened or double presumption of innocence, particularly when affirmed by the High Court. Interference is justified only where the findings are perverse, wholly unsustainable, manifestly illegal or cause miscarriage of justice. Here, the ocular evidence was not fully consistent with the medical evidence; independent witnesses were either hostile or not examined; the prosecution substantially relied upon related witnesses; and other investigative and procedural infirmities created reasonable doubt. Even though one injury corresponded with the role attributed to the accused, the evidence had to be assessed cumulatively. The weakness of the defence or alibi could not cure deficiencies in the prosecution case.

Order: Appeal dismissed. The concurrent acquittal of Nakul Prasad @ Nakul Yadav was affirmed. His bail bonds were directed to stand discharged, subject to Section 437-A CrPC, if applicable.

Key Takeaway: In an appeal against **concurrent acquittal**, the Hon'ble Supreme Court will not substitute its view merely because another view is possible. Unless the findings are **perverse, manifestly illegal or wholly unsustainable**, the acquittal must be maintained. Reasonable doubt arising from inconsistencies between ocular and medical evidence, coupled with lack of independent corroboration, operates in favour of the accused.

29. Prabhakar Yeshwant Masram & Anr. v. Sou Tula Namdeorao Jaipurkar & Anr.

Citation: 2026 SCC OnLine SC 1367

Court: Supreme Court of India

Coram: Ujjal Bhuyan and A.S. Chandurkar, JJ.

Date: 21 July 2026

Headnotes: Criminal Procedure Code, 1973 — Sections 340 & 341 — IPC, 1860 — Sections 193, 199 & 200 — Perjury/false statements: Mere "wrong statements" in pleadings do not justify initiation of prosecution under Section 340 CrPC. There must be prima facie material showing a **deliberate falsehood** coupled with an intention to deceive, and the Court must specifically record that prosecution is **expedient in the interests of justice**. Typographical or inadvertent errors do not ordinarily constitute false statements. Further, an appellate court under Section 341 CrPC cannot improve the original order by recording findings which were absent from the court of first instance.

Brief Facts: The respondents alleged that the appellants had made false statements in a miscellaneous appeal and stay application concerning earlier civil proceedings. The appellate court, under Section 340 CrPC, held that "wrong statements" had been made and directed filing of a complaint under Sections 193, 199 and 200 IPC against the appellant and his counsel. The Hon'ble High Court affirmed the order and additionally recorded that a false affidavit had been filed. The appellants contended that the statements resulted from typographical errors, which had already been sought to be corrected before the Section 340 application was filed.

Main Issues: Whether a finding that "wrong statements" were made is sufficient to invoke Section 340 CrPC and initiate prosecution for false evidence/false statements; whether the Court must record satisfaction that such prosecution is **expedient in the interests of justice**; and whether the Hon'ble High Court could supplement the original order by recording a finding of "false statement" which was absent in the first-instance order.

Ratio Decidendi: The Hon'ble Supreme Court held that **"wrong statement" and "false statement" are materially different**. A wrong or erroneous statement may arise from inadvertence or typographical mistake, whereas a false statement involves deliberate falsehood and an intention to deceive. For initiating proceedings under Section 340 CrPC, the Court must have prima facie material indicating deliberate falsehood and must independently record that an inquiry/prosecution is expedient in the interests of justice. Mere inaccuracies or mistakes are insufficient. The Court also held that the High Court, while hearing an appeal against an adverse Section 340 order, cannot place the appellants in a worse position by supplying findings that were not recorded by the original court.

Order: The Hon'ble Supreme Court **allowed the appeal**, and **dismissed the application under Section 340 CrPC**.

Key Takeaway: Section 340 CrPC is an exceptional provision and cannot be invoked for every incorrect statement. Prosecution requires prima facie proof of **deliberate falsehood on a material matter**, a reasonable foundation for the charge, and a specific finding that prosecution is **expedient in the interests of justice**. Mere typographical or inadvertent errors do not ordinarily constitute perjury.

30. Mehboob Shah v. State of Madhya Pradesh

Citation: 2026 SCC OnLine SC 1366

Court: Supreme Court of India

Coram: Sanjay Karol and N. Kotiswar Singh, JJ.

Date: 21 July 2026

Headnotes: NDPS Act, 1985 — Sections 8, 21, 50 & 52A — Recovery of contraband — Section 50: Section 50 applies only to **personal search** and not to search of a bag, bottle, container or other article carried by the accused. **Section 52A:** Drawing samples at the spot without a Magistrate's presence, by itself, is a procedural irregularity and does not vitiate the prosecution where recovery, sealing, custody and FSL examination are otherwise satisfactorily established, and no prejudice is shown. **Official witnesses:** Their evidence cannot be discarded merely because independent witnesses turned hostile, if their testimony is reliable and trustworthy. **Sentence:** Benefit of the 2001 amended Section 21 is unavailable where the trial had concluded before the amendment came into force; however, sentence may be reduced to the statutory minimum where no aggravating circumstances exist.

Brief Facts: The appellant was apprehended in 1996 based on confidential information, and 100 grams of smack was allegedly recovered from a water bottle carried by him. The Trial Court convicted him under Sections 8 and 21 of the NDPS Act and imposed 14 years' rigorous imprisonment with a fine of one lakh. The Hon'ble High Court affirmed the conviction. Before the Hon'ble Supreme Court, the appellant challenged non-compliance with Sections 50 and 52A, relied upon the hostility of independent witnesses, and alternatively sought the benefit of the amended Section 21 or reduction of sentence.

Main Issues: Whether Section 50 applied to recovery from a water bottle carried by the appellant; whether drawing samples at the spot without a Magistrate's presence invalidated the prosecution under Section 52A; whether conviction could rest on reliable official witnesses despite independent witnesses turning hostile; and whether the appellant was entitled to the benefit of the amended Section 21 of the NDPS Act or reduction of sentence.

Ratio Decidendi: The Hon'ble Supreme Court held that **Section 50 is attracted only when the person of the accused is searched**; recovery from a water bottle carried by him does not attract the provision. Non-compliance with the procedure under Section 52A, particularly drawing samples at the spot without a Magistrate, does not automatically invalidate the trial unless it causes prejudice or creates doubt regarding the recovery and chain of custody. Reliable police testimony can sustain conviction even where independent witnesses turn hostile. The 2001 amendment to Section 21 was not applicable because the appellant's trial had concluded in 1997 and only the appeal was pending when the amendment came into force. Nevertheless, as the unamended Section 21 prescribed a minimum sentence of 10 years and there were no aggravating circumstances, the sentence was reduced to that minimum.

Order: The appeals were **partly allowed**. Conviction under Sections 8 and 21 of the NDPS Act was **affirmed**. The sentence was reduced from **14 years to 10 years' rigorous**

imprisonment. The fine of **₹1 lakh was maintained**; in default of payment within three months, the appellant would undergo one additional year of rigorous imprisonment.

Key Takeaway: Section 50 NDPS Act protects only personal search, not search of articles carried by the accused. Section 52A lapses do not automatically result in acquittal where recovery and chain of custody are otherwise proved, and no prejudice is established. Reliable official testimony can support conviction despite hostile independent witnesses. However, sentencing must comply with the applicable statutory regime, and in the absence of aggravating circumstances the Court may reduce the sentence to the prescribed minimum.

31. Dilip Agarwal v. Rajshri Agarwal & Ors.

Citation: 2026 SCC OnLine SC 1374

Court: Supreme Court of India

Coram: Sanjay Karol & Augustine George Masih, JJ.

Date: 22 July 2026

Headnotes: Motor Vehicles Act — Ss. 165 & 166 — "Arising out of use of motor vehicle": The expression requires a causal relationship between the use of the vehicle and the injury/death. Mere presence of a vehicle in the chain of events leading to death is insufficient.

Brief Facts: Anand travelled in the appellant's car and was found dead three days later. His wife and children claimed compensation under Section 166 MVA, alleging that he was killed inside the car. The MACT and High Court awarded compensation, though the appellant was subsequently acquitted in the criminal matter.

Main Issues: Whether Anand's death "arose out of" the use of the appellant's motor vehicle to attract liability under the MVA.

Ratio Decidendi: "Arising out of" has a wider meaning than "caused by", but still requires a **causal link** between the vehicle's use and the death. Even applying the standard of preponderance of probabilities, there was no forensic evidence, collision, or other material connecting the vehicle with the injuries or death. Mere presence of the car in the circumstances leading to death cannot create MVA liability.

Order: Appeals **allowed**; judgments of the MACT and High Court set aside and compensation liability under the MVA rejected. However, any compensation already paid **shall not be recovered**, considering the peculiar facts.

Key Takeaway: "Arising out of the use of a motor vehicle" requires a demonstrable causal connection; mere involvement or presence of a vehicle in the chain of events is insufficient to attract compensation liability under Sections 165/166 MVA.

32. State of Rajasthan & Ors. v. Dev Kant Meena

Citation: 2026 SCC OnLine SC 1401

Court: Supreme Court of India

Coram: J.B. Pardiwala and K. Vinod Chandran, JJ.

Date: 23 July 2026

Headnotes: Prevention of Corruption Act, 1988 — Section 19 — Sanction for prosecution — Review of refusal to sanction — A refusal to grant sanction cannot ordinarily be reviewed or reconsidered on the **same material** merely because of a change of opinion. Reconsideration is permissible only where **fresh material** is available and the sanctioning authority independently applies its mind. Sanction must be granted free from political or extraneous influence. Section 19 is intended to protect honest public servants from frivolous prosecution and is **not a shield for guilty officials**.

Brief Facts: The respondent, a public servant, was accused of demanding and accepting a bribe in connection with the medical treatment of a patient. The competent authorities initially examined the evidence and refused sanction, finding that the alleged demand and recovery of bribe were doubtful. Subsequently, the matter was referred back for reconsideration by the office of the Chief Minister, despite there being no fresh material. On reconsideration, the authorities again found substantial doubts, however, sanction was ultimately granted. The High Court quashed the sanction on the ground that it was the result of reconsideration on the same material and was influenced by extraneous considerations. The State challenged the determination before the Supreme Court.

Main Issues: Whether the competent authority could review its earlier refusal to grant sanction under Section 19 of the Prevention of Corruption Act, 1988, on the same material and merely inasmuch as of a change of opinion, particularly when the reconsideration was prompted by the Chief Minister's office.

Ratio Decidendi: The Hon'ble Supreme Court held that **mere change of opinion on the same material cannot justify review or reconsideration of an earlier refusal to grant sanction**. Reconsideration may be permissible where **fresh material** is subsequently available, but such material must be independently considered by the competent sanctioning authority. The Hon'ble Court emphasized that the sanctioning authority must exercise its statutory power independently and without political or extraneous influence. Where the material itself raises reasonable doubts regarding the demand, acceptance and recovery of bribe, sanction ought not to be granted merely to facilitate prosecution. Section 19 is a safeguard against **false, frivolous and vexatious prosecution** of public servants.

Order: The Hon'ble Supreme Court **dismissed the Special Leave Petition** and affirmed the High Court's decision quashing the sanction for prosecution. The State was directed to pay **costs of ₹50,000 each before the High Court and the Supreme Court**, within two months. No recovery was directed against the respondent.

Key Takeaway: Once sanction is refused under Section 19 PC Act, the same authority cannot reopen the matter merely because of a change of opinion or political/extraneous pressure. Reconsideration requires fresh material and independent application of mind. The sanction mechanism protects honest public servants from vexatious prosecution and cannot be manipulated as an instrument of political or administrative pressure.

33. State of Meghalaya v. Sonam Raghuvanshi @ Bitti @ Bittu

Citation: 2026 SCC OnLine SC 1392

Court: Supreme Court of India, Criminal Appellate Jurisdiction

Coram: M.M. Sundresh and Prasanna B. Varale, JJ.

Date: 23 July 2026

Headnotes: Criminal Procedure — Bail — Grounds of arrest — Article 22(1) Constitution — Section 47(1), BNSS, 2023 — Non-service of grounds of arrest and inadequate grounds of arrest are distinct. Non-service may vitiate the arrest, whereas inadequacy requires examination of prejudice caused to the accused. Where grounds of arrest and relevant documents were supplied, a subsequent challenge based on inadequacy, raised only in a fourth bail application after earlier bail applications were rejected on merits, could not justify continued bail. Earlier final orders rejecting bail on merits and commencement of trial were also relevant.

Brief Facts: The respondent was accused of murdering her husband during their honeymoon in Meghalaya and disposing of his body with the assistance of a co-accused. She was arrested on 9 June 2025, and the grounds of arrest and relevant documents were supplied to her. The Magistrate recorded that she was aware of the reasons and grounds of arrest. Her first three bail applications were declined on the merits. In her fourth bail application, she challenged her continued detention on the ground that the grounds of arrest had not been properly furnished. The Trial Court granted bail, and the High Court affirmed it. The State appealed to the Supreme Court.

Main Issues: Whether the respondent was entitled to bail on the ground that the grounds of arrest were not properly furnished under **Article 22(1) of the Constitution and Section 47(1) BNSS**, despite having received the grounds and relevant documents and having previously sought bail on the merits.

Ratio Decidendi: The Hon'ble Supreme Court held that there is a **fundamental distinction between complete non-service of grounds of arrest and inadequate or defective grounds of arrest**. While complete non-service may vitiate the arrest, inadequacy must be examined with reference to the prejudice caused to the accused. In the present case, the respondent had been furnished the grounds of arrest and relevant documents, and the Magistrate had recorded her awareness of the reasons for arrest. The plea was raised only in the fourth bail application after earlier applications had been rejected on merits. The Hon'ble Court further held that non-compliance relating to grounds of arrest, even if resulting in enlargement on bail, does not prevent the investigating agency from **re-arresting the accused for investigation**. Since the earlier orders rejecting bail had attained finality and the trial had commenced, continuation of bail could hinder the trial.

Order: The Hon'ble Supreme Court **allowed the appeal**, set aside the High Court's order dated 29 June 2026 and the Trial Court's order dated 27 April 2026 granting bail. The respondent was directed to **surrender within three weeks** before the concerned Trial Court.

However, if the trial was not concluded within **six months**, she was given liberty to apply afresh for bail.

Key Takeaway: Non-service of grounds of arrest is different from defective or inadequate grounds of arrest. Where grounds and relevant documents have been supplied, and the accused has not objected at the earliest stage, a later challenge cannot automatically justify bail, particularly when earlier bail applications were rejected on merits, and the trial has commenced.

34. Anita Maurya and Others v. State of Uttar Pradesh and Another

Citation: 2026 SCC OnLine SC 1519

Court: Supreme Court of India

Coram: Sanjay Karol and Augustine George Masih, JJ.

Date: 23 July 2026

Headnotes: Criminal Procedure — Quashing of proceedings — Section 528, Bharatiya Nagarik Suraksha Sanhita, 2023 — Abuse of process — Counterblast complaint — Civil dispute — Unexplained delay — Suppression of earlier FIR — Where a complaint arising from the same incident is filed belatedly, suppressing an earlier FIR and charge-sheet, and appears to be a retaliatory counterblast in a predominantly civil land dispute, continuation of criminal proceedings amounts to abuse of process — High Court ought to examine surrounding circumstances and not merely the averments in the complaint.

Brief Facts: The appellants, eight members of the same family, were involved in a long-standing land dispute with the complainant. On 09.11.2020, the appellants' side lodged an FIR against the complainant and others concerning the same incident, followed by a charge-sheet and commencement of trial. Subsequently, in 2021, the complainant filed a private complaint relating to the identical incident against all eight appellants, including three women, without disclosing the earlier FIR or charge-sheet. The Magistrate summoned the appellants, and the Revisional Court and High Court declined to interfere. The appellants approached the Supreme Court under its appellate jurisdiction.

Main Issues: Whether the continuation of the complaint, filed belatedly in respect of the same incident while suppressing the earlier FIR and charge-sheet, amounted to an abuse of the process of the court warranting exercise of inherent powers under Section 528 BNSS.

Ratio Decidendi: The Hon'ble Supreme Court held that the inherent power under Section 528 BNSS can be exercised where criminal proceedings are manifestly malicious or constitute an abuse of process. The Court must, where mala fides are alleged, examine the surrounding circumstances and not confine itself merely to the allegations in the complaint. The unexplained delay in filing the complaint, suppression of the pre-existing FIR and charge-sheet, its retaliatory/counterblast character, and the essentially civil nature of the underlying land dispute collectively demonstrated an abuse of criminal process. A criminal proceeding cannot be permitted to become an instrument of harassment in a dispute essentially civil in character.

Order: The appeal was **allowed**. The Hon'ble High Court's order dated 21.01.2026 was set aside. **Complaint Case No. 909 of 2021, the summoning order dated 10.02.2025, and all consequential proceedings were quashed.** The Court clarified that its judgment would not affect the merits of the earlier FIR, charge-sheet, or the underlying civil dispute.

Key Takeaway: A belated criminal complaint arising from the **same incident**, filed after an earlier FIR has culminated in a charge-sheet, coupled with **suppression of the earlier**

proceedings and an essentially civil dispute, may be treated as a **retaliatory counterblast and abuse of process**. Courts exercising inherent jurisdiction under **Section 528 BNSS** must look beyond the bare allegations and examine the surrounding circumstances where mala fide prosecution is apparent.

35. Rutvij Bhagat Singh Wakhare v. State of Maharashtra and Others

Citation: 2026 SCC OnLine SC 1384

Court: Supreme Court of India

Coram: Sanjay Karol and Augustine George Masih, JJ.

Date: 24 July 2026

Headnotes: Criminal Procedure — Multiple FIRs — Article 32, Constitution of India — Quashing of FIR — A petition under Article 32 seeking quashing of an FIR is maintainable, but ordinarily the petitioner should first approach the High Court under Article 226 or the applicable statutory remedy; direct intervention by the Supreme Court is reserved for exceptional circumstances involving infringement of fundamental rights or compelling exigencies. Multiple FIRs are impermissible when they concern the same incident or form part of the same transaction, but separate FIRs are permissible for distinct incidents, offences or transactions. Similar modus operandi alone does not establish a single transaction. Where different complainants, transactions, victims and amounts are involved, FIRs cannot be clubbed merely because the defrauded money passed through a common bank account.

Brief Facts: The petitioner sought quashing of four FIRs registered in Karnataka, Maharashtra and Odisha concerning alleged cyber frauds. The complainants had allegedly been induced by persons impersonating police officials to transfer money for purported verification of money-laundering activities. A portion of the money was credited to a bank account belonging to the petitioner's proprietary concern. The petitioner denied involvement and claimed that the account had been permitted to be used by others for an online gaming business and was subsequently misused. He sought either quashing of the FIRs or their clubbing and investigation by a single agency.

Main Issues: Whether the Hon'ble Supreme Court should exercise its jurisdiction under **Article 32** to quash the FIRs; and whether multiple FIRs registered in different States could be **clubbed and consolidated** on the ground that they involved a similar modus operandi and a common bank account.

Ratio Decidendi: The Hon'ble Supreme Court held that although Article 32 jurisdiction is wide enough to quash criminal proceedings, it is an **extraordinary remedy** and should ordinarily not be invoked directly when an efficacious remedy before the High Court is available. In the absence of demonstrated violation of a fundamental right or exceptional circumstances, the petitioner should pursue remedies under Article 226 and/or Section 482 CrPC.

On multiple FIRs, the Court reiterated the "test of sameness". A second FIR is impermissible when it relates to the same incident or forms part of the same transaction, however, separate FIRs are permissible where the incidents or transactions are distinct. The relevant indicators include unity of purpose and design, proximity of time and place, and continuity of action, though these need not cumulatively exist.

In the present matter, the FIRs involved different complainants, different victims, different transactions and different amounts. The fact that money from different alleged frauds was credited to the petitioner's common bank account, and that the modus operandi was similar, failed to establish that the offences formed part of one transaction. Further, the investigations involved complex cyber-forensic evidence and money trails across jurisdictions; therefore, directing a composite investigation at this stage could impede effective investigation.

Order: The **writ petition was dismissed**. The Hon'ble Supreme Court declined both the prayer for quashing the FIRs and the alternative prayer for clubbing and consolidation. The petitioner was granted liberty to approach the appropriate forum and avail other remedies available in law. All contentions were left open for consideration by the competent court.

Key Takeaway: Similar modus operandi does not by itself make multiple cyber-fraud cases a single transaction. Where FIRs involve different victims, complainants, transactions and offences, separate investigations are permissible even if the proceeds ultimately pass through a common bank account. Further, **Article 32 should ordinarily not be used to bypass the High Court's jurisdiction** unless a clear violation of fundamental rights or exceptional circumstances are demonstrated.

36. State of A.P. v. Suda Suresh Veera Venkata Naga Raju

Citation: 2026 SCC OnLine SC 1389; 2026 INSC 744

Court: Supreme Court of India

Coram: Vikram Nath and Sandeep Mehta, JJ.

Date: 27 July 2026

Headnotes: Criminal Law — BNSS, 2023 — Sections 38 & 187 — Police custody: Conditions imposed during police custody cannot be so restrictive as to defeat effective investigation. Section 38 gives an arrested person the right to **meet an advocate during interrogation, but not continuous presence throughout interrogation**. Continuous audio-visual recording of actual interrogation and recovery proceedings is a valid safeguard, but continuous videography of transit is impracticable. Under Section 187 BNSS, police custody may be granted in parts within the statutory 40/60-day window; courts should not prematurely foreclose that power.

Brief Facts: The respondent, a Police Inspector, was accused in a custodial-death matter. The Magistrate granted eight days' police custody subject to stringent conditions, including interrogation only inside the prison, continuous videography and presence of an advocate. The High Court substantially retained these conditions. The State challenged them before the Supreme Court, contending that they impeded effective investigation, particularly recovery of the deceased's body, CCTV hard disks and other evidence.

Main Issues: Whether the conditions imposed on police custody were so restrictive as to frustrate effective investigation; whether interrogation could be confined to the prison; whether an advocate could remain continuously present; and whether continuous videography of the accused's transit was mandatory.

Ratio Decidendi: The safeguards flowing from **Article 21** must protect the accused from coercion, torture and custodial violence, but they cannot be designed so restrictively that they render police custody ineffective. The Hon’ble Supreme Court held that interrogation could not be confined to the Central Prison because investigation required possible discovery and recovery at the relevant places. **Section 38 BNSS does not confer a right to continuous physical presence of an advocate throughout interrogation.** Audio-visual recording of actual interrogation and discovery/recovery proceedings is a salutary safeguard, but uninterrupted recording of transit is impractical. Further, **Section 187 BNSS permits police custody in parts within the prescribed statutory period**, and an absolute prohibition on further custody cannot be imposed prematurely.

Order: The appeal was **allowed**. The respondent was granted a further seven days' police custody, subject to the overall statutory limit. The investigating agency was permitted to interrogate him at the SIT's designated interrogation centre or an equivalent secure facility. Audio-visual recording of interrogation and recovery proceedings was retained. The advocate could remain within sight but could not interfere with interrogation. The accused's safety and dignity were made the joint responsibility of the concerned officers.

Key Takeaway: Police-custody safeguards must balance Article 21 protections with the legitimate needs of investigation. Section 38 BNSS permits the accused to meet an advocate during interrogation, not to have the advocate continuously present; interrogation may occur outside prison where investigation so requires; and videography should cover the **actual interrogation and recovery proceedings**, not every moment of transit

37. Khalil Pasha & Ors. v. Abdul Rasheed & Anr.

Citation: 2026 SCC OnLine SC 1397; 2026 INSC 754

Court: Supreme Court of India

Coram: J.B. Pardiwala & K. Vinod Chandran, JJ.

Date: 28 July 2026

Headnotes: Criminal Law — Acquittal — Revision — CrPC, Ss. 401(2), 401(4), 401(5) — Evidence: A victim cannot ordinarily invoke revision where an appellate remedy is available. An acquittal strengthens the presumption of innocence and should not be disturbed where the Trial Court's view is reasonably possible. Section 27 recovery, by itself, cannot establish guilt without a complete chain of incriminating circumstances.

Brief Facts: The accused were tried for the 1988 murder of Qavi and were acquitted by the Trial Court. The High Court, in a revision filed by the deceased's brother, interfered with the acquittal without hearing the accused. On remand, the High Court again directed reconsideration of eyewitness evidence, recoveries and chemical analysis. The accused challenged this order before the Supreme Court.

Main Issues: Whether the High Court could exercise revisional jurisdiction against acquittal; whether the matter could be converted into an appeal; and whether the evidence was sufficient to sustain conviction.

Ratio Decidendi: The Hon’ble Supreme Court held that the eyewitnesses were unreliable, the alleged dying declarations were doubtful, the scene of occurrence was suspicious, and the recovery of a blood-stained weapon under Section 27 of the Evidence Act did not connect the accused with the crime. **Section 27 recovery alone cannot establish guilt unless supported by circumstances forming a complete chain excluding innocence.** An acquittal strengthens the presumption of innocence and should not be overturned merely because another view is possible.

Order: Appeal **allowed**. The High Court's order was set aside and the **Trial Court's acquittal restored**. The accused were directed to be released forthwith if not required in another case.

Key Takeaway: Suspicion, doubtful eyewitness testimony and recovery of a blood-stained weapon are insufficient for conviction. A plausible view favouring acquittal must ordinarily be preserved, as acquittal reinforces the accused's presumption of innocence.

38. Manjula Kapoor v. State of Himachal Pradesh & Another

Citation: 2026 SCC OnLine SC 1521; 2026 INSC 789

Court: Supreme Court of India

Coram: Manoj Misra and Vijay Bishnoi, JJ.

Date: 29 July 2026

Headnotes: Negotiable Instruments Act, 1881 — Sections 138, 141 & 142 — Dishonour of cheque — Company not impleaded — Prosecution against director — Mandatory arraignment of company — Section 319 CrPC. Where the cheque is drawn on the company's account, the company must be arraigned as an accused. Its subsequent impleadment under Section 319 CrPC cannot cure the fundamental defect in the complaint.

Brief Facts: The appellant, a director and authorised signatory of a company, was prosecuted under Section 138 NI Act for dishonour of a cheque drawn on the company's account. The company was not made an accused. The High Court instead directed the Trial Court to implead the company under Section 319 CrPC.

Main Issues: Whether prosecution of a director under Section 138 is maintainable without arraigning the company, and whether Section 319 CrPC can subsequently cure such omission.

Ratio Decidendi: The company is the principal offender when the cheque is drawn on its account, while directors are vicariously liable under Section 141. Non-impleadment is a fatal defect affecting cognizance itself. Section 319 CrPC cannot be invoked to cure such defect, particularly after expiry of limitation under Section 142 NI Act.

Order: Appeal allowed; High Court order set aside; complaint and all consequential proceedings under Section 138 NI Act **quashed**.

Key Takeaway: In a Section 138 prosecution, the company must be made an accused where the dishonoured cheque is drawn on its account; Section 319 CrPC cannot cure its non-impleadment.

39. Mahendra Singh v. State of Chhattisgarh

Citation: 2026 SCC OnLine SC 1463; 2026 INSC 775

Court: Supreme Court of India

Coram: J.B. Pardiwala and K. Vinod Chandran, JJ.

Date: 31 July 2026

Headnotes: Criminal Procedure Code, 1973 — **Section 299** — Evidence recorded during trial in the absence of an absconding accused can be used in his subsequent trial only when the Court has first recorded a finding that the accused was absconding and there was **no immediate prospect of his arrest**, and subsequently that the witness is unavailable.

Brief Facts: The appellant, charged with murder, had absconded while his co-accused was tried separately. The appellant was arrested with respect to 18 years later. The principal eyewitness had meanwhile died, and other witnesses turned hostile. The Trial Court relied upon the deceased witness's testimony recorded during the earlier trial, although no order under Section 299 CrPC had been passed when the appellant was absconding.

Main Issues: Whether evidence recorded during the trial of a co-accused could be used against an absconding accused subsequently arrested when no order under Section 299 CrPC had been passed.

Ratio Decidendi: Section 299 CrPC requires proof of **two jurisdictional facts conjunctively**: (i) the accused is absconding, and (ii) there is no immediate prospect of his arrest. A specific order recording these findings must be passed at the stage when the accused is absconding. Only thereafter can such evidence be used in a later trial if the witness is dead, incapable of giving evidence, cannot be found, or cannot be produced without unreasonable delay, expense or inconvenience. Mere existence of evidence recorded during the earlier trial is insufficient.

Order: Appeal **allowed**. Conviction was set aside, and the appellant was **acquitted**. He was directed to be released if in custody; if on bail, his bail bonds stood cancelled.

Key Takeaway: Section 299 CrPC is an exceptional provision. Evidence recorded in the absence of an absconding accused cannot subsequently be used against him unless the Court had, at the first stage, expressly found both abscondence and no immediate prospect of arrest.

40. Himanshu Chordia v. State of Rajasthan & Anr.

Citation: 2026 SCC OnLine SC 1461; 2026 INSC 778

Court: Supreme Court of India

Coram: Sanjay Karol and Vipul M. Pancholi, JJ.

Date: 31 July 2026

Headnotes: Criminal Procedure — Maintenance — Sections 125(1), 125(4) & 125(5), CrPC — Interim maintenance — Allegation of adultery: A wife living in adultery is disentitled to both interim and final maintenance. Where the husband invokes Section 125(4), the court must consider the allegation at the interim stage itself. However, interim maintenance can be denied at that stage only where the evidence **ex facie establishes adultery**. If the evidence requires detailed proof and examination, interim maintenance continues until the Section 125(4) application is decided on the merits.

Brief Facts: The appellant-husband and respondent-wife were married in 2014 and had a son. They subsequently separated, and the wife filed proceedings under Section 125 CrPC seeking maintenance and interim maintenance. The husband filed an application under Section 125(4), alleging that the wife was living in adultery and therefore was not entitled to maintenance. He relied upon photographs, videos and other electronic material. The Trial Court declined to decide the Section 125(4) application before final adjudication and granted interim maintenance of ₹25,000 each to the wife and son. The High Court upheld the order. The husband approached the Supreme Court.

Main Issues: Whether an allegation of adultery under **Section 125(4) CrPC** can be considered at the stage of interim maintenance, or whether it can be decided only at the final stage of the maintenance proceedings.

Ratio Decidendi: The Hon'ble Supreme Court held that **Section 125(4) expressly disqualifies a wife living in adultery from receiving both interim and final maintenance**. Therefore, the issue cannot be postponed until final adjudication. Where the husband files a Section 125(4) application and produces **clear and cogent evidence which ex facie establishes adultery**, interim maintenance can be denied. Where the evidence requires detailed examination or proof, interim maintenance will continue until the Section 125(4) application is decided on the merits. The pendency of a Section 125(4) application does not, by itself, stop interim maintenance.

The Hon'ble Court further observed that electronic evidence such as photographs and videos shall be scrutinised for authenticity, accuracy, source, legality and privacy implications. The Court highlighted the absence of adequate regulation of private investigators and directed the authorities to consider the need for an appropriate regulatory framework.

Order: The Hon'ble Supreme Court **set aside the High Court's judgment** and remanded the matter to the Trial Court to decide the husband's application under Section 125(4) on merits. The appeal was allowed. A copy of the judgment was directed to be sent to the

Ministry of Law and Justice and the Law Commission of India for consideration of regulation of private investigation agencies.

Key Takeaway: Section 125(4) CrPC is not merely a defence to be considered at the final stage. If adultery is established *ex facie*, it can operate as an immediate bar to interim maintenance. However, where adultery is disputed and requires detailed evidentiary examination, interim maintenance continues until the Section 125(4) application is conclusively decided. The judgment also underscores the need for **regulation of private investigators and safeguards concerning electronically collected evidence and privacy**.

Civil Cases Judgements

1. **Shobha Vasant Bhoir and Others v. Soni alias Vandana Gurumukhdas Jagiasi and Others**

Citation: 2026 SCC OnLine SC 1253 : 2026 INSC 664
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court held that **Order VII Rule 11(d) CPC permits rejection of a plaint at the threshold where the suit is ex facie barred by law, including limitation.** It clarified that clever drafting cannot revive a stale claim or create an illusory cause of action. A suit for specific performance filed after an unexplained delay of nearly thirty-eight years, based on an unregistered agreement to sell, was therefore barred under Article 54 of the Limitation Act, 1963, and liable to rejection under Order VII Rule 11(d) CPC.

Brief Facts

The dispute concerned property at Ulhasnagar, Maharashtra. The respondents claimed rights under an unregistered agreement to sell allegedly executed in 1984 by the appellants' predecessor-in-interest. The Government had taken over the property in 1988 for a police station, and the appellants later received alternative land in rehabilitation proceedings. In 2022, the respondents filed a suit for specific performance of the alleged agreement. The appellants sought rejection of the plaint under Order VII Rule 11(d) CPC, arguing that the suit was barred by limitation under Article 54 of the Limitation Act. The Trial Court and the Bombay High Court refused to reject the plaint, leading to the appeal before the Hon'ble Supreme Court.

Issue

Whether a suit for specific performance filed nearly thirty-eight years after the alleged agreement to sell was barred by limitation and liable to rejection under Order VII Rule 11(d) CPC.

Ratio Decidendi

The Hon'ble Supreme Court held that, under Order VII Rule 11(d) CPC, the Court must examine only the plaint to determine whether the suit is barred by law. The provision prevents abuse of process by ending litigation at the threshold when the legal bar is apparent. As the respondents relied on an agreement allegedly executed in 1984 and offered no satisfactory explanation for waiting more than three decades, the suit was barred by limitation under Article 54 of the Limitation Act. The Court also held that observations in earlier proceedings could neither create a fresh cause of action nor extend limitation. Accordingly, the plaint was liable to be rejected.

Key Takeaways

- **Order VII Rule 11(d) CPC** permits rejection of a plaint where the suit is plainly barred by law, including limitation.
- **Clever drafting cannot create an artificial cause of action** or overcome a statutory limitation bar.
- Under **Article 54 of the Limitation Act, 1963**, an unexplained delay of several decades in filing a suit for specific performance is fatal.
- Prior observations **do not create a fresh cause of action or restart limitation**; stale claims amount to abuse of process.

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2. **Krishna Kumar Ojha and Others v. Jitendra Chaudhary and Others**

Citation: 2026 SCC OnLine SC 1255 : 2026 INSC 662
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 1 July 2026

Head Note

The Hon'ble Supreme Court emphatically reaffirmed that **a compromise decree under Order XXIII Rule 3 CPC is valid only when the compromise is in writing and signed by the parties or by a duly authorised representative acting with express authority.** An advocate cannot, by mere implied authority, surrender or compromise a client's valuable proprietary rights unless express authorisation or exceptional circumstances are clearly established. The Court further held that **limitation cannot be used as a shield to preserve an unlawful compromise or defeat substantive rights**, particularly where fraud and absence of consent are prima facie shown.

Brief Facts

The dispute arose from a partition suit filed in 1989, which was disposed of through a compromise decree in 1994. Nearly twenty-eight years later, the legal representatives of Defendant No. 5 sought recall of that decree, asserting that Defendant No. 5 had never signed the compromise petition, that his counsel had no authority to consent on his behalf, and that the decree had been procured by fraud. The Trial Court set aside the compromise decree, and the High Court affirmed that decision. The appellants then approached the Hon'ble Supreme Court, seeking restoration of the compromise decree despite the alleged absence of consent and authority.

Issue

Whether a compromise decree under **Order XXIII Rule 3 CPC** can stand when the compromise petition was not signed by one party and there is no proof of **express authority** empowering counsel to compromise valuable proprietary rights, and whether such a challenge can be rejected solely on limitation despite serious allegations of fraud and want of consent.

Ratio Decidendi

The Hon'ble Supreme Court held that the compromise decree could not survive because the mandatory safeguards under **Order XXIII Rule 3 CPC** were plainly unmet. The compromise petition was not signed by Defendant No. 5, and no material showed that his advocate had express authority to compromise the dispute or that exceptional circumstances justified doing so. The Court forcefully reaffirmed that an advocate's general authority to conduct a case does not extend to surrendering or compromising a client's substantive proprietary rights. It further held that when a decree is tainted by illegality, fraud, or absence of consent, **limitation cannot be deployed to sanctify the illegality or extinguish substantive rights**. Since the compromise raised disputed facts requiring proper adjudication, the Court upheld

the orders setting it aside and directed that the partition suit proceed afresh on merits after a full trial.

Key Takeaways

- **Order XXIII Rule 3 CPC** imposes a mandatory safeguard: a compromise must be **written and signed by the parties or by a duly authorised representative with express authority**; implied authority of counsel is insufficient where property rights are at stake.
- An **advocate cannot bind a client to a compromise affecting substantive rights** unless clear authorisation or exceptional circumstances justify such action.
- **Limitation cannot be invoked to legitimise an unlawful compromise decree** or defeat substantive rights where the compromise is contrary to law or allegedly procured by fraud.
- Where the validity of a compromise decree is seriously disputed, courts should not allow technical objections to foreclose justice; the proper course is to **set aside the compromise and decide the original suit on merits after a full trial**.

3. Levitate Mobile Technologies Pvt. Ltd. v. Standard Chartered Bank and Another

Citation: 2026 SCC OnLine SC 1300 : 2026 INSC 674
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 9 July 2026

Head Note

The Hon'ble Supreme Court firmly reaffirmed that the **Commercial Courts Act, 2015 demands uncompromising adherence to procedural timelines to secure swift and efficient disposal of commercial disputes.** A party seeking to introduce additional documents after the period prescribed under **Order XI Rule 1 CPC, as amended by the Commercial Courts Act**, must establish a clear and credible **reasonable cause** for the delay. Vague reliance on voluminous records, belated discovery of emails, or developments during cross-examination cannot justify reopening the evidentiary record where the documents were always within the party's possession. The Court emphasized that **commercial litigation cannot be allowed to proceed in fragments**, and procedural discipline cannot be sacrificed under the broad label of substantial justice.

Brief Facts

The appellant entered into an Information Technology Professional Services Agreement with the respondent bank in 2013 for developing and managing a mobile application. After the respondent directed discontinuation of the application, the appellant filed a commercial suit before the Delhi High Court seeking recovery of contractual dues. During the suit, the appellant was once permitted to place additional documents on record. However, after its principal witness had already been examined, it filed a second application seeking to introduce further emails, vendor agreements, and backend server data, along with recall of the witness. The Single Judge rejected the application for failure to show reasonable cause, and the appellant challenged that order before the Hon'ble Supreme Court.

Issue

Whether a party in a commercial suit may, after commencement of trial, file additional documents and seek recall of a witness under **Order XI Rule 1 CPC** merely by citing voluminous records or later discovery of documents, without establishing reasonable cause for the delay.

Ratio Decidendi

The Hon'ble Supreme Court rejected the appellant's attempt to expand the evidentiary record at a belated stage, holding that it would undermine the very discipline the **Commercial Courts Act, 2015** was enacted to enforce. Order XI Rule 1 CPC permits additional documents only with the Court's leave, and such leave is not a routine indulgence; it is available only where the applicant demonstrates a genuine and reasonable cause for not producing the documents earlier. Here, the documents were admittedly in the appellant's possession from the inception of the litigation and were also available when its earlier application for additional documents had been allowed. Explanations based on the volume of

records, difficulty in tracing emails, or points arising in cross-examination were insufficient to satisfy the statutory threshold. The Court rightly cautioned that allowing successive attempts to introduce documents would normalize a **piecemeal approach**, frustrate timelines, and dilute the object of commercial adjudication. It therefore upheld the High Court's refusal to grant leave, dismissed the appeal, and directed expeditious disposal of the suit.

Key Takeaways

- **The Commercial Courts Act, 2015 requires strict procedural discipline**; courts must protect its objective of swift and efficient commercial adjudication.
- **Leave under Order XI Rule 1 CPC is an exception, not a formality**; a party must show a genuine reasonable cause for failing to produce documents earlier.
- **Voluminous records, difficulty locating emails, or issues arising during cross-examination do not ordinarily justify belated evidence** where the documents were always within the party's possession.
- **Commercial litigation must not proceed in fragments**; repeated attempts to add evidence erode certainty, disrupt timelines, and defeat the legislative purpose of the Commercial Courts Act.

4. State of Haryana and Others v. Jai Durgaa Finvest Pvt. Ltd.

Citation: 2026 SCC OnLine SC 1323 : 2026 INSC 678
Coram: Hon'ble Surya Kant, C.J. and V. Mohana, J.
Decided on: 13 July 2026

Head Note

The Hon'ble Supreme Court reiterated that **courts are not empowered to rewrite clear and unambiguous commercial contracts on the basis of equitable considerations.** The Court held that a **contractual stipulation excluding interest on a security deposit is valid and enforceable** where the parties have voluntarily entered into the agreement with full knowledge of its terms. At the same time, the Court clarified that **such a no-interest clause must be construed harmoniously with the corresponding contractual obligation to refund the security deposit within the prescribed period.** Therefore, although no interest is payable during the agreed interest-free period, the State cannot retain the security deposit indefinitely and becomes liable to pay interest upon expiry of the contractual refund period.

Brief Facts

The respondent contractor was awarded a mining contract by the State of Haryana under the **Punjab Minor Minerals Concession Rules, 1964** and executed the statutory **Form-L** agreement. Clause 19 of the agreement provided that the security deposit would **not carry any interest** and would be refunded within **three months** from the expiry or earlier termination of the contract. Owing to repeated defaults in payment of instalments, the State terminated the contract and adjusted the security deposit against the outstanding dues. The respondent challenged Clause 19 before the Punjab and Haryana High Court, which held the clause to be unsustainable and directed payment of interest at **9% per annum from the date of deposit**. Aggrieved by the said decision, the State preferred the present appeal before the Hon'ble Supreme Court.

Issue

Whether a **contractual stipulation excluding interest on a security deposit** in a government mining contract is valid and enforceable, and whether the contractor is entitled to interest from the **date of deposit** despite an express contractual provision to the contrary.

Ratio Decidendi

The Hon'ble Supreme Court held that **commercial contracts voluntarily entered into between parties must be enforced in accordance with their express terms**, and that courts cannot rewrite, modify, or substitute contractual provisions merely on equitable grounds. Clause 19 of Form-L, which expressly stipulated that the security deposit would not carry interest, was neither unconscionable nor contrary to public policy and was therefore valid and binding. The Court noted that the contractor had participated in an open auction and executed the agreement with full knowledge of its terms, without alleging coercion or undue influence. However, the Court further held that Clause 19 must be read in its entirety. While the first part excludes interest on the security deposit, the second part imposes an obligation on the

State to refund the security deposit within **three months** from the termination or expiry of the contract. Accordingly, although **no interest is payable during the contractual three-month period**, the State cannot retain the security deposit indefinitely without liability. The respondent was therefore held entitled to **simple interest at 9% per annum only from the expiry of three months after termination of the contract until the date of adjustment or refund**, and the High Court's direction awarding interest from the date of deposit was set aside.

Key Takeaways

- **Courts cannot rewrite, modify, or substitute clear and unambiguous commercial contracts on equitable grounds; parties remain bound by the terms they have voluntarily accepted.**
- **A contractual stipulation excluding interest on a security deposit is valid and enforceable**, provided it is voluntarily agreed upon and is not contrary to law or public policy.
- **A no-interest clause must be construed together with the contractual obligation to refund the security deposit within the stipulated period; the State cannot retain the deposit indefinitely without liability.**
- **Where the security deposit is retained beyond the contractual refund period, the contractor is entitled to reasonable interest only for the period of delayed retention**, and not from the date of the original deposit.

5. Manju Singh v. Avinash Singh and Others (Connected Appeals)

Citation: 2026 SCC OnLine SC 1310 : 2026 INSC 696
Coram: Hon'ble Sanjay Karol and Vipul M. Pancholi, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court reaffirmed that **proceedings before the Motor Accident Claims Tribunal are governed by the standard of preponderance of probabilities and not by the standard of proof beyond reasonable doubt.** The Court held that **concurrent findings on negligence may be interfered with where such findings are founded on unreliable or suspicious evidence, disregard credible eyewitness testimony, or suffer from perversity.** It further observed that **photographs taken several hours after an accident cannot, by themselves, conclusively determine negligence**, particularly when their authenticity or evidentiary value is doubtful. The Court also held that the testimony of an injured eyewitness ordinarily carries substantial probative value. Applying the doctrine of ***res ipsa loquitur***, the Court concluded that parking a heavy vehicle on a public road at night without adequate warning signals or safety measures constitutes negligence and gives rise to entitlement to compensation under **Section 166 of the Motor Vehicles Act, 1988**.

Brief Facts

The appeals arose out of a motor vehicle accident that occurred on **30 January 2002**, when a Maruti car carrying four occupants collided with a tanker on the Allahabad–Kanpur Road. Three occupants of the car died in the accident, while one occupant, **Dr. Dileep Kumar Katiyar**, survived but sustained grievous injuries. The legal representatives of the deceased instituted claim petitions under **Section 166 of the Motor Vehicles Act, 1988**, seeking compensation. The Motor Accident Claims Tribunal dismissed the claims, holding that the accident had occurred due to the negligence of the Maruti car driver, principally relying upon photographs that allegedly showed the tanker parked on the left side of the road. The Allahabad High Court affirmed the Tribunal's findings, which led to the present appeals before the Hon'ble Supreme Court.

Issue

Whether the **Motor Accident Claims Tribunal and the High Court were justified in holding the driver of the Maruti car solely negligent for the accident**, thereby denying compensation under **Section 166 of the Motor Vehicles Act, 1988**, despite the testimony of the injured eyewitness and other relevant surrounding circumstances.

Ratio Decidendi

The Hon'ble Supreme Court held that the findings recorded by the Tribunal and the High Court were **perverse and legally unsustainable**. The Court reiterated that proceedings under the Motor Vehicles Act are governed by the **civil standard of preponderance of probabilities**, which requires a pragmatic appreciation of evidence rather than adherence to the strict criminal standard of proof. It found that the Courts below erred in placing decisive

reliance on photographs taken nearly ten to twelve hours after the accident, as those photographs neither accurately established the position of the vehicles at the time of the accident nor demonstrated that the tanker had been safely parked. The Court accorded greater evidentiary weight to the testimony of **PW-2, the injured eyewitness**, whose version remained consistent and reliable. It also drew an adverse inference from the respondents' failure to examine the tanker conductor, who was the most material witness available to support the defence case. Applying the doctrine of ***res ipsa loquitur***, the Court held that leaving a heavy vehicle parked on a public road at night without adequate warning lights or safety precautions constituted negligence. The filing of a police charge-sheet against the tanker driver further corroborated the claimants' version. Consequently, the Court held the tanker driver negligent, set aside the concurrent findings of the Courts below, awarded compensation in accordance with **Sarla Verma v. DTC** and **National Insurance Co. Ltd. v. Pranay Sethi**, and directed the insurer to satisfy the award.

Key Takeaways

- **Proceedings for motor accident compensation are governed by the standard of preponderance of probabilities and not by the standard of proof beyond reasonable doubt.**
- **The testimony of an injured eyewitness ordinarily carries significant evidentiary value and should not be discarded without cogent reasons.**
- **Photographs taken several hours after an accident cannot, by themselves, conclusively establish negligence, particularly when their authenticity or probative value is doubtful.**
- **Parking a heavy vehicle on a public road at night without adequate warning signals or safety precautions attracts the doctrine of *res ipsa loquitur* and constitutes actionable negligence, entitling claimants to compensation under Section 166 of the Motor Vehicles Act, 1988.**

6. A.K. Ghosh & Company and Others v. Biman Bose and Others

Citation: 2026 SCC OnLine SC 1321 : 2026 INSC 684
Coram: Hon'ble Sanjay Kumar and K. Vinod Chandran, JJ.
Decided on: 13 July 2026.

Head Note

The Hon'ble Supreme Court considered whether **the mandatory time limit prescribed under the proviso to Order VIII Rule 1 of the Code of Civil Procedure, 1908, as amended by the Commercial Courts Act, 2015, applies to a written statement filed by a plaintiff in response to a defendant's counter-claim.** The Court held that, by virtue of **Order VIII Rule 6G CPC**, the statutory outer limit of **120 days** applies equally to such written statements, and failure to file the same within the prescribed period results in forfeiture of the right to do so. The Court further held that **an order refusing leave to file a belated written statement to a counter-claim is not appealable under Section 13 of the Commercial Courts Act, 2015**, unless it falls within the appealable orders enumerated under **Order XLIII CPC** or **Section 37 of the Arbitration and Conciliation Act, 1996**.

Brief Facts

The appellants instituted a commercial suit before the Calcutta High Court seeking recovery of money. The defendants filed their written statement along with a **counter-claim**, which was served upon the plaintiffs on **18 July 2023**. However, the plaintiffs sought leave to file their written statement to the counter-claim only after a delay of **238 days**. The learned Single Judge dismissed the application, holding that the statutory outer limit of **120 days** under the Commercial Courts Act barred acceptance of the delayed written statement. The Commercial Appellate Division dismissed the appeal both on the ground of **non-maintainability** and on merits. Aggrieved, the plaintiffs approached the Hon'ble Supreme Court.

Issue

Whether **the mandatory 120-day time limit prescribed under the proviso to Order VIII Rule 1 CPC in commercial suits applies to a plaintiff's written statement filed in response to a defendant's counter-claim**, and whether an appeal is maintainable under **Section 13 of the Commercial Courts Act, 2015** against an order refusing permission to file such written statement beyond the prescribed period.

Ratio Decidendi

The Hon'ble Supreme Court held that **Order VIII Rule 6G CPC expressly provides that the rules applicable to written statements by defendants apply equally to written statements filed in answer to counter-claims.** Accordingly, in commercial suits governed by the **Commercial Courts Act, 2015**, the mandatory time frame prescribed in the proviso to **Order VIII Rule 1 CPC** also governs a plaintiff's written statement to a counter-claim. The Court observed that any contrary interpretation would undermine the legislative objective of ensuring **expeditious disposal of commercial disputes**. It further clarified that although **Order VIII Rule 6A(3) CPC** empowers the Court to fix a time for filing a reply to a counter-

claim, where no specific time is fixed, the statutory outer limit of **120 days** under Order VIII Rule 1, read with Order VIII Rule 6G, automatically applies. The Court also held that **Section 13 of the Commercial Courts Act, 2015, is a self-contained appellate provision**, and since an order refusing leave to file a delayed written statement under Order VIII CPC is not appealable under **Order XLIII CPC** or **Section 37 of the Arbitration and Conciliation Act, 1996**, no appeal lies against such an order. Accordingly, the appeals were dismissed.

Key Takeaways

- **The mandatory outer limit of 120 days prescribed under the proviso to Order VIII Rule 1 CPC in commercial suits applies equally to a plaintiff's written statement filed in answer to a defendant's counter-claim by virtue of Order VIII Rule 6G CPC.**
- **Where the Court does not prescribe a specific period under Order VIII Rule 6A(3) CPC, the statutory limit under Order VIII Rule 1 CPC governs the filing of a written statement to a counter-claim.**
- **The legislative object of the Commercial Courts Act, 2015, is to secure expeditious disposal of commercial disputes, and procedural provisions must be interpreted in a manner consistent with that objective.**
- **An order refusing permission to file a belated written statement under Order VIII CPC is not appealable under Section 13 of the Commercial Courts Act, 2015, unless it falls within the appealable orders specified in Order XLIII CPC or Section 37 of the Arbitration and Conciliation Act, 1996.**

7. Mahinder and Others v. Puran Singh

Citation: 2026 SCC OnLine SC 1335 : 2026 INSC 698
Coram: Hon'ble Sanjay Karol and N. Kotiswar Singh, JJ.
Decided on: 14 July 2026.

Head Note

The Hon'ble Supreme Court considered **whether the preferential right conferred upon Class I heirs under Section 22 of the Hindu Succession Act, 1956, to acquire the share of another co-heir, extends to agricultural land.** The Court held that **Section 22 is applicable to agricultural land inherited by Class I heirs**, as the provision operates as an incident of **intestate succession** and falls within **Entry 5 of List III (Concurrent List)**, rather than being a law governing the transfer of agricultural land under Entry 18 of List II. The Court further held that **Section 22 is constitutionally valid** and is legally distinguishable from **Section 15 of the Punjab Pre-emption Act, 1913**. Consequently, the ruling in *Atam Prakash v. State of Haryana* does not affect the validity or applicability of Section 22.

Brief Facts

The plaintiff and the defendants, who were **siblings and Class I heirs**, inherited agricultural land upon the death of their father. Some of the defendants proposed to transfer their respective shares in the inherited land to a third party. Before the sale deed was executed, the plaintiff instituted proceedings seeking enforcement of his **preferential right under Section 22 of the Hindu Succession Act, 1956** to acquire the shares intended to be transferred. The Trial Court dismissed the suit, relying upon the Constitution Bench decision in *Atam Prakash v. State of Haryana*, and held that Section 22 was analogous to Section 15 of the Punjab Pre-emption Act, 1913. The First Appellate Court reversed the Trial Court's decree by relying on *Babu Ram v. Santokh Singh*, and the High Court affirmed the appellate judgment. Aggrieved by the said decisions, the defendants approached the Hon'ble Supreme Court.

Issue

Whether **Section 22 of the Hindu Succession Act, 1956, applies to agricultural land inherited by Class I heirs**, and whether the provision remains constitutionally valid in light of the Constitution Bench decision in *Atam Prakash v. State of Haryana* concerning **Section 15 of the Punjab Pre-emption Act, 1913**.

Ratio Decidendi

The Hon'ble Supreme Court held that **Section 22 of the Hindu Succession Act, 1956, applies to agricultural land inherited through intestate succession.** Reaffirming *Babu Ram v. Santokh Singh*, the Court observed that the preferential right under Section 22 is **not an independent or general right of pre-emption**, but a statutory incident of **succession** available only to **Class I heirs** who inherit property under the Act. The provision therefore falls within **Entry 5 of List III**, which concerns intestacy and succession, and Parliament was competent to enact it. The Court distinguished **Section 22 of the Hindu Succession Act, 1956** from **Section 15 of the Punjab Pre-emption Act, 1913**, noting that the latter created

rights in favour of a wider class of persons based on consanguinity, whereas Section 22 is confined to co-heirs inheriting under the statute. Accordingly, the observations in *Atam Prakash*, by which Section 15 was declared unconstitutional, could not be extended to invalidate Section 22. The Court further held that since the plaintiff had asserted his preferential right **before execution of the sale deed**, he was not required to independently challenge the sale deed executed during the pendency of the proceedings. Consequently, the appeal was dismissed, and the judgments of the First Appellate Court and the High Court were affirmed.

Key Takeaways

- **Section 22 of the Hindu Succession Act, 1956, applies to agricultural land inherited by Class I heirs and confers a preferential right to acquire the interest proposed to be transferred by another co-heir.**
- **Section 22 is a provision relating to intestate succession falling within Entry 5 of List III (Concurrent List); Parliament therefore possessed the legislative competence to enact it, notwithstanding Entry 18 of List II concerning agricultural land.**
- **The Constitution Bench decision in *Atam Prakash v. State of Haryana* does not invalidate Section 22 of the Hindu Succession Act, 1956, as Section 15 of the Punjab Pre-emption Act, 1913, and Section 22 operate in distinct fields and are not *pari materia*.**
- **A co-heir who asserts the preferential right under Section 22 before completion of the proposed transfer is not required to institute a separate challenge to a sale deed executed during the pendency of the proceedings.**

8. Jaspal Singh v. Ashwani Kumar

Citation: 2026 SCC OnLine SC 1332 : 2026 INSC 700
Coram: Hon'ble K.V. Viswanathan and Alok Aradhe, JJ.
Decided on: 14 July 2026.

Head Note

The Hon'ble Supreme Court examined the **limits of interference in a second appeal under Section 100 of the Code of Civil Procedure, 1908**, and the **legal effect of a clause providing for refund of earnest money on the remedy of specific performance under the Specific Relief Act, 1963.** The Court held that **the mere inclusion of a stipulation requiring refund of earnest money upon non-execution of the sale deed does not preclude the grant of specific performance, unless the agreement expressly grants the defaulting party a clear option to pay money in substitution of contractual performance.** The Court further reiterated that **the High Court, while exercising jurisdiction under Section 100 CPC, cannot reassess evidence or disturb concurrent findings of fact in the absence of perversity or a substantial question of law.**

Brief Facts

The appellant entered into an **Agreement to Sell dated 22 June 2003** with the respondent for the purchase of the respondent's **half share in immovable property** and paid **₹9,00,000 as earnest money**. The date fixed for execution of the sale deed was extended twice by mutual consent. The appellant asserted that he remained ready and willing to perform his contractual obligations; however, the respondent failed to execute the sale deed. Consequently, the appellant instituted a suit seeking **specific performance** and, in the alternative, recovery of the earnest money with damages. The Trial Court found that the agreement had been duly proved and that the appellant was ready and willing to perform his part of the contract, but declined specific performance on the ground that the agreement contemplated refund of earnest money in the event of non-execution. The First Appellate Court reversed the Trial Court's decision and decreed specific performance. In second appeal, the High Court restored the Trial Court's decree. Aggrieved by the said judgment, the appellant approached the Hon'ble Supreme Court.

Issue

Whether **a contractual clause providing for refund of earnest money upon non-execution of a sale deed excludes or limits the remedy of specific performance**, and whether the **High Court was justified in interfering with concurrent findings of fact while exercising jurisdiction under Section 100 CPC.**

Ratio Decidendi

The Hon'ble Supreme Court held that **the High Court committed a jurisdictional error in reversing the decree for specific performance.** Interpreting **Section 23 of the Specific**

Relief Act, 1963, the Court reiterated that **a clause providing for refund of earnest money does not, by itself, constitute an agreement that payment of money is an alternative to contractual performance.** Such a stipulation ordinarily operates as a security for performance, unless the contract expressly confers upon the defaulting party an option to discharge the obligation by making payment instead of executing the contract. The Court observed that the agreement contained **no language of election** permitting the respondent to avoid execution of the sale deed by merely refunding the earnest money. The Court further held that **the High Court exceeded the narrow jurisdiction available under Section 100 CPC** by reappreciating evidence and drawing fresh factual inferences despite concurrent findings regarding execution of the agreement, the purchaser's readiness and willingness, and the failure of the defence of fraud. In the absence of any finding of perversity or a substantial question of law warranting interference, such reassessment was impermissible. Accordingly, the Supreme Court set aside the High Court's judgment and restored the decree of specific performance passed by the First Appellate Court.

Key Takeaways

- **A clause providing for refund of earnest money upon non-execution of a sale deed does not, by itself, bar specific performance unless the contract expressly grants the defaulting party an option to substitute payment for performance.**
- **In a second appeal under Section 100 CPC, the High Court cannot reappreciate evidence or disturb concurrent findings of fact unless such findings are perverse or raise a substantial question of law.**
- **Specific performance of an agreement concerning immovable property cannot be denied merely because the agreement also contains a clause for refund of earnest money upon default.**
- **Where execution of the agreement, payment of earnest money, and readiness and willingness of the purchaser are concurrently established, the High Court cannot substitute its own factual conclusions in second appeal without recording a finding of perversity.**

9. Sanjay Sharma @ Sanjay Bhardwaj v. Krishnadhan Khaware & Ors.

Citation: 2026 SCC OnLine SC 1337

Court: Supreme Court of India

Coram: Sanjay Karol and Vipul M. Pancholi, JJ.

Date: 15 July 2026

Appeal: Civil Appeal arising out of SLP (C) No. 13473 of 2022

Headnotes: Probate — Limitation — Article 137, Limitation Act, 1963 — Order VII Rule 11 CPC: An application for probate is not necessarily barred merely because it is filed more than three years after the testator's death. The right to seek probate is a **continuous right** and limitation begins when the **right to apply actually accrues**, which may arise when a hostile claim is made against the Will. Questions of limitation involving disputed facts cannot ordinarily be decided summarily under Order VII Rule 11 CPC.

Brief Facts: An application for probate of a Will dated **15 April 1995** was filed in 2005. The District Court rejected the application under **Order VII Rule 11 CPC**, considering the delay of about ten years from the testator's death to be unexplained. The High Court upheld the decision. The applicant approached the Supreme Court.

Main Issues: Whether an application for probate filed several years after the death of the testator is barred by limitation under **Article 137 of the Limitation Act, 1963**; and whether the genuineness or suspicious nature of the Will could be examined while deciding an **Order VII Rule 11 CPC** application.

Ratio Decidendi: The Hon'ble Supreme Court held that **Article 137** applies to probate proceedings, but the limitation period does not automatically commence from the date of the testator's death. The right to apply for probate is a **continuous right**, and it accrues when it becomes necessary to seek probate. In the present case, the cause arose when a hostile act was allegedly committed against the Will through execution of a **General Power of Attorney on 8 August 2005**. Since the probate application was filed on **31 August 2005**, it was within limitation.

The Hon'ble Court further held that while considering an application under Order VII Rule 11 CPC, particularly under Rule 11(d), the Court may not conduct a detailed examination of the genuineness or suspicious circumstances surrounding the Will. Where limitation depends upon disputed material facts, such as the date of knowledge or accrual of the right to apply, it becomes a mixed question of law and fact and may not ordinarily be adjudicated summarily at the threshold.

Order: The Hon'ble Supreme Court **allowed the appeal**, set aside the orders of the District Court and the High Court, and **restored the matter to the concerned Civil Court for consideration in accordance with law**. Pending applications were disposed of and **no costs were awarded**.

Key Takeaway: The important principle is that **probate proceedings are not automatically time-barred merely because they are instituted more than three years after the testator's death**. Under Article 137, limitation begins when the **right to apply accrues**, and that may depend upon subsequent events. Further, **Order VII Rule 11 CPC cannot be used to conduct a mini-trial on the validity or suspicious nature of a Will**, particularly where limitation involves disputed questions of fact.

10. Lakshmi v. Gopi & Others

Citation: 2026 SCC OnLine SC 1338

Court: Supreme Court of India

Coram: Sanjay Karol and Vipul M. Pancholi, JJ.

Date: 15 July 2026

Headnotes: First appeal under Section 96 CPC — Duty of First Appellate Court — Reasoned judgment — Proof of Will — Section 63, Indian Succession Act — Adverse remarks against judicial officers.

Brief Facts: The dispute concerned the validity of a registered Will executed by Thankam in 1999. The Trial Court held that the Will was not proved in accordance with Section 63 of the Indian Succession Act and passed a preliminary decree for partition. The Kerala High Court, in the first appeal, reversed the decree through a brief judgment and made adverse observations against the Trial Judge, including a direction for judicial training. The plaintiff challenged the High Court judgment before the Supreme Court.

Main Issues: Whether the High Court, while exercising first appellate jurisdiction, had properly discharged its duty under Section 96 and Order XLI Rule 31 CPC; whether the Will was properly proved; and whether the adverse remarks and direction for training of the Trial Judge were justified.

Ratio Decidendi: The Hon'ble Supreme Court held that a first appeal is a valuable right and the First Appellate Court is the final Court of fact. It must independently consider the evidence, deal with the issues and give reasons, particularly when reversing the Trial Court. A cryptic or unreasoned judgment does not satisfy Order XLI Rule 31 CPC. The Hon'ble Court further reiterated that proof of a Will requires compliance with Section 63 of the Indian Succession Act and examination of at least one attesting witness. Courts must also exercise restraint while making adverse remarks against judicial officers; such remarks should be necessary for adjudication and consistent with justice, fairness and judicial restraint.

Order: The Hon'ble Supreme Court set aside the High Court judgment dated 30.11.2022, including the adverse direction against the Principal Sub Judge, Thrissur. The first appeal was restored to the file of the High Court of Kerala for fresh consideration, with all contentions left open.

Key Takeaway: A First Appellate Court must decide appeals through a **reasoned and independent reappraisal of facts and law**, particularly when reversing the Trial Court. **Reasons are indispensable to judicial decision-making**, and adverse remarks against subordinate judges must be made only when necessary and with restraint.

11. Rahul v. New India Assurance Co. Ltd.

Citation: 2026 SCC OnLine SC 1344

Court: Supreme Court of India

Coram: Sanjay Karol and N. Kotiswar Singh, JJ.

Date: 16 July 2026

Headnotes: Compassionate appointment—Medical retirement—Age limit of 55 years—Employer cannot take advantage of its own administrative delay. Where an employee applied for medical retirement before 55 years and submitted medical incapacity material, the employer could not communicate the requirement of a Medical Board certificate only after the employee crossed 55 years and thereafter deny compassionate appointment on that ground.

Brief Facts: The appellant's father applied for voluntary retirement on medical grounds on 22.07.2015, before attaining 55 years, supported by a Civil Surgeon's certificate of permanent incapacity. Despite reminders before he turned 55, the employer did not seek a Medical Board certificate until 03.02.2016, after he had crossed 55. The Medical Board certificate was promptly obtained, and the retirement was accepted in June 2016. The dependent son's compassionate appointment claim was later rejected because the employee had retired after 55 years. The High Court upheld the rejection.

Main Issues: Whether the employer could rely on the employee's post-55 retirement, when the delay in obtaining the prescribed Medical Board certificate was attributable to the employer itself.

Ratio Decidendi: The Hon'ble Supreme Court held that an employer cannot take advantage of its own delay or default. Once the employee applied for medical retirement before 55 years and the employer had sufficient notice, it was required to scrutinise the application and communicate any deficiency within a reasonable time. The employer could not remain silent until the age threshold expired and then use that consequence to defeat the compassionate appointment claim. The Scheme must be applied fairly and cannot be administered in a manner allowing administrative delay to destroy eligibility.

Order: The appeal was allowed; the High Court judgment and rejection of the compassionate appointment contention were set aside. The respondent-company was directed to grant compassionate appointment to the appellant within eight weeks. Necessary age relaxation was to be granted if required due to the pendency of proceedings. Monetary benefits would accrue only from the date of actual appointment. Any admissible unpaid dues of the father were further directed to be released within eight weeks. No order as to costs.

Key Takeaway: An employer cannot defeat a beneficial scheme by its own administrative inaction. Where eligibility depends upon a time-sensitive age limit, the employer must act promptly; the dependent cannot be prejudiced by delay attributable to the employer.

12. Basamma & Anr. v. Goparappa & Ors.

Citation: 2026 SCC OnLine SC 1342

Court: Supreme Court of India

Coram: Sanjay Karol & Vipul M. Pancholi, JJ.

Date: 16 July 2026

Headnotes: Constitution of India — Article 226 — Writ of Certiorari — Scope — Findings of fact — Natural Justice. High Court, while exercising certiorari jurisdiction, may not re-appreciate evidence or interfere with factual findings of a competent civil court unless there is jurisdictional error, patent illegality, or an error apparent on the face of the record. parties whose rights are directly affected shall further be afforded an opportunity of hearing.

Brief Facts: The dispute arose from a partition suit concerning agricultural properties. The Trial Court dismissed the suit, and the First Appellate Court also dismissed the appeal but made certain findings regarding ownership and validity of sale deeds in paragraph 24. A purchaser challenged those findings before the High Court under Articles 226/227. The High Court set aside paragraph 24 without hearing Basamma and another appellant whose property rights were directly affected.

Main Issues: Whether the High Court could, in certiorari jurisdiction under Article 226, interfere with factual findings of the First Appellate Court without hearing parties whose rights were directly affected.

Ratio Decidendi: Certiorari is **supervisory, not appellate**, and cannot be used to re-appreciate evidence or substitute findings of fact merely because another view is possible. Interference is permissible only for jurisdictional error, patent illegality, or findings based on no evidence/perversity. Further, the **audi alteram partem** rule requires that persons whose rights may be adversely affected must be heard.

Order: The Hon’ble Supreme Court **set aside the High Court judgment dated 22.02.2023** and **restored the First Appellate Court's judgment dated 02.08.2021 in its entirety**. The parties were left free to pursue other remedies available in law.

Key Takeaway: Article 226 certiorari jurisdiction cannot be converted into an appellate jurisdiction over factual findings, and no adverse finding affecting a party's property rights should be made without giving that party a fair opportunity of hearing.

13. Bajaj Trading Company v. Union of India

Citation: 2026 SCC OnLine SC 1343

Court: Supreme Court of India

Coram: Sanjay Karol & Vipul M. Pancholi, JJ.

Date: 16 July 2026

Headnotes: Railways Act, 1989 — Sections 65(2), 93 & 97 — Owner's Risk Consignment — Shortage of Goods. Where goods are booked at "owner's risk", Section 97 overrides the general liability under Section 93. Railway Administration is liable only when negligence or misconduct of the Railway or its servants is proved by the claimant. Where goods are not weighed, counted or checked by Railway employees, and the receipt contains a "said to contain" endorsement, the burden of proving the quantity entrusted lies on the consignor/consignee/endorsee under Section 65(2).

Brief Facts: The appellant booked 40,444 bags of salt for transportation from Gujarat to Assam at "owner's risk". Only 38,702 bags were delivered, resulting in an alleged shortage of 1,742 bags. A shortage certificate was issued by the Railways, and the appellant claimed compensation. The Railway Claims Tribunal and Gauhati High Court rejected the claim, finding that the goods were loaded by the consignor's employees without Railway supervision, the sender's weight was accepted, and the Railway Receipt contained a "said to contain" endorsement.

Main Issues: Whether the Railways could be held liable for shortage of goods booked at "owner's risk" in the absence of proof of negligence or misconduct and proof of the quantity actually entrusted to the Railways.

Ratio Decidendi: Section 97, by virtue of its **non-obstante clause**, overrides the general liability under Section 93 in respect of "owner's risk" consignments. Liability can arise only upon proof of **negligence or misconduct** of the Railway Administration or its servants. Further, under the proviso to Section 65(2), where Railway employees have not verified the weight or number of packages and the receipt is issued on the consignor's declaration, the **burden of proving the quantity rests on the consignor/consignee/endorsee**. The appellant failed to discharge these burdens. A shortage certificate, by itself, does not establish Railway negligence or admission of liability.

Order: Appeal dismissed. The concurrent findings of the Railway Claims Tribunal and Gauhati High Court rejecting the compensation claim were upheld.

Key Takeaway: In an **"owner's risk" railway consignment**, the claimant must first establish the quantity entrusted and then prove **negligence or misconduct of the Railways**. A "said to contain" Railway Receipt and mere issuance of a shortage certificate do not, by themselves, establish Railway liability.

14. Tata Steel Ltd. v. Varsha & Anr.

Citation: 2026 SCC OnLine SC 1349

Court: Supreme Court of India

Coram: Manoj Misra and Manmohan, JJ.

Date: 17 July 2026

Headnotes: Insolvency and Bankruptcy Code, 2016 — Resolution Plan — Pending disputed claims of Operational Creditors — Effect of approval under Section 31 — Clean Slate Doctrine. Once a Resolution Plan is approved under Section 31 of the IBC, the claims dealt with under the Plan become final and binding. Pending civil suits or arbitration proceedings concerning disputed and unquantified pre-CIRP claims cannot continue where the approved Resolution Plan extinguishes such claims. Admission of a disputed claim at a notional value of ₹1 does not preserve the underlying claim for subsequent adjudication where the Final List of Creditors and the Resolution Plan do not provide for such continuation.

Brief Facts: Before CIRP commenced against Bhushan Steel Ltd., Varsha had instituted a recovery suit, and Masyc Projects Pvt. Ltd. had initiated arbitration proceedings against BSL. During CIRP, both submitted their contentions as Operational Creditors. Their disputed contentions were admitted by the Resolution Professional at a notional value of ₹1 each. Tata Steel, the Successful Resolution Applicant, submitted a Resolution Plan providing ₹1,200 crore for specified Operational Creditors. The Plan was approved by the NCLT under Sections 30 and 31 of the IBC. Tata Steel thereafter sought termination of the pending civil suit and arbitration proceedings. The High Court declined to do so, leading to the appeals before the Hon'ble Supreme Court.

Main Issues: Whether pending civil suits and arbitration proceedings concerning disputed and unquantified claims of Operational Creditors could continue after approval of the Resolution Plan under Section 31 of the IBC; and whether claims admitted at a notional value of ₹1 remained alive for subsequent adjudication.

Ratio Decidendi: The Hon'ble Supreme Court held that approval of a Resolution Plan gives finality to the treatment of claims contained therein and enables the Successful Resolution Applicant to take over the Corporate Debtor on a **"clean slate."** Unquantified and uncrystallised claims cannot be permitted to resurface after approval of the Plan. The Final List of Creditors had quantified the disputed claims at ₹1, and the approved Resolution Plan did not create any express mechanism for their subsequent adjudication or reservation of funds. Clauses 8.2.4, 8.6.10 and 8.7.3, read harmoniously, extinguished the pending proceedings except to the extent of crystallised claims payable under the Plan. The Hon'ble Court rejected the proposed "face value reservation mechanism" and held that courts cannot rewrite an approved Resolution Plan.

Order: The Civil Appeals were **allowed**. The impugned orders of the Bombay High Court and the Trial Court were set aside. The recovery suit filed by Varsha and the arbitration

proceedings initiated by Masyc Projects were **dismissed**. No amount beyond ₹1 each was payable to Varsha and Masyc in respect of their uncrystallised claims.

Key Takeaway: Once a Resolution Plan is approved under Section 31 IBC, pending and uncrystallised claims which are not preserved by the Plan stand extinguished, and the Successful Resolution Applicant is entitled to a "clean slate." A notional admission of ₹1 does not, by itself, keep a disputed claim alive for future adjudication.

15. Lata v. Union of India

Citation: 2026 SCC OnLine SC 1350

Court: Supreme Court of India

Coram: Sanjay Karol and N. Kotiswar Singh, JJ.

Date: 17 July 2026

Headnotes: Railways Act, 1989 — Ss. 123(c)(2), 124-A — Compensation for untoward incident — Bona fide passenger — Absence of ticket: Mere non-recovery of a railway ticket from a deceased passenger does not negate his status as a bona fide passenger. Section 124-A embodies the principle of **no-fault liability** and, being a beneficial provision, must receive a liberal and purposive interpretation. Once the claimant establishes the foundational facts of the journey and untoward incident, the burden shifts to the Railways to rebut the claim. Compensation is payable irrespective of negligence or default of the Railway Administration, subject to the statutory exceptions.

Brief Facts: The appellant's husband, Chandrakant Thakkar, allegedly fell from a running train while travelling from Raipur to Ahmedabad on 28 November 2015 and died. The appellant claimed compensation under the Railways Act, stating that the deceased had possessed a valid railway ticket which was lost along with his travel bag. The Railway Claims Tribunal declined to accept the contention on the ground that the deceased's status as a bona fide passenger was not established. The Hon'ble Madhya Pradesh High Court affirmed the determination. The appellant approached the Hon'ble Supreme Court.

Main Issues: Whether mere non-recovery of the deceased's railway ticket was sufficient to deny compensation under Section 124-A of the Railways Act, 1989; and whether the claimant had discharged the initial burden of establishing that the deceased was a bona fide passenger who died in an untoward incident.

Ratio Decidendi: Section 124-A imposes **no-fault liability** on the Railways for death or injury resulting from an untoward incident, subject to the statutory exceptions. As a beneficial and welfare-oriented provision, it must be interpreted liberally and purposively. **Absence of a railway ticket on the deceased's person is not, by itself, sufficient to conclude that he was not a bona fide passenger.** The claimant's initial burden may be discharged through an affidavit and surrounding circumstances; thereafter, the burden shifts to the Railways. The standard is based on the **preponderance of probabilities**, not proof beyond reasonable doubt. Where the occurrence of the untoward incident and death are established, and none of the statutory exceptions applies, compensation cannot be denied merely because the ticket was not recovered.

Order: The appeal was **allowed**. The judgments of the Railway Claims Tribunal, Bhopal Bench, and the Madhya Pradesh High Court were **set aside**. The Railways were directed to pay **₹8,00,000** compensation to the appellant within four weeks. In case of failure, the amount would carry **8% interest from the date of filing of the claim petition**. Parties were directed to bear their own costs.

Key Takeaway: Non-recovery of a railway ticket does not by itself defeat a claim under Section 124-A. Once the claimant establishes the journey and occurrence of an untoward incident through credible foundational evidence, the Railways must rebut the claim. The judgment reinforces the humanitarian and beneficial character of railway compensation law and emphasises that technical deficiencies should not defeat statutory compensation.

16. Bishen Prasad Tiwari v. Sheela Devi

Citation: 2026 SCC OnLine SC 1453

Court: Supreme Court of India

Coram: J.B. Pardiwala and K. Vinod Chandran, JJ.

Date: 17 July 2026

Headnotes:

CPC — Order XXII Rules 9 — Setting aside abatement — Condonation of delay: Legal representatives shall ordinarily seek substitution within 90 days of the death of a party. Thereafter, an application to set aside abatement is required within the prescribed further period. Where delay extends beyond the statutory period, a separate application under Section 5 of the Limitation Act showing sufficient cause is necessary. Liberal construction may not override substantive rights accrued to the opposite party.

Brief Facts:

The first appellant died during the pendency of an appeal. The application for substitution of his legal representatives and setting aside abatement was filed after a delay of 501 days, without a separate application for condonation of delay. The Appellate Court declined to accept the application. The Hon'ble High Court adopted a liberal approach and permitted substitution subject to costs.

Main Issues:

Whether legal representatives may be impleaded and abatement set aside despite a 501-day delay, in the absence of a separate application under Section 5 of the Limitation Act seeking condonation of delay.

Ratio Decidendi:

The Hon'ble Supreme Court held that Section 5 of the Limitation Act shall be specifically invoked through a separate application supported by sufficient reasons when delay beyond the prescribed period is sought to be condoned. Liberal interpretation of Order XXII may not mean ignoring limitation requirements or substantive rights accrued to the opposite party. However, on the peculiar material facts, the LRs had no knowledge of the litigation and approached the Court shortly after gaining knowledge; hence, despite the procedural defect, their substitution was justified.

Order:

The Hon'ble Supreme Court **upheld the operative direction of the High Court** permitting impleadment and substitution of the LRs and restoration of the appeal, subject to payment of **₹25,000 as costs**. The appeal was disposed of accordingly.

Key Takeaway:

Liberal approach to setting aside abatement does not dispense with the requirement of a separate Section 5 application for condonation of substantial delay. However, where the material facts establish genuine lack of knowledge and prompt action after acquiring knowledge, the Court may, in the interests of justice, permit substitution despite procedural shortcomings.

17. Oriental Insurance Co. Ltd. v. Durg Roadways Private Limited & Ors.

Citation: 2026 SCC OnLine SC 1355

Court: Supreme Court of India.

Coram: Sanjay Karol and N. Kotiswar Singh, JJ.

Date: 20 July 2026

Headnotes: Motor Vehicles Act, 1988 — Insurance coverage — Accident in Nepal — Valid special permit — Policy clauses — GR.4, IMT 2002 — Held, where the vehicle had a valid special permit expressly authorising travel to Nepal and the policy covered use under a permit, the insurer could not deny liability merely on the basis of "Geographical Area: India". Any exclusion of foreign territory must be expressly stated. Ambiguity is construed against the insurer. Section 147(5) overrides inconsistent regulatory requirements.

Brief Facts: A bus insured with Oriental Insurance was travelling from Durg to Nepal under a special permit when it met with an accident, causing three deaths. The Tribunal awarded Rs. 32.67 lakh with 6% interest and initially fastened liability on the owner. The Hon'ble High Court shifted liability to the insurer, leading to the present appeal.

Main Issues: Whether the insurance policy covered an accident in Nepal without payment of additional premium under GR.4; and whether the driver possessed a valid licence to drive in Nepal.

Ratio Decidendi: The policy must be read as a whole. Since the vehicle possessed a valid permit specifically authorising travel to Nepal and the policy covered use under a permit, coverage extended to Nepal. The insurer had not expressly excluded such foreign use. Section 147(5) of the MVA overrides the inconsistent regulatory requirement regarding additional premium. The driver's valid Indian licence had also been verified by Nepalese authorities; hence, there was no breach of policy.

Order: Appeal dismissed. Insurer directed to pay **Rs. 32.67 lakh with stipulated interest** within four weeks, if not already deposited. Copy of the judgment directed to be sent to IRDAI.

Key Takeaway: An insurer cannot deny cross-border motor accident liability on the basis of ambiguous policy language. If foreign travel is to be excluded, the policy must expressly and clearly say so.

18. Abhishek Baxi & Others v. Union of India & Others

Citation: 2026 SCC OnLine SC 1391

Court: Supreme Court of India

Coram: Surya Kant, C.J., Joymalya Bagchi & V. Mohana, JJ.

Date: 20 July 2026

Headnotes: Article 21 — Right to Privacy — APAAR *(Automated Permanent Academic Account Registry) Scheme*: Parental consent for APAAR must be meaningful and informed; the consent form must expressly permit parents/guardians to refuse consent. APAAR data must comply with the **Digital Personal Data Protection Act, 2023** and cannot be shared with private entities/third parties except according to law.

Brief Facts: Parents challenged the Aadhaar-linked APAAR academic identifier, alleging that consent was effectively compulsory and that extensive collection and retention of children's educational data violated informational privacy.

Main Issues: Whether APAAR requires meaningful parental consent and whether personal data collected under the Scheme is governed by the DPDP Act, 2023.

Ratio Decidendi: Consent must include a genuine option to withhold consent. Administrative collection of data does not exempt authorities from statutory data-protection obligations.

Order: The Hon'ble Court directed **pan-India implementation** of the Hon'ble Orissa High Court's directions in ***Rohit Anand Das v. State of Odisha*** [W.P.(C) No. 8285 of 2025] requiring modification of the APAAR consent form. The petition was disposed of.

Key Takeaway: APAAR participation requires meaningful parental consent, and APAAR data must be collected and processed strictly in accordance with the DPDP Act, 2023.

19. Vijayalakshmi R. v. C.L. Balaji

Citation: 2026 SCC OnLine SC 1364

Court: Supreme Court of India

Coram: Sanjay Karol & Augustine George Masih, JJ.

Date: 21 July 2026

Headnotes: Family settlement—Construction of consent decree—Clauses relating to maintenance must be read harmoniously—Clause providing 20% of annual income was an interim obligation and ceased upon payment of the agreed lump sum—Executing Court cannot go behind the decree or rewrite the settlement—Article 142 cannot be used to create a fresh maintenance obligation.

Brief Facts: The parties divorced by mutual consent in 2015 under a settlement providing ₹2.20 crore towards maintenance of their minor son in instalments (Clause 8), 20% of the husband's annual income as maintenance (Clause 9), and discharge of further maintenance liability upon payment of ₹1 crore, followed by the balance ₹1.20 crore (Clause 10). The entire ₹2.20 crore was paid. In 2022, the wife sought execution of Clause 9 claiming continuing 20% income-linked maintenance. The Family Court and Hon'ble Karnataka High Court rejected the claim.

Main Issues: Whether Clause 9 created an independent and continuing maintenance obligation or ceased to operate upon payment under Clauses 8 and 10.

Ratio Decidendi: Clauses 8, 9 and 10 constituted one composite settlement. Clause 9 provided an interim income-linked mechanism until payment of ₹1 crore, while Clause 10 expressly provided that thereafter the husband "need not pay any further amount towards maintenance." Since ₹2.20 crore had been fully paid, Clause 9 stood satisfied and ceased to operate. An interpretation giving Clause 9 continuing effect would render Clause 10 meaningless. The conduct of the parties also supported this construction. In execution proceedings, the Court cannot rewrite or enlarge the terms of a concluded consent decree.

Order: Appeal dismissed. The concurrent findings of the Family Court and High Court were affirmed. The claim for continuing enforcement of Clause 9 and for creation of a ₹6–6.5 crore educational corpus under Article 142 was rejected. However, the husband's voluntary deposit of ₹1 crore for the son's higher education was recorded and directed to be used solely for that purpose. No order as to costs.

Key Takeaway: A settlement decree must be construed as a whole. Where an agreement expressly discharges further maintenance liability after payment of a specified amount, an interim income-linked maintenance clause cannot subsequently be treated as a perpetual obligation. Article 142 cannot be invoked in execution proceedings to rewrite a concluded settlement.

20. Madan Mohan v. Thakar Dass

Citation: 2026 SCC OnLine SC 1365

Court: Supreme Court of India

Coram: Sanjay Karol & Augustine George Masih, JJ.

Date: 21 July 2026

Headnotes: Rent Control — Bona fide requirement — Revisional jurisdiction: Bona fide requirement must be genuine, sincere and honest. The High Court cannot reappreciate evidence or disturb concurrent findings in revision under Section 115 CPC unless they are perverse or suffer from jurisdictional error.

Brief Facts: The landlord sought eviction for bona fide requirement. The Rent Controller and Appellate Authority decreed eviction; however, the High Court reversed the findings on the ground that an alternative shop had been concealed.

Main Issues: Whether the requirement was bona fide and whether the High Court could interfere with concurrent findings in revisional jurisdiction.

Ratio Decidendi: Bona fide need is a genuine and honest requirement, not a mere desire. Once established, the landlord's choice of suitable premises deserves respect. Revisional jurisdiction under Section 115 CPC is limited and does not permit reappreciation of evidence or substitution of factual findings merely because another view is possible.

Order: High Court judgment set aside; concurrent orders of the Rent Controller and Appellate Authority restored. Tenant directed to hand over possession within **two months**.

Key Takeaway: Concurrent findings on bona fide requirement cannot ordinarily be disturbed by the High Court in revision merely on a different appreciation of evidence.

21. Union of India & Ors. v. Harbans Lal Verma

Citation: 2026 SCC OnLine SC 1375

Court: Supreme Court of India

Coram: Sanjay Karol & Augustine George Masih, JJ.

Date: 23 July 2026

Headnotes: Service Law — MACPS — Railway Guards — Same Grade Pay — Promotions within the Guard cadre carrying the same Grade Pay are still promotions and must be counted under Paragraph 8 of the MACPS. An employee cannot claim MACP Grade Pay higher than the maximum Grade Pay available on actual promotion in his cadre.

Brief Facts: Harbans Lal Verma joined as Goods Guard and was successively promoted to Passenger Guard and Mail/Express Guard, the highest post in the Guard cadre. Though these posts carried the same Grade Pay of Rs. 4200 after the Sixth CPC, the respondent claimed MACP upgradations to Rs. 4600 and Rs. 4800. The Tribunal and Rajasthan High Court allowed his contention, leading to the appeal by the Union of India.

Main Issues: Whether promotions within the Guard cadre carrying the same Grade Pay must be counted under Paragraph 8 of MACPS; and whether the respondent was entitled to further financial upgradation to Grade Pays Rs. 4600 and Rs. 4800.

Ratio Decidendi: The Hon’ble Supreme Court held that a promotion does not cease to be a promotion merely because the promotional post carries the same Grade Pay. The distinct Guard posts form a promotional hierarchy under the Recruitment Rules; hence, qualifying promotions must be counted under Paragraph 8 of MACPS. The Paragraph 5 illustration concerning merger of pay scales is only transitional and does not override Paragraph 8. Further, MACPS cannot confer a Grade Pay higher than the maximum available on actual promotion within the cadre. RBE Nos. 76/2011 and 142/2012 were held applicable and binding.

Order: Appeals allowed. Rajasthan High Court and Tribunal orders granting Grade Pays Rs. 4600 and Rs. 4800 were set aside. The Railway's order rejecting the MACP claim was restored. **No recovery** of benefits already paid to the respondent was directed.

Key Takeaway: Same Grade Pay does not mean no promotion. Promotions within a promotional hierarchy must be counted under Paragraph 8 of MACPS, and MACP cannot be used to provide a Grade Pay exceeding the promotional ceiling of the cadre.

22. Sanjiv Kumar v. Shakuntla Devi & Others

Citation: 2026 SCC OnLine SC 1387; 2026 INSC 747

Court: Supreme Court of India

Coram: Sanjay Karol & Augustine George Masih, JJ.

Date: 27 July 2026

Headnotes: CPC — S. 11 — Res judicata — Order I Rule 10 & Order XXII Rule 10: An erroneous judicial decision, if decided on the merits and not challenged, remains binding. A subsequent application under Order XXII Rule 10 may be barred where it seeks to re-agitate the same issue, transaction and interest.

Brief Facts: Subsequent purchasers had earlier failed in their application for impleadment under Order I Rule 10 CPC. After the main appeal was dismissed for non-prosecution, however, the cross-objections were restored; they sought impleadment under Order XXII Rule 10 CPC. The Hon'ble High Court allowed their applications.

Main Issues: Whether the earlier rejection under Order I Rule 10 operated as *res judicata*; and whether the purchasers could subsequently be impleaded under Order XXII Rule 10, particularly in the cross-objections.

Ratio Decidendi: A final decision on the merits binds the parties even if erroneous, unless set aside in appropriate proceedings. The subsequent Order XXII Rule 10 application in the **main appeal** was barred because it concerned the same transaction and issue already decided. However, *res judicata* did not apply to the **cross-objections**, where no earlier impleadment application had been filed, and subsequent events created a fresh cause of action.

Order: Appeal **partly allowed**. Restoration and impleadment in the main appeal were set aside; impleadment of subsequent purchasers in the cross-objections was upheld.

Key Takeaway: A litigant cannot circumvent a final decision on merits by invoking another procedural provision; however, changed circumstances or a fresh cause of action may justify impleadment of a *pendente lite* transferee under Order XXII Rule 10 CPC.

23. V.N.A.S. Chandran v. S. Venila & Others

Citation: 2026 SCC OnLine SC 1462; 2026 INSC 776

Court: Supreme Court of India

Coram: P.K. Mishra and N.V. Anjaria, JJ.

Date: 31 July 2026

Headnotes: Specific performance — Readiness and willingness — Clean hands — Plaintiff must continuously establish financial capacity and willingness to perform the contract. Inconsistent stands, criminal complaints seeking refund, and creation of third-party rights may disentitle the plaintiff to equitable relief. Long lapse of time and hardship to the defendant are also relevant.

Brief Facts: The appellant agreed to sell his Ooty property to the respondent for ₹2.25 crore. The respondents claimed payment of ₹85 lakh and sought specific performance. The Trial Court refused specific performance; however, it directed refund of ₹85 lakh with interest, finding that the respondents had not approached the Court with clean hands. The High Court reversed and granted specific performance. The appellant challenged this before the Hon'ble Supreme Court.

Main Issues: Whether the respondents proved continuous readiness and willingness to perform the agreement; whether their inconsistent conduct and criminal complaint seeking recovery of money disentitled them to specific performance; and whether specific performance could be granted after a prolonged lapse of time.

Ratio Decidendi: The Hon'ble Supreme Court held that **continuous readiness and willingness are a condition precedent for specific performance**. Mere production of funds at the appellate stage does not establish readiness throughout the contractual period. The plaintiffs' inconsistent stands, their complaint seeking recovery of ₹85 lakh, and the attempt to create third-party rights through a sub-agreement demonstrated conduct inconsistent with seeking equitable relief. Specific performance being discretionary and equitable, a plaintiff must approach the Court with clean hands. The long passage of time and resulting hardship to the defendant further justified refusal of the relief.

Order: Civil Appeals **allowed**. High Court judgment granting specific performance was **set aside,** and the Trial Court decree for refund of ₹85 lakh with interest was **restored**. The respondents were permitted to withdraw ₹1.40 crore deposited pursuant to the High Court decree, along with accrued interest. **No order as to costs.**

Key Takeaway: Specific performance is not granted merely because a valid agreement exists. The plaintiff must continuously prove readiness and willingness, maintain consistent conduct, and approach the Court with clean hands. Delay, contradictory stands, third-party dealings and hardship to the defendant may justify refusal of this equitable relief.