
Current's
**MONTHLY DIGEST [CRIMINAL] - SUPREME COURT AND
BOMBAY HIGH COURT**

2025(1)MDSCBHC(Criminal)1

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before B R Gavai; Prashant Kumar Mishra; K V Viswanathan]

Criminal Appeal No 1699 of 2011 **dated 13/12/2024**

Bharti Arora vs. State of Haryana

PROCEDURAL VIOLATION ALLEGATIONS

Code of Criminal Procedure, 1973 Sec. 253, Sec. 258, Sec. 259, Sec. 256, Sec. 173, Sec. 260, Sec. 251, Sec. 254, Sec. 255, Sec. 313, Sec. 207, Sec. 197, Sec. 262, Sec. 252, Sec. 257 - Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 44, Sec. 50, Sec. 69, Sec. 58, Sec. 43, Sec. 55, Sec. 42, Sec. 18, Sec. 36A - Procedural Violation Allegations - Appeal arose from dismissal of revision petition against Special Judge's order in proceedings under Narcotic Drugs and Psychotropic Substances Act - Allegations against police officers including appellant for misuse of powers under Sec. 58 - Special Judge's actions included ex-parte adverse findings, notice issuance without due process, and sealed order before judicial transfer - Appellant challenged procedural violations including absence of notice, denial of summary trial per Sec. 36A (5), and principles of natural justice - Supreme Court observed violations of natural justice, lack of adherence to statutory summary trial procedure, and improper exercise of judicial authority by Special Judge - Findings against appellant quashed as unsustainable, and related proceedings under Sec. 58 declared void - Appeal allowed

Law Point: Principles of natural justice and statutory procedures must be adhered to in criminal proceedings, and actions violating due process are unsustainable in law.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 253, Sec. 258, Sec. 259, Sec. 256, Sec. 173, Sec. 260, Sec. 251, Sec. 254, Sec. 255, Sec. 313, Sec. 207, Sec. 197, Sec. 262, Sec. 252, Sec. 257

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 44, Sec. 50, Sec. 69, Sec. 58, Sec. 43, Sec. 55, Sec. 42, Sec. 18, Sec. 36A

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2025(1)MDSCBHC(Criminal)2

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No of 2024 **dated 13/12/2024**

George vs. State of Tamil Nadu and Others

CONVICTION ON SOLE TESTIMONY

Indian Penal Code, 1860 Sec. 341, Sec. 302, Sec. 294, Sec. 342, Sec. 506 - Conviction on Sole Testimony - Appeal filed challenging conviction for murder under IPC Sections 294(b), 341, and 302 based on sole testimony of deceased's father - Trial court convicted appellant and High Court upheld conviction while acquitting co-accused on same evidence - Appellant argued evidence of sole witness lacked credibility as High Court found it unreliable for co-accused - Supreme Court noted inconsistencies in testimony and absence of corroborative evidence - Recovery of weapon found insufficient as evidence due to accessibility of location - Held conviction based on conjecture not permissible - Quashed conviction - Appeal Allowed

Law Point: Conviction cannot be sustained solely on inconsistent testimony without corroborative evidence; credibility of witness must be uniformly evaluated across accused.

Acts Referred:

Indian Penal Code, 1860 Sec. 341, Sec. 302, Sec. 294, Sec. 342, Sec. 506

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2025(1)MDSCBHC(Criminal)3

IN THE SUPREME COURT OF INDIA

[Before J B Pardiwala; Manoj Misra]

Criminal Appeal No 5267 of 2024, 5268 of 2024 **dated 13/12/2024**

Om Prakash Yadav vs. Niranjana Kumar Upadhyay & Ors

QUASHING OF CRIMINAL PROCEEDINGS

Indian Penal Code, 1860 Sec. 149, Sec. 201, Sec. 148, Sec. 147, Sec. 302, Sec. 307, Sec. 120B - Code of Criminal Procedure, 1973 Sec. 482, Sec. 161, Sec. 201, Sec. 82, Sec. 197, Sec. 83 - Madhya Pradesh Excise Act, 1915 Sec. 34 - Quashing of Criminal Proceedings - Appeal challenged High Court decision quashing criminal proceedings under Sections 147, 148, 149, 307, 302, 201, and 120B IPC due to lack of prosecution sanction under Section 197 CrPC - Allegations included conspiracy to create false alibi for accused in murder case by registering a case under Excise Act - High Court held sanction was mandatory as acts alleged pertained to official duties - Supreme Court ruled acts such as fabricating false evidence for alibi are not part of official duties - Reinstated criminal proceedings, holding sanction unnecessary for actions unrelated to discharge of official functions - Appeal Allowed

Law Point: Sanction under Section 197 CrPC not required for prosecuting public servants for acts outside scope of official duties, such as fabricating false evidence.

Acts Referred:

Indian Penal Code, 1860 Sec. 149, Sec. 201, Sec. 148, Sec. 147, Sec. 302, Sec. 307, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 482, Sec. 161, Sec. 201, Sec. 82, Sec. 197, Sec. 83

Madhya Pradesh Excise Act, 1915 Sec. 34

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2025(1)MDSCBHC(Criminal)4

IN THE SUPREME COURT OF INDIA

[From CALCUTTA HIGH COURT]

[Before Surya Kant; Ujjal Bhuyan]

Criminal Appeal No 5266 of 2024 **dated 13/12/2024**

Partha Chatterjee vs. Directorate of Enforcement

BAIL IN MONEY LAUNDERING CASE

Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 468, Sec. 471, Sec. 467, Sec. 120B - Prevention of Corruption Act, 1988 Sec. 7, Sec. 8, Sec. 7A - Prevention of Money-Laundering Act, 2002 Sec. 44, Sec. 50, Sec. 19, Sec. 17, Sec. 45, Sec. 4 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 479 - Bail in Money Laundering Case - Appeal challenged High Court's rejection of bail plea in PMLA case concerning recruitment scam involving alleged misuse of position as Education Minister for corrupt practices -

Appellant cited prolonged detention, age, health issues, and lack of direct recovery of incriminating evidence as grounds - Respondent opposed citing societal harm, threat to witnesses, and substantial proceeds of crime seized - Court emphasized balancing personal liberty and societal interest, directed trial court to expedite framing charges and witness examination - Ordered bail from 01.02.2025 subject to strict conditions including cooperation, non-interference, and attendance at trial hearings - Conditional Bail Allowed

Law Point: Bail can be granted in economic offenses considering prolonged detention and absence of trial progress, provided adequate safeguards ensure non-interference and fairness in trial.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 468, Sec. 471, Sec. 467, Sec. 120B

Prevention of Corruption Act, 1988 Sec. 7, Sec. 8, Sec. 7A

Prevention of Money-Laundering Act, 2002 Sec. 44, Sec. 50, Sec. 19, Sec. 17, Sec. 45, Sec. 4

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 479

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2025(1)MDSCBHC(Criminal)5

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Y G Khobragade]

Criminal Writ Petition No 1685 of 2023 **dated 13/12/2024**

Shailesh Traders; Harishchandra Nivrutti Ghar; Sumanbai Mohan Makane; Mohan Rangrao Makane; Kavita Bai Balu Darode; Gopal S/o Harishchandra Ghar vs. Union Bank of India

SARFAESI PROCEDURAL COMPLIANCE

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 13, Sec. 14, Sec. 3A - SARFAESI Procedural Compliance - Petition challenged Chief Judicial Magistrate's rejection of request for supply of application and affidavit filed under Sec. 14 of SARFAESI Act for taking possession of secured property - Petitioners contended Respondent Bank failed to serve fresh notice under Sec. 13(2) and did not comply with procedural requirements - Court found notice served on Petitioners under Sec. 13(2) was valid and Petitioners failed to respond or challenge it - Observed procedural defect in affidavit filing was curable -

Held Sec. 14 proceedings are ministerial, not adjudicatory, and no notice to borrowers required - Dismissed petition as an attempt to delay proceedings - Petition Dismissed

Law Point: Sec. 14 proceedings under SARFAESI Act are ministerial in nature; procedural defects in applications can be cured without impacting validity if substantive compliance is achieved.

Acts Referred:

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 13, Sec. 14, Sec. 3A

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2025(1)MDSCBHC(Criminal)6

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Appeal No 227 of 1999 **dated 12/12/2024**

Union of India At Instance of Assistant Director vs. Ameenabi and Another

POSSESSION OF CONTRABAND GOLD

Code of Criminal Procedure, 1973 Sec. 397 - Customs Act, 1962 Sec. 111, Sec. 135, Sec. 108 - Foreign Exchange Regulation Act, 1973 Sec. 13 - Imports and Exports (Control) Act, 1947 Sec. 3 - Gold (Control) Act, 1968 Sec. 85, Sec. 8 - Possession of Contraband Gold - Appeal against acquittal concerns alleged unauthorized possession of contraband gold by Respondent under Customs Act and Gold Control Act - Gold seized during raid conducted on Respondent's premises - Accused claimed gold was kept by her brother, a suspected smuggler - Trial Court acquitted Respondent citing insufficient evidence and lack of corroboration - Statements of prosecution witnesses (DRI Officers) were not supported by independent witnesses or panchas - Respondent retracted confessional statement claiming coercion - Trial Court found that prosecution failed to establish conscious possession or sole occupancy of premises beyond reasonable doubt - High Court upheld acquittal emphasizing need for corroboration and strict adherence to evidentiary standards in criminal cases - No error in Trial Court's assessment of facts or law found - Appeal Dismissed

Law Point: Retracted confessional statements require corroboration - Prosecution must prove conscious possession of contraband beyond reasonable doubt - Absence of independent evidence undermines credibility of claims based solely on prosecution officers' testimony.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 397

Customs Act, 1962 Sec. 111, Sec. 135, Sec. 108

Foreign Exchange Regulation Act, 1973 Sec. 13

Imports and Exports (Control) Act, 1947 Sec. 3

Gold (Control) Act, 1968 Sec. 85, Sec. 8

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2025(1)MDSCBHC(Criminal)7
IN THE SUPREME COURT OF INDIA
[From BOMBAY HIGH COURT]
[Before B R Gavai; K V Viswanathan]
Criminal Appeal No of 2024 **dated 11/12/2024**

Arjun S/o Ratan Gaikwad vs. State of Maharashtra and Others

PREVENTIVE DETENTION

Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers Drug-Offenders, Dangerous Persons and Video Pirates Act, 1981 Sec. 3 - Preventive Detention - Appeal arises from High Court's decision upholding preventive detention of appellant under MPDA Act - Appellant detained for alleged bootlegging activities based on six cases registered by State Excise and statements of two unnamed witnesses - High Court dismissed petition challenging detention - Supreme Court analyzed distinction between public order and law and order - Found detaining authority failed to demonstrate appellant's activities posed a threat to public order as required under MPDA Act - Allegations against appellant pertained to illicit liquor trade not affecting public tranquility at large - Witness statements were vague and insufficient to establish disturbance to public order - Held that preventive detention, a harsh measure, requires strict compliance with statutory criteria - Quashed detention order and directed appellant's release - Appeal Allowed

Law Point: Preventive detention permissible only if activities threaten public order as distinct from law and order - Vague allegations and unsubstantiated claims cannot justify detention - Statutory safeguards must be strictly followed.

Acts Referred:

Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers Drug-Offenders, Dangerous Persons and Video Pirates Act, 1981 Sec. 3

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2025(1)MDSCBHC(Criminal)8

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Y G Khobragade]

Criminal Application No 2315 of 2010, 4688 of 2024 **dated 11/12/2024***Hindustan Coca-cola Beverages Pvt Ltd vs. State of Maharashtra***QUASHING FOOD ADULTERATION COMPLAINT**

Code of Criminal Procedure, 1973 Sec. 482, Sec. 204, Sec. 397 - Prevention of Food Adulteration Act, 1954 Sec. 13, Sec. 10, Sec. 16, Sec. 17, Sec. 2, Sec. 11, Sec. 20, Sec. 7 - Quashing Food Adulteration Complaint - Application filed under Sec. 482 CrPC sought quashing of proceedings initiated under Prevention of Food Adulteration Act based on alleged adulteration in carbonated beverages - Manufacturer argued delay in prosecution deprived statutory rights under Sec. 13(2) for sample reanalysis - Prosecution asserted compliance with procedures before product expiry and denial of reanalysis resulted from non-application by accused - Court held prosecution complaint filed within permissible period and delay in availing statutory rights caused by accused - Rejected application for quashing proceedings, noting procedural adherence and no prejudice caused - Application Rejected

Law Point: Prosecution under Food Adulteration laws is valid if initiated within product's shelf life; accused must exercise statutory rights timely to avoid waiver claims.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 482, Sec. 204, Sec. 397

Prevention of Food Adulteration Act, 1954 Sec. 13, Sec. 10, Sec. 16, Sec. 17, Sec. 2, Sec. 11, Sec. 20, Sec. 7

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2025(1)MDSCBHC(Criminal)9
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
[From AURANGABAD BENCH]
[Before Vibha Kankanwadi; Rohit W Joshi]
Criminal Application No 2376 of 2023 **dated 11/12/2024**

Rekha W/o Raosaheb Waghmare; Raosaheb S/o Miraji Waghmare; Hemangi D/o Raosaheb Waghmare vs. State of Maharashtra; Jaishree Ravi Waghmare

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 173, Sec. 97 - Guardians and Wards Act, 1890 Sec. 25 - Quashing of FIR - Criminal application under Sec. 482 CrPC sought quashing of FIR registered under IPC Sec. 498A, 323, 504, and 506 for dowry harassment and cruelty - Allegations included demand for Rs.10 lakh and wrongful denial of child custody to respondent - Court held that FIR and witness statements disclosed prima facie case and no grounds to interfere under inherent jurisdiction - Rejected applicants' plea citing non-compliance with custody orders for minor child and mental harassment to respondent continuing due to custody denial - Criminal proceedings upheld against applicants including claims of mental disorder by one applicant - Application Dismissed

Law Point: Allegations in FIR supported by witness statements establish prima facie case under IPC Sec. 498A; inherent jurisdiction to quash proceedings is unwarranted where evidence exists.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 482, Sec. 173, Sec. 97

Guardians and Wards Act, 1890 Sec. 25

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2025(1)MDSCBHC(Criminal)10
IN THE SUPREME COURT OF INDIA
[From TELANGANA HIGH COURT]
[Before B V Nagarathna; Nongmeikapam Kotiswar Singh]
Criminal Appeal No of 2024 **dated 10/12/2024**

Dara Lakshmi Narayana & Others vs. State of Telangana & Another

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 498A - Code of Criminal Procedure, 1973 Sec. 482 - Dowry Prohibition Act, 1961 Sec. 4, Sec. 3 - Quashing of FIR - Appeal challenged High Court's refusal to quash criminal proceedings under Sec. 498A IPC and Sec. 3 and 4 of Dowry Act - FIR alleged harassment and dowry demands - Appellants argued allegations vague, lack evidence, and filed as retaliation to divorce proceedings - Supreme Court found FIR lacking specific instances and noted respondent's prior behavior, including leaving matrimonial home and admitting fault - Held allegations against extended family baseless, noting misuse of Sec. 498A in matrimonial disputes - Quashed FIR, chargesheet, and pending trial, deeming proceedings as abuse of law - Appeals Allowed

Law Point: FIRs in matrimonial disputes must not be based on vague allegations - Legal provisions should not be misused for personal vendetta - Courts must ensure complaints have concrete evidence before criminal prosecution proceeds.

Acts Referred:

Indian Penal Code, 1860 Sec. 498A

Code of Criminal Procedure, 1973 Sec. 482

Dowry Prohibition Act, 1961 Sec. 4, Sec. 3

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2025(1)MDSCBHC(Criminal)11

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No of 2024 **dated 10/12/2024**

Muthupandi vs. State Through The Inspector of Police, Nilakottai Station, Dindigul

SENTENCE REDUCTION

Indian Penal Code, 1860 Sec. 279, Sec. 304 - Code of Criminal Procedure, 1973 Sec. 357 - Mines and Minerals (Development and Regulation) Act, 1957 Sec. 4, Sec. 21 - Sentence Reduction - Appeal against conviction under Sec. 279 and 304(A) IPC for causing death through rash and negligent driving - Trial and appellate courts upheld conviction - High Court reduced sentence to three months imprisonment - Supreme Court upheld conviction but modified sentence to compensation under Sec. 357(3) CrPC considering delay and special circumstances - Directed Rs. 1,00,000 compensation deposited by appellant to be paid to deceased's mother with accrued

interest - Set aside imprisonment and fines while emphasizing accountability for negligence - Appeal Partly Allowed

Law Point: Conviction for rash and negligent driving upheld, but imprisonment substituted with compensation under CrPC Sec. 357(3) in light of delay and humanitarian considerations.

Acts Referred:

Indian Penal Code, 1860 Sec. 279, Sec. 304

Code of Criminal Procedure, 1973 Sec. 357

Mines and Minerals (Development and Regulation) Act, 1957 Sec. 4, Sec. 21

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2025(1)MDSCBHC(Criminal)12

IN THE SUPREME COURT OF INDIA

[From JHARKHAND HIGH COURT]

[Before Dipankar Datta; Sandeep Mehta]

Criminal Appeal No 458 of 2012, 2032 of 2017 **dated 10/12/2024**

Nusrat Parween vs. State of Jharkhand

CIRCUMSTANTIAL EVIDENCE

Constitution of India Art. 142 - Indian Penal Code, 1860 Sec. 34, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 116, Sec. 107, Sec. 313 - Evidence Act, 1872 Sec. 106 - Circumstantial Evidence - Appeals challenged conviction for murder under Sec. 302 IPC based on circumstantial evidence - Prosecution alleged property dispute as motive and invoked last seen together theory - Supreme Court found no evidence proving motive or exclusive presence of accused at crime scene - Held prosecution failed to establish chain of incriminating circumstances - Benefit of doubt extended to appellants and non-appealing co-accused under Art. 142 of Constitution - Conviction and sentences reversed, acquitting all accused - Appeals Allowed

Law Point: Conviction based solely on circumstantial evidence requires a complete and credible chain of circumstances - Absence of clear evidence negates burden shift under Sec. 106 of Evidence Act.

Acts Referred:

Constitution of India Art. 142

Indian Penal Code, 1860 Sec. 34, Sec. 302

Code of Criminal Procedure, 1973 Sec. 116, Sec. 107, Sec. 313

Evidence Act, 1872 Sec. 106

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2025(1)MDSCBHC(Criminal)13

IN THE SUPREME COURT OF INDIA

[From GUJARAT HIGH COURT]

[Before Vikram Nath; Prasanna B Varale]

Criminal Appeal No 5175 of 2024 **dated 10/12/2024**

Jayedeesinh Pravinsinh Chavda & Ors vs. State of Gujarat

CHARGES UNDER IPC

Indian Penal Code, 1860 Sec. 114, Sec. 107, Sec. 306, Sec. 498A - Code of Criminal Procedure, 1973 Sec. 227 - Charges under IPC - Appeal arises from rejection of discharge applications under Sec. 306 and 498A IPC - Appellants sought discharge claiming lack of prima facie evidence for abetment of suicide and cruelty - Deceased alleged to have faced harassment over sold streedhan, intensifying before her suicide - High Court upheld framing of charges based on sufficient material, emphasizing prima facie evaluation and strong suspicion standard - Supreme Court examined whether harassment linked to instigation of suicide - Held no proximate link between harassment a year prior and subsequent suicide - Absence of mens rea for abetment under Sec. 306 - Discharged appellants for Sec. 306 but upheld charges under Sec. 498A, finding prima facie evidence of cruelty - Trial to proceed under Sec. 498A - Partial Discharge Allowed

Law Point: Charge under Sec. 306 IPC requires clear evidence of mens rea and direct act of instigation or abetment - Mere harassment without proximate link insufficient - Cruelty under Sec. 498A IPC established by prima facie evidence of mental and physical harassment.

Acts Referred:

Indian Penal Code, 1860 Sec. 114, Sec. 107, Sec. 306, Sec. 498A

Code of Criminal Procedure, 1973 Sec. 227

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2025(1)MDSCBHC(Criminal)14

IN THE SUPREME COURT OF INDIA

[From PATNA HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No 5154 of 2024, 56 of 2024 **dated 10/12/2024***Mendar Singh @ Vijay Singh vs. State of Bihar and Another***RECALL OF BAIL ORDER**

Indian Penal Code, 1860 Sec. 34, Sec. 302 - Arms Act, 1959 Sec. 27 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 14A, Sec. 3 - Recall of Bail Order - Appeal challenged High Court's recall of bail granted under Sec. 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - High Court recalled order citing suppression of appellant's criminal antecedents - Supreme Court noted antecedents either led to bail or closure reports - Observed no allegation of condition violation or misuse of bail liberty - Held High Court's recall unwarranted - Restored original bail order - Bail Restored

Law Point: Recall of bail orders is improper without evidence of condition violation or misuse; antecedents with closure reports or prior bails do not justify recall.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 302

Arms Act, 1959 Sec. 27

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 14A, Sec. 3

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2025(1)MDSCBHC(Criminal)15

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Y G Khobragade]

Criminal Writ Petition No 1123 of 2024 **dated 10/12/2024***Sujit S/o Suhasrao Deshmukh vs. State of Maharashtra*

FORGED LAND DOCUMENTS

Indian Penal Code, 1860 Sec. 415, Sec. 474, Sec. 34, Sec. 420, Sec. 463, Sec. 425, Sec. 468, Sec. 471, Sec. 467, Sec. 464, Sec. 120B - Code of Criminal Procedure, 1973 Sec. 156, Sec. 482, Sec. 173, Sec. 239 - Forged Land Documents - Petition under Articles 226 and 227 challenges rejection of discharge application in criminal case concerning forgery and illegal sale of government land - Allegations include conspiracy, forgery, and misuse of mutation entries in revenue records - Accused purportedly executed sale deed knowing land belonged to Government ITI - Trial and Sessions Courts found prima facie evidence for framing charges - Held that mutation entries do not confer ownership rights - High Court dismissed petition, citing sufficient material to frame charges under IPC sections concerning cheating, forgery, and conspiracy - Directed case to proceed for trial - Petition Dismissed

Law Point: Mutation entries in revenue records do not establish ownership - Prima facie evidence sufficient to frame charges of conspiracy and forgery under IPC - Courts must evaluate charges on material available without considering defense at framing stage.

Acts Referred:

Indian Penal Code, 1860 Sec. 415, Sec. 474, Sec. 34, Sec. 420, Sec. 463, Sec. 425, Sec. 468, Sec. 471, Sec. 467, Sec. 464, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 156, Sec. 482, Sec. 173, Sec. 239

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2025(1)MDSCBHC(Criminal)16

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Abhay S Oka; Ahsanuddin Amanullah; Augustine George Masih]

Criminal Appeal No 2831 of 2023, 2832 of 2023 **dated 09/12/2024**

State of Maharashtra & Ors vs. Pradeep Yashwant Kokade & Anr

EXECUTION DELAY AND MERCY

Constitution of India Art. 226, Art. 21 - Indian Penal Code, 1860 Sec. 404, Sec. 302, Sec. 364, Sec. 120B, Sec. 376 - Code of Criminal Procedure, 1973 Sec. 413, Sec. 414 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 453, Sec. 454 - Execution Delay and Mercy - Appeals pertain to undue and unexplained delay in executing death sentences for convicts found guilty of heinous crimes including murder and rape - Mercy petitions rejected after extensive delays attributable to executive inefficiency and

procedural lapses - Supreme Court observed delays in processing mercy petitions and issuing execution warrants violated rights under Article 21 of Constitution - Emphasized prompt disposal of mercy petitions and warrants to prevent dehumanizing psychological impact of prolonged death row - Upheld High Court's decision commuting death penalty to fixed term of thirty-five years imprisonment citing inordinate delays post-judicial confirmation of death sentence - Directed authorities to adhere to constitutional obligations and expedite future proceedings in such cases - Appeal Dismissed

Law Point: Undue delays in execution of death sentences post-judicial confirmation violate Article 21 - Inordinate delays in mercy petitions and execution warrants mandate commutation to life imprisonment or fixed term sentences.

Acts Referred:

Constitution of India Art. 226, Art. 21

Indian Penal Code, 1860 Sec. 404, Sec. 302, Sec. 364, Sec. 120B, Sec. 376

Code of Criminal Procedure, 1973 Sec. 413, Sec. 414

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 453, Sec. 454

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2025(1)MDSCBHC(Criminal)17

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Bharati Dangre; Manjusha Deshpande]

Criminal Writ Petition No 3858 of 2024 **dated 09/12/2024**

Ratnadeep Ram Patil vs. State of Maharashtra & Ors

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 341, Sec. 166, Sec. 34, Sec. 420, Sec. 468, Sec. 384, Sec. 465, Sec. 354, Sec. 471, Sec. 467, Sec. 120B, Sec. 509, Sec. 406, Sec. 354D - Bombay Police Act, 1951 Sec. 145 - Bharatiya Nyaya Sanhita, 2023 Sec. 79 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528 - Quashing of FIR - Writ petition sought quashing of FIR alleging offense under Section 79 of Bharatiya Nyaya Sanhita by Advocate during judicial proceedings - Petitioner argued statements were based on client instructions and protected under advocate privileges - Court noted absence of malice and intent to insult - Discrepancies in complainant's versions and reliance on instructions found credible - Held Advocate's utterances connected to case and protected by privilege - Quashed FIR as abuse of process of law - FIR Quashed

Law Point: Advocates are protected under privilege for statements made during judicial proceedings when connected to case and lacking malicious intent; discrepancies in complaints may invalidate charges.

Acts Referred:

Indian Penal Code, 1860 Sec. 341, Sec. 166, Sec. 34, Sec. 420, Sec. 468, Sec. 384, Sec. 465, Sec. 354, Sec. 471, Sec. 467, Sec. 120B, Sec. 509, Sec. 406, Sec. 354D

Bombay Police Act, 1951 Sec. 145

Bharatiya Nyaya Sanhita, 2023 Sec. 79

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528

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2025(1)MDSCBHC(Criminal)18

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before Vikram Nath; Prasanna B Varale]

Criminal Appeal No. 5097 of 2024 **dated 06/12/2024**

Kunhimammed@ Kunheethu vs. State of Kerala

ALTERCATION OVER SYMBOLS

Indian Penal Code, 1860 Sec. 324, Sec. 34, Sec. 302, Sec. 307, Sec. 326 - Code of Criminal Procedure, 1973 Sec. 313 - Evidence Act, 1872 Sec. 27 - Altercation Over Symbols - Altercation arose between political factions during election symbol drawing - Appellant along with others assaulted deceased and an eyewitness using a knife and sticks - Prosecution established guilt through eyewitnesses, medical reports, and recovery of weapons - Trial Court convicted appellant under Sec. 302, 326, 324 IPC, imposing life imprisonment and fines - High Court upheld findings, rejecting claims of self-defense and lack of premeditation - Defense argued for leniency citing appellant's age and health - Court found acts deliberate and inflicted on vital body parts, evidencing intent - Plea for parity with co-accused dismissed due to distinct roles in crime - Sentence upheld as minimum prescribed under Sec. 302 IPC - Appeal Dismissed

Law Point: Premeditation not necessary for conviction under Sec. 302 IPC if injuries inflicted are sufficient to cause death in ordinary course of nature.

Acts Referred:

Indian Penal Code, 1860 Sec. 324, Sec. 34, Sec. 302, Sec. 307, Sec. 326

Code of Criminal Procedure, 1973 Sec. 313

Evidence Act, 1872 Sec. 27

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2025(1)MDSCBHC(Criminal)19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Appeal No 486 of 2004 **dated 06/12/2024**

State of Maharashtra vs. Vishal Prakash Shinde and Ors

ACQUITTAL UPHELD

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323 - Acquittal Upheld - Appeal challenged trial court judgment acquitting respondents in dowry harassment and assault case under Sec. 498A, 323, 504 read with Sec. 34 IPC - Prosecution relied on complainant's testimony alleging demand of Rs. 80,000 and harassment - Evidence revealed inconsistencies, lack of corroboration, and no medical proof of assault - High Court held mere allegations and vague statements insufficient to establish cruelty or harassment beyond reasonable doubt - Upheld acquittal citing absence of substantive proof and failure of prosecution - Appeal Dismissed

Law Point: Allegations under Sec. 498A IPC require credible evidence of cruelty or harassment - Courts must assess charges with strict adherence to evidence and legal standards for conviction.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323

For Full Judgement visit currentpublications.com or download 'Current Publications'
Mobile App. Use Code: **BHC24121133563**

2025(1)MDSCBHC(Criminal)20

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application; Interim Application No 412 of 2015; 1054 of
2020 **dated 05/12/2024**

Vijay Lulla; Sharda Natwarlal Patel vs. State of Maharashtra

DISCHARGE APPLICATION

Indian Penal Code, 1860 Sec. 324, Sec. 504, Sec. 34, Sec. 302, Sec. 325, Sec. 452, Sec. 120B, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 227 - Discharge Application - Applicant challenged rejection of discharge Application by Sessions Court in a murder case involving alleged conspiracy among accused - Prosecution relied on vague witness statements lacking corroborative evidence - Applicant was not present at crime scene nor linked to any active participation or conspiracy - Court observed no prima facie evidence of Applicant's involvement or role in incident - Held that mere presence in building earlier on day of incident insufficient to establish nexus with crime - Rejection of discharge Application by Sessions Court quashed - Applicant discharged from trial proceedings - Application Allowed

Law Point: Discharge permissible where prosecution fails to establish prima facie evidence linking accused to alleged offence or conspiracy despite circumstantial presence.

Acts Referred:

Indian Penal Code, 1860 Sec. 324, Sec. 504, Sec. 34, Sec. 302, Sec. 325, Sec. 452, Sec. 120B, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 227

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412633095**

2025(1)MDSCBHC(Criminal)21

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Urmila Joshi-Phalke]

Second Appeal; Cross Objection No 308 of 2006; 58 of 2023 **dated 05/12/2024**

State of Maharashtra; B R Pachpor; Divisional Forest Officer vs. Deepak S/o Nilkanthrao Buradkar

RECOVERY OF SEIZED LOGS

Indian Penal Code, 1860 Sec. 379 - Limitation Act, 1963 Art. 13, Art. 74 - Recovery of Seized Logs - Plaintiff sought recovery of purchase price for seized timber logs and damages for malicious prosecution - Trial Court dismissed claim citing limitation and lack of proof for malice - First Appellate Court allowed partial recovery for purchase price but denied damages for prosecution - High Court upheld findings observing seizure of extra logs justified prosecution, acquittal based on procedural grounds not proving malice - Plaintiff's claim for malicious prosecution dismissed as time-barred

under Limitation Act - State's appeal dismissed affirming liability for refunding purchase price with interest - Appeals Dismissed

Law Point: Malicious prosecution claims require clear proof of baseless action; acquittal on procedural grounds does not establish malice, and claims must be filed within statutory limits.

Acts Referred:

Indian Penal Code, 1860 Sec. 379

Limitation Act, 1963 Art. 13, Art. 74

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733496**

2025(1)MDSCBHC(Criminal)22

IN THE SUPREME COURT OF INDIA

[Before B V Nagarathna; Pankaj Mithal]

Writ Petition (Crl) No 416 of 2020 **dated 04/12/2024**

Kabir Shankar Bose vs. State of West Bengal & Ors

FAIR INVESTIGATION

Constitution of India Art. 32 - Indian Penal Code, 1860 Sec. 341, Sec. 354A, Sec. 504, Sec. 34, Sec. 307, Sec. 325, Sec. 354, Sec. 326, Sec. 323, Sec. 506 - Fair Investigation - Petitioner sought transfer of investigation for two FIRs alleging local police bias due to political vendetta and familial enmity - Alleged misuse of state machinery and CISF involvement warranted independent inquiry - Respondents denied allegations and opposed CBI transfer citing early investigation stage - Court observed political atmosphere in State and involvement of opposing political parties could compromise fairness - Held that justice requires credible and independent investigation to ensure fairness - Directed investigation transfer to CBI with all relevant records for completion - Petition Allowed

Law Point: Investigation transfer appropriate where political biases and high-profile conflicts raise credibility concerns; fair inquiry integral to justice.

Acts Referred:

Constitution of India Art. 32

Indian Penal Code, 1860 Sec. 341, Sec. 354A, Sec. 504, Sec. 34, Sec. 307, Sec. 325, Sec. 354, Sec. 326, Sec. 323, Sec. 506

Monthly Digest [Criminal] - Supreme Court and Bombay High Court

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412533551**

2025(1)MDSCBHC(Criminal)23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 4530 of 2024, 4878 of 2024 **dated 04/12/2024**

Masterstone Llp and Anr; M/s Satcom Info Tech Private Limited and Anr vs. Commissioner of Customs (Apsc) Adjudication Cell and Ors

NATURAL JUSTICE ALLEGATIONS

Customs Act, 1962 Sec. 129B - Natural Justice Allegations - Petitioners challenged an adjudication order claiming breach of natural justice due to non-supply of relevant documents - Respondents argued documents were accessible, and remedies existed under Customs Act - High Court declined to entertain petitions, directing petitioners to avail alternate appellate remedies, citing statutory powers of Appellate Tribunal to address procedural concerns and merits - Observed that mis-statements in petitions regarding lack of alternate remedies undermined credibility - Petitions Dismissed

Law Point: Allegations of procedural breaches must be substantiated; alternate statutory remedies should be exhausted before invoking writ jurisdiction.

Acts Referred:

Customs Act, 1962 Sec. 129B

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732749**

2025(1)MDSCBHC(Criminal)24

IN THE SUPREME COURT OF INDIA

[From TELANGANA HIGH COURT]

[Before Dipankar Datta; Sandeep Mehta]

Criminal Appeal No 573 of 2023 **dated 03/12/2024**

Wadla Bheemaraidu vs. State of Telangana

CIRCUMSTANTIAL EVIDENCE

Constitution of India Art. 136 - Indian Penal Code, 1860 Sec. 201, Sec. 109, Sec. 302, Sec. 384, Sec. 364 - Code of Criminal Procedure, 1973 Sec. 313 - Circumstantial Evidence - Appellant challenged conviction and sentence for murder based on

circumstantial evidence - Prosecution relied on motive, recovery of skeletal remains, and DNA report to link appellant to crime - Appellant argued lack of proof for motive, flawed recovery process, and unsubstantiated DNA evidence - Court observed prosecution failed to establish motive as witnesses did not corroborate illicit relationship claims - Recovery process lacked compliance with Section 27 of Evidence Act and DNA profiling lacked supporting evidence for sample collection - Held that prosecution did not prove chain of circumstances beyond reasonable doubt - Conviction and sentence quashed - Appellant acquitted - Appeal Allowed

Law Point: Circumstantial evidence must establish an unbroken chain proving guilt beyond reasonable doubt; failure in compliance with procedural and evidentiary standards invalidates prosecution case.

Acts Referred:

Constitution of India Art. 136

Indian Penal Code, 1860 Sec. 201, Sec. 109, Sec. 302, Sec. 384, Sec. 364

Code of Criminal Procedure, 1973 Sec. 313

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412537482**

2025(1)MDSCBHC(Criminal)25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition (L) No 32974 of 2024 **dated 03/12/2024**

Renew Era Llp vs. Union of India & Ors

RE-EXPORT COMPLIANCE

Customs Act, 1962 Sec. 117 - Re-Export Compliance - Petitioner sought release of goods for re-export pursuant to an adjudication order, alleging Respondents obstructed compliance - High Court observed that petitioner's compliance with order-in-original, including penalty payments, entitled them to re-export goods - Directed Respondents to release goods within 15 days of payment, overriding 90-day limit in original order due to procedural delays not caused by petitioner - Clarified that unrelated penal proceedings under Sec. 117 Customs Act may proceed independently without hindering re-export process - Petition allowed

Law Point: Administrative adherence to adjudication orders must facilitate compliance without unreasonable delays or linkage to unrelated issues, ensuring lawful entitlements are upheld.

Acts Referred:

Customs Act, 1962 Sec. 117

For Full Judgement visit currentpublications.com or download 'Current Publications'
Mobile App. Use Code: **BHC2412733107**

2025(1)MDSCBHC(Criminal)26

IN THE SUPREME COURT OF INDIA

[From ALLAHABAD HIGH COURT]

[Before Abhay S Oka; Ahsanuddin Amanullah; Augustine George Masih]

Criminal Appeal No 771 of 2024 **dated 02/12/2024**

Ashok vs. State of Uttar Pradesh

FAIR TRIAL RIGHTS

Constitution of India Art. 21 - Indian Penal Code Sec. 376, Sec. 201, Sec. 302 - Code of Criminal Procedure Sec. 161, Sec. 366, Sec. 313 - Evidence Act Sec. 27 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Sec. 3 - Fair Trial Rights - Appeal against conviction and life imprisonment after imposition of death penalty for rape and murder of a minor child - Accused alleged to have been convicted based on inconsistent evidence and procedural lapses - No legal aid provided at critical trial stages and significant incriminating evidence not put to accused under Sec. 313 of CrPC - Court observed severe procedural violations undermining fair trial rights guaranteed under Article 21 - Highlighted Public Prosecutor's and court's role in ensuring effective legal aid and compliance with fair trial norms - Criticized non-compliance by trial and High Court in ensuring accused's rights - Set aside convictions and acquitted appellant - Directed dissemination of judgment to legal services authorities to improve legal aid mechanisms - Appeal Allowed

Law Point: Failure to ensure effective legal aid and compliance with fair trial principles vitiates trial; procedural lapses undermining accused's defence render convictions unsustainable.

Acts Referred:

Constitution of India Art. 21

Indian Penal Code, 1860 Sec. 376, Sec. 201, Sec. 302

Code of Criminal Procedure, 1973 Sec. 161, Sec. 366, Sec. 313

Evidence Act, 1872 Sec. 27

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412332851**

2025(1)MDSCBHC(Criminal)27

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No 437 of 2002 **dated 02/12/2024**

Jayesh Natwarlal Shah; Nawaz Samsuddin Pathan vs. State of Maharashtra

CHEATING THROUGH INVESTMENTS

Indian Penal Code, 1860 Sec. 34, Sec. 420 - Code of Criminal Procedure, 1973 Sec. 397 - Cheating Through Investments - Revision Applicants challenged conviction for cheating under Sec. 420 IPC involving fraudulent investment schemes - Prosecution established guilt using testimonies of victims and documentary evidence including receipts and agreements - Trial Court convicted applicants for inducing public to deposit money under false pretenses - Appellate Court upheld conviction finding evidence adequate to establish deception and misappropriation - High Court affirmed findings observing both Courts adopted disciplined reasoning and there was no illegality or perversity - Revision dismissed

Law Point: Fraudulent inducement to invest under false pretenses constitutes cheating under Sec. 420 IPC; findings of trial and appellate courts will not be disturbed without evidence of procedural errors or misapplication of law.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 420

Code of Criminal Procedure, 1973 Sec. 397

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412732478**

2025(1)MDSCBHC(Criminal)28

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No 199 of 2002 **dated 02/12/2024**

Ravindra Waghju Jadhav vs. State of Maharashtra

CRUELTY ALLEGATIONS REDUCED

Indian Penal Code, 1860 Sec. 498A - Code of Criminal Procedure, 1973 Sec. 397 - Cruelty Allegations Reduced - Revision Applicant convicted under Sec. 498A IPC for cruelty towards wife based on allegations of ill-treatment and demand for dowry - Trial and Appellate Courts relied on medical certificates and testimonies of prosecution witnesses - High Court noted discrepancies in evidence and procedural lapses such as absence of examining medical officer - Reduced sentence from three months' rigorous imprisonment to 12 days already served - Applicant directed to pay fine within two weeks or serve additional imprisonment - Bail bond - Sentence Modified

Law Point: In criminal revisions, sentencing may be reduced where procedural lapses and discrepancies in evidence exist, provided applicant has served part of sentence and reconciled with complainant.

Acts Referred:

Indian Penal Code, 1860 Sec. 498A

Code of Criminal Procedure, 1973 Sec. 397

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412733061**

2025(1)MDSCBHC(Criminal)29

IN THE SUPREME COURT OF INDIA

[From KARNATAKA HIGH COURT]

[Before Pankaj Mithal; Ujjal Bhuyan]

Criminal Appeal No. 551 of 2012 **dated 29/11/2024**

Kamaruddin Dastagir Sanadi vs. State of Karnataka

ABETMENT AND CHEATING

Indian Penal Code, 1860 - Sec. 376 - Sec. 34 - Sec. 417 - Sec. 107 - Sec. 306 - Abetment and Cheating - Appellant charged with cheating, rape, and abetment of suicide acquitted by trial court - High Court reversed acquittal under Sec. 417 and 306 IPC, convicting appellant for false promise of marriage and abetment - Supreme Court examined evidence, including dying declarations, and found no proof of physical relationship or instigation for suicide - Held refusal to marry does not constitute abetment under Sec. 306 IPC - No mens rea or active instigation proven - Reiterated broken relationships do not amount to abetment of suicide without active provocation or intent - Restoring trial court's acquittal - Appeal Allowed

Law Point: Refusal to marry or failure of a relationship, without evidence of active instigation or intent, does not constitute abetment of suicide under Sec. 306 IPC.

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 34, Sec. 417, Sec. 107, Sec. 306

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24113035933**

2025(1)MDSCBHC(Criminal)30

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Vibha Kankanwadi; R W Joshi]

Criminal Application No 1933 of 2023 **dated 29/11/2024**

Nitin Hiralal Khanna; Nayan Takarshi Shah; Asif Suleman Shaikh vs. State of Maharashtra; Pankaj Madanlal Agrawal

CRIMINAL ALLEGATIONS

Indian Penal Code, 1860 Sec. 415 - Sec. 405 - Sec. 34 - Sec. 420 - Sec. 406 - Code of Criminal Procedure, 1973 Sec. 482 - Criminal Allegations - Application filed under Section 482 CrPC for quashing criminal proceedings arising from allegations under Sections 406, 420 IPC - FIR registered citing dishonored franchisee agreements involving security deposit and commissions - Respondent alleged breach of terms and accused applicants of fraudulent intent - Defense contended dispute purely civil, lacking criminal elements - Evidence indicated applicants provided stock, arranged premises, and acted in line with agreements, negating fraudulent intent - Court noted no dishonest inducement or misappropriation evident from FIR or charge-sheet - Held that criminal prosecution constitutes misuse of law for civil disputes - Application Allowed, quashing proceedings

Law Point: Civil disputes disguised as criminal cases constitute abuse of legal process; lack of fraudulent intent at inception negates charges of cheating or criminal breach of trust.

Acts Referred:

Indian Penal Code, 1860 Sec. 415, Sec. 405, Sec. 34, Sec. 420, Sec. 406

Code of Criminal Procedure, 1973 Sec. 482

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412232806**

Monthly Digest [Criminal] - Supreme Court and Bombay High Court

2025(1)MDSCBHC(Criminal)31

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Urmila Joshi-Phalke]

Criminal Appeal No 566 of 2021 **dated 29/11/2024**

Vishal S/o Badrinath Wadekar vs. State of Maharashtra; Priyamwada D/o Anupkumar Choudhary; Anupkumar S/o Krushnakumar Choudhary

DISCHARGE APPLICATION

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3 - Sec. 14A - Discharge Application - Appeal under Section 14A of Atrocities Act challenging discharge order of accused under Sections 3(1)(u) and 3(1)(v) - Allegation based on accused's WhatsApp messages expressing views on caste reservation and supposed humiliation of Scheduled Caste complainant - Trial court discharged accused citing lack of prima facie case and absence of intent to promote enmity or hatred - Appellant contended prima facie material suffices for framing charges - High Court observed that messages conveyed opinions on reservation system without any evidence of promotion of enmity, ill-will, or hatred against Scheduled Castes - Held that discharge order does not warrant interference as allegations fail to satisfy essential ingredients of offences - Appeal Dismissed

Law Point: Prima facie evidence must establish essential ingredients of offences under Atrocities Act; personal expressions not aimed at promoting community-wide enmity or hatred do not constitute such offences.

Acts Referred:

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3, Sec. 14A

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412232933**

2025(1)MDSCBHC(Criminal)32

IN THE SUPREME COURT OF INDIA

[From UTTARAKHAND HIGH COURT]

[Before J B Pardiwala; Manoj Misra]

Criminal Appeal No 1902 of 2013 **dated 28/11/2024**

Suresh Chandra Tiwari & Anr vs. State of Uttarakhand

CONVICTION ALTERATION

Constitution of India Art. 136 - Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 300, Sec. 302, Sec. 304 - Code of Criminal Procedure, 1973 Sec. 313 - Conviction Alteration - Appeal arose from High Court's judgment reducing appellants' conviction from Sec. 302/34 IPC to Sec. 304 Part I IPC and imprisonment from life to 7 years - Incident involved discovery of a deceased's body with head injuries in front of a shop - Prosecution based its case on circumstantial evidence, including last seen, recovery of bloodstained items, and alleged motive due to past enmity - Defense challenged evidentiary gaps, including delayed witness statements, lack of forensic linkage to accused, and inadmissibility of disclosure leading to discovery - Supreme Court found gaps in chain of evidence, noting circumstances neither pointed unerringly towards guilt nor excluded third-party involvement - Court observed procedural deficiencies in connecting physical evidence with crime - Appellants acquitted - Appeals Allowed

Law Point: Circumstantial evidence must form a complete chain unerringly pointing to guilt while excluding all hypotheses of innocence-Evidence must meet stringent standards of admissibility and conclusiveness.

Acts Referred:

Constitution of India Art. 136

Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 300, Sec. 302, Sec. 304

Code of Criminal Procedure, 1973 Sec. 313

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2025(1)MDSCBHC(Criminal)33

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Appeal (St); Interim Application No 5380 of 2024; 1576 of 2024
dated 28/11/2024

Afsana W/o Sarfaraj Ahmed Patel vs. Sarfaraj Ahamad Mainodin Patel and Ors

CRUELTY ALLEGATIONS

Indian Penal Code, 1860 Sec. 504, Sec. 498A, Sec. 323, Sec. 506 - Cruelty Allegations - Criminal appeal filed challenging concurrent judgments acquitting accused of charges under Sections 498A, 323, 504, and 506 IPC - Appellant alleged two incidents of unlawful demands and cruelty by respondent-husband and his relatives - Evidence revealed discrepancies and lack of corroboration for allegations - Courts observed first demand related to husband's job unsupported as he was already employed - Second

demand for money during marriage also found unsubstantiated - FIR filed after significant delay and testimony from prosecution witnesses lacked credibility - Trial Court and Sessions Court upheld findings dismissing prosecution case due to absence of credible evidence - High Court found no ground to interfere, dismissing appeal and affirming acquittal - Appeal Dismissed

Law Point: Mere allegations of harassment or cruelty unsupported by credible evidence and corroboration cannot establish charges under Sections 498A and related IPC provisions.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 498A, Sec. 323, Sec. 506

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412232411**

2025(1)MDSCBHC(Criminal)34

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Bharat P Deshpande]

Criminal Bail Application No 3530 of 2022 **dated 28/11/2024**

Kondiba Gunjal vs. Union of India; State of Maharashtra

BAIL APPLICATION

Code of Criminal Procedure, 1973 Sec. 439 - Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 37, Sec. 67, Sec. 42 - Bail Application - Applicant, accused under NDPS Act, sought bail citing prolonged custody of three years and lack of trial progress - Prosecution relied on Section 67 statements and call records to substantiate allegations - High Court observed Section 67 statements inadmissible as evidence and noted absence of corroborative material against Applicant - Held prolonged incarceration without trial violated fundamental rights under Article 21 - Provisions of Section 37 NDPS Act not absolute bar in such cases - Bail granted subject to strict conditions including personal bond, surrender of passport, and regular attendance in trial proceedings - Bail Granted

Law Point: Prolonged incarceration without trial violates Article 21-Rigors of Section 37 NDPS Act may be relaxed if no substantial progress in trial exists and corroborative evidence is lacking.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 439

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 37, Sec. 67, Sec. 42

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412334329**

2025(1)MDSCBHC(Criminal)35

IN THE SUPREME COURT OF INDIA

[From RAJASTHAN HIGH COURT]

[Before J B Pardiwala; R Mahadevan]

Extraordinary Appellate Jurisdiction Special Leave Petition (Criminal) No 13378 of
2024 **dated 27/11/2024**

X vs. State of Rajasthan & Anr

BAIL IN RAPE CASE

Indian Penal Code, 1860 Sec. 376D, Sec. 342 - Code of Criminal Procedure, 1973 Sec. 164, Sec. 439 - Bail in Rape Case - Victim challenged High Court's bail order granted to accused in gangrape case citing discrepancies in FIR and Section 164 statement - Supreme Court observed that bail during trial, especially before victim's examination, impacts fairness of proceedings - Emphasized trial should conclude before evaluating discrepancies in evidence - Did not revoke bail but imposed conditions prohibiting accused's entry to victim's village and direct or indirect contact with witnesses - Directed trial court to prioritize and conclude case within three months - Petition Partly Allowed

Law Point: Bail discretion in serious offences requires consideration of trial stage and victim's testimony-Conditions necessary to prevent witness influence and ensure fair trial.

Acts Referred:

Indian Penal Code, 1860 Sec. 376D, Sec. 342

Code of Criminal Procedure, 1973 Sec. 164, Sec. 439

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412337189**

2025(1)MDSCBHC(Criminal)36

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Sandipkumar C More]

Criminal Revision Application No 11 of 2023 **dated 27/11/2024**

Sanjay Bapurao Aarewar vs. Sangita Sanjay Aarewar

MAINTENANCE TO DIVORCEE

Code of Criminal Procedure, 1973 Sec. 125 - Hindu Marriage Act, 1955 Sec. 13 - Protection of Women from Domestic Violence Act, 2005 Sec. 22, Sec. 12, Sec. 19, Sec. 20, Sec. 18 - Maintenance to Divorcee - Revision challenged enhanced maintenance under PWDV Act post-divorce - Applicant argued no entitlement after divorce, citing absence of domestic relationship - High Court referred to Apex Court rulings affirming divorced wife's eligibility for relief if violence is linked to past domestic relationship - Observed appellate court correctly enhanced maintenance to Rs.3000 per month considering circumstances - No interference warranted in light of settled law recognizing broad scope of domestic violence definition under PWDV Act - Revision Dismissed

Law Point: Divorced wife entitled to maintenance under PWDV Act if domestic violence pertains to prior domestic relationship-Decree of divorce does not absolve liability for violence committed during marriage.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 125

Hindu Marriage Act, 1955 Sec. 13

Protection of Women from Domestic Violence Act, 2005 Sec. 22, Sec. 12, Sec. 19, Sec. 20, Sec. 18

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412336159**

2025(1)MDSCBHC(Criminal)37

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Urmila Joshi-Phalke]

Criminal Application (Ba) No 940 of 2024 **dated 27/11/2024**

Surbhi D/o Raju Soni vs. State of Maharashtra

TEMPORARY BAIL ON HUMANITARIAN GROUNDS

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 8, Sec. 50, Sec. 29, Sec. 37, Sec. 20 - Temporary Bail on Humanitarian Grounds - Applicant charged under NDPS Act sought temporary bail due to advanced pregnancy - Prosecution opposed citing possession of commercial quantity of contraband and rigors of Section 37 - High Court noted compliance with procedural safeguards and completion of investigation - Referred to Apex Court guidelines allowing temporary release of pregnant prisoners on humanitarian

grounds - Granted bail for six months with conditions including bond execution, non-indulgence in similar activities, and provision of address proof - Bail Granted

Law Point: Temporary release of pregnant prisoners is permissible under humanitarian grounds if security risks are manageable-Guidelines emphasize dignity and care during childbirth.

Acts Referred:

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 8, Sec. 50, Sec. 29, Sec. 37, Sec. 20

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412336982**

2025(1)MDSCBHC(Criminal)38

IN THE SUPREME COURT OF INDIA

[Before B V Nagarathna; Nongmeikapam Kotiswar Singh]

Criminal Appeal No 4326 of 2018 **dated 26/11/2024**

Mahesh Damu Khare vs. State of Maharashtra & Anr

CONSENT AND MISCONCEPTION

Indian Penal Code, 1860 Sec. 90 - Sec. 376 - Sec. 504 - Sec. 420 - Sec. 375 - Sec. 354 - Sec. 506; Code of Criminal Procedure, 1973 Sec. 482; Protection of Children from Sexual Offences Act, 2012 Sec. 8 - Consent and Misconception - Appeal filed against Bombay High Court order refusing to quash FIR under IPC Sec. 376, 420, 504, 506 citing allegations of sexual assault based on false promise of marriage - Appellant contended prolonged relationship over nine years indicated consensual nature, not deceit - Court examined provisions of IPC Sec. 90 and 375 - Observed consent invalid if based on false promise to marry with intent to deceive - Held prolonged consensual physical relationship without contemporaneous protest refuted false promise claim - Found allegations surfaced after financial support ceased - Court highlighted risk of criminalizing civil disputes in failed relationships - Concluded allegations lacked prima facie evidence to establish criminality under IPC Sec. 376 or other charges - FIR quashed - Appeal Allowed

Law Point: Consent vitiated by false promise requires clear evidence of intent to deceive at inception; prolonged consensual relationship without protest suggests absence of criminality.

Acts Referred:

Indian Penal Code, 1860 Sec. 90, Sec. 376, Sec. 504, Sec. 420, Sec. 375, Sec. 354, Sec. 506

Code of Criminal Procedure, 1973 Sec. 482

Protection of Children from Sexual Offences Act, 2012 Sec. 8

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112732273**

2025(1)MDSCBHC(Criminal)39

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before C T Ravikumar; Rajesh Bindal]

Criminal Appeal No 4773 of 2024 **dated 26/11/2024**

Payal Sharma; Subhash Chander Kapila vs. State of Punjab & Anr

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 417, Sec. 420, Sec. 498A, Sec. 120B, Sec. 406; Code of Criminal Procedure, 1973 Sec. 482 - Quashing of FIR - Appeals arose from High Court order quashing FIR under IPC Sec. 406, 498A, 420, and 120B against one accused while rejecting another's plea for same - Accused No.5, a distant relative of complainant's son-in-law, contended vague and general allegations without evidence or specific incidents - Supreme Court emphasized need for careful scrutiny in matrimonial disputes to avoid over-implication - Found no prima facie case or specific allegations linking accused to offences - Highlighted that vague and exaggerated claims against relatives living in separate cities lack legal foundation - Held continuance of proceedings against Accused No.5 unjust and an abuse of judicial process - Allowed appeal of Accused No.5 and quashed FIR; dismissed complainant's appeal against quashing FIR for Accused No.6. - Appeal Partially Allowed

Law Point: Vague and omnibus allegations in matrimonial disputes against distant relatives require careful scrutiny; continuation of baseless criminal proceedings constitutes judicial abuse.

Acts Referred:

Indian Penal Code, 1860 Sec. 417, Sec. 420, Sec. 498A, Sec. 120B, Sec. 406

Code of Criminal Procedure, 1973 Sec. 482

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112732561**

2025(1)MDSCBHC(Criminal)40

IN THE SUPREME COURT OF INDIA

[From KARNATAKA HIGH COURT]

[Before Sanjiv Khanna; Sanjay Kumar; R Mahadevan]

Criminal Appeal No 2646 of 2024 **dated 26/11/2024**

State of Karnataka vs. Chandrasha

DEMAND AND ACCEPTANCE

Code of Criminal Procedure, 1973 Sec. 313; Prevention of Corruption Act, 1988 Sec. 19, Sec. 13, Sec. 15, Sec. 20, Sec. 10, Sec. 7, Sec. 11 - Demand and Acceptance - Appeal filed by State against High Court order acquitting respondent in corruption case - Respondent accused of demanding and accepting Rs. 2,000 as bribe for passing a salary encashment bill - Evidence included recorded conversations, recovery of marked notes, and corroborative witness testimonies - High Court acquitted respondent citing no pending work as on trap date - Supreme Court observed demand and acceptance of bribe proved beyond reasonable doubt - Rejected respondent's claim of loan transaction due to lack of evidence - Held demand and acceptance of illegal gratification sufficient under Prevention of Corruption Act - Restored trial court's conviction and sentence, terming High Court's acquittal perverse. - Appeal Allowed

Law Point: Demand and acceptance of bribe must be proven to establish corruption under Sec. 7 and 13 of Prevention of Corruption Act; direct or circumstantial evidence can substantiate charges.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 313

Prevention of Corruption Act, 1988 Sec. 19, Sec. 13, Sec. 15, Sec. 20, Sec. 10, Sec. 7, Sec. 11

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112732954**

2025(1)MDSCBHC(Criminal)41

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before G A Sanap]

Criminal Appeal No 584 of 2022 **dated 26/11/2024**

Sikandar Somsingh Chavhan vs. State of Maharashtra; Xyz

ACQUITTAL IN SEXUAL OFFENCE

Indian Penal Code, 1860 Sec. 376 - Protection of Children from Sexual Offences Act, 2012 Sec. 2, Sec. 6, Sec. 29, Sec. 5, Sec. 4, Sec. 3 - Acquittal in Sexual Offence - Appeal against conviction under Sec. 376(2)(1) IPC and Sec. 3, 4, 5(k), 6 of POCSO Act - Allegation of forcible sexual intercourse with a deaf and dumb minor girl - Prosecution based on victim's gestures and statements of her parents - Delay in lodging FIR and inconsistencies in evidence challenged - Prosecution evidence including medical findings failed to corroborate victim's testimony or establish injuries consistent with alleged acts - Foundational facts not proved beyond reasonable doubt to invoke presumption under Sec. 29 of POCSO Act - Court held prosecution did not meet burden of proof and granted benefit of doubt to accused - Conviction and sentence set aside - Appellant acquitted and released - Appeal Allowed

Law Point: Presumption under Sec. 29 of POCSO Act is rebuttable and not absolute - Prosecution must establish foundational facts beyond reasonable doubt to trigger presumption.

Acts Referred:

Indian Penal Code, 1860 Sec. 376

Protection of Children from Sexual Offences Act, 2012 Sec. 2, Sec. 6, Sec. 29, Sec. 5, Sec. 4, Sec. 3

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2025(1)MDSCBHC(Criminal)42

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No. 278 of 2024 **dated 26/11/2024**

Sushmita Lalchand Yadav vs. State of Maharashtra

DISCHARGE APPLICATION

Indian Penal Code, 1860 Sec. 107, Sec. 306 - Code of Criminal Procedure, 1973 Sec. 164, Sec. 397, Sec. 401 - Discharge Application - Revision sought challenging Trial Court's rejection of discharge application under Section 306 IPC - Allegation that Applicant abetted deceased's suicide by harassment and mental torture - Applicant and deceased acquainted since 2018 - Deceased, married with a child, committed suicide in 2021 - Prosecution relied on WhatsApp chats and allegations of threats to expose private content - Investigation revealed no prima facie evidence from electronic records or statements corroborating allegations - No instigation or abetment under IPC Sections 107 and 306 established - Court observed no active role by Applicant in

inducing deceased to commit suicide - Order rejecting discharge application quashed - Applicant discharged from charges - Criminal Revision Allowed

Law Point: Mere allegations unsupported by evidence do not satisfy essential ingredients of abetment under Sec. 107 IPC to establish an offence under Sec. 306 IPC.

Acts Referred:

Indian Penal Code, 1860 Sec. 107, Sec. 306

Code of Criminal Procedure, 1973 Sec. 164, Sec. 397, Sec. 401

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2025(1)MDSCBHC(Criminal)43

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No 1204 of 2018 **dated 26/11/2024**

Idea Cellular Ltd vs. Union of India & Ors

JURISDICTION OF DRI OFFICERS

Customs Act, 1962 - Jurisdiction of DRI Officers - Petitioner challenged validity of show cause notice issued by DRI officers, citing jurisdiction issues upheld in Canon India judgment - Supreme Court review clarified DRI officers as proper officers under Section 28 Customs Act-allowed retrospective validation of such notices - Bombay High Court disposed of petition by referring matter to Appellate Authority while keeping challenge to Note 3 of Notification open for further adjudication - Clarified that issues concluded by Supreme Court remain binding - Petition Disposed

Law Point: Supreme Court upheld jurisdiction of DRI officers under Customs Act, validating retrospective authority-Appellate recourse required for unresolved challenges.

Acts Referred:

Customs Act, 1962

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2025(1)MDSCBHC(Criminal)44

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Nitin W Sambre; Vrushali V Joshi]

Criminal Writ Petition No 38 of 2024 **dated 26/11/2024**

Pradipsingh Murlidharsingh Thakur vs. State of Maharashtra

REMISSION ELIGIBILITY

Indian Penal Code, 1860 Sec. 304B, Sec. 300, Sec. 302, Sec. 498A - Code of Criminal Procedure, 1973 Sec. 432 - Remission Eligibility - Petitioner convicted for murdering pregnant wife sought remission under GR March 15, 2010 - State denied citing brutal crime by police personnel - High Court found no exceptional violence or brutality as required under Category 2(c) of GR - Re-categorized under 2(b) for premeditated crime, entitling petitioner to remission after 22 years including remission - Directed jail authorities to determine remission eligibility as per revised category - Rule Made Absolute

Law Point: Premature release decisions require adherence to categorization under GR and proportionality of sentence-Distinction drawn between ordinary and exceptional violence for remission.

Acts Referred:

Indian Penal Code, 1860 Sec. 304B, Sec. 300, Sec. 302, Sec. 498A

Code of Criminal Procedure, 1973 Sec. 432

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2025(1)MDSCBHC(Criminal)45

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No. 4758 of 2024 **dated 25/11/2024**

Sangram Sadashiv Suryavanshi vs. State of Maharashtra

COUNTERFEIT CURRENCY

Indian Penal Code, 1860 Sec. 489A, Sec. 34, Sec. 489B, Sec. 489C - Counterfeit Currency - Appellant accused of offences under Sections 489A, 489B, and 489C IPC for possession of six counterfeit currency notes of Rs. 500 each - No prior criminal

antecedents established - Appellant incarcerated for over two and a half years - Trial unlikely to conclude promptly - Supreme Court emphasized principle that bail is rule and jail is exception - Directed Trial Court to grant bail with conditions ensuring cooperation in trial - Criticized routine imposition of time-bound trial schedules by High Courts as impractical and contrary to principles laid down by Constitutional Bench - Appeal allowed with directives to circulate judgment among High Court Judges

Law Point: Long incarceration without trial progress justifies bail; routine fixation of trial schedules undermines judicial process and should be reserved for exceptional cases.

Acts Referred:

Indian Penal Code, 1860 Sec. 489A, Sec. 34, Sec. 489B, Sec. 489C

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2025(1)MDSCBHC(Criminal)46

IN THE SUPREME COURT OF INDIA

[From UTTARAKHAND HIGH COURT]

[Before Bela M Trivedi; Satish Chandra Sharma]

Criminal Appeal No. 122 of 2013 **dated 25/11/2024**

Vijaya Singh & Anr vs. State of Uttarakhand

CIRCUMSTANTIAL MURDER

Indian Penal Code, 1860 Sec. 201, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 164, Sec. 313 - Evidence Act, 1872 Sec. 157 - Circumstantial Murder - Appellants convicted of murdering Devaki, wife of appellant no. 1, within 17 months of marriage - Allegations of harassment by in-laws, circumstantial evidence including 100% burn injuries, altered crime scene, and fresh injury marks pointed to guilt - Statements under Sec. 164 CrPC by key witnesses corroborated consistent chain of events - Defense of suicide rejected; lack of credible explanation for appellants' injuries and conduct post-incident viewed as incriminating - Trial Court and High Court upheld conviction under Sec. 302 and Sec. 201 IPC - Supreme Court found no infirmity in findings, dismissed appeal, directed appellants to surrender - Appeal Dismissed

Law Point: Circumstantial evidence consistent with guilt, unexplained injuries, and manipulated crime scene strengthen conviction for murder in absence of direct evidence.

Acts Referred:

Indian Penal Code, 1860 Sec. 201, Sec. 302

Code of Criminal Procedure, 1973 Sec. 164, Sec. 313

Evidence Act, 1872 Sec. 157

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2025(1)MDSCBHC(Criminal)47

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before A S Chandurkar; Rajesh S Patil]

Criminal Writ Petition No 1762 of 2013 **dated 25/11/2024**

Sambhaji Achyutrao Patil vs. State of Maharashtra; Director General of Police; Special Inspector General of Police; Superintendent of Police; Satara City Police Station; Karad City Police Station; K M M Prasanna; Amol S Tambe

ILLEGAL ARREST COMPENSATION

Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 218, Sec. 302, Sec. 307, Sec. 120B, Sec. 221; Code of Criminal Procedure, 1973 Sec. 156, Sec. 50, Sec. 397, Sec. 439, Sec. 56, Sec. 173 - Illegal Arrest Compensation - Police officer filed writ petition seeking compensation for illegal arrest under IPC Sections 201 and 218 - Alleged arrest breached CrPC Sections 45(2), 50, and 56 and Supreme Court guidelines - Court found violations in non-communication of grounds for arrest, delayed entry in station diary, and absence of required state sanction under Section 45(2) - Court emphasized public law remedy for infringement of fundamental rights under Article 21 - Directed State to pay Rs 2 lakhs compensation to petitioner recoverable from errant officers after due process. - Rule Partly Absolute

Law Point: Illegal arrest violating Article 21 and CrPC mandates warrants state liability; public law compensation can be recovered from culpable officers

Acts Referred:

Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 218, Sec. 302, Sec. 307, Sec. 120B, Sec. 221

Code of Criminal Procedure, 1973 Sec. 156, Sec. 50, Sec. 397, Sec. 439, Sec. 56, Sec. 173

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2025(1)MDSCBHC(Criminal)48

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Bharati Dangre; Manjusha Deshpande]

Criminal Writ Petition No. 3529 of 2024, 3533 of 2024 **dated 25/11/2024***Rajrishi Bindawat; Mihir Rajesh Shah vs. State of Maharashtra and Anr***ARREST CHALLENGE**

Constitution of India Art. 22, Art. 20, Art. 51A, Art. 21, Art. 39A - Code of Criminal Procedure, 1973 Sec. 2 - Motor Vehicles Act, 1988 Sec. 134A, Sec. 184, Sec. 134B, Sec. 187 - Bharatiya Nyaya Sanhita, 2023 Sec. 238, Sec. 125, Sec. 105, Sec. 281, Sec. 324 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 123, Sec. 47 - Arrest Challenge - Petitioners challenged arrests on grounds of constitutional violations under Article 22 for not being informed of reasons in writing - Petitioners involved in fatal road accident while driving recklessly; evidence from CCTV and witness statements established involvement - Petitioners contended arrest violated Bharatiya Nagarik Suraksha Sanhita 2023 Sec. 47 and sought quashing of remand orders - Court held sufficient evidence including witness accounts, fastag records, and CCTV footage justified arrests - Seriousness of offence warranted denial of petition despite procedural lapse in written communication of grounds - Balance of rights favored prioritizing victim's right to justice under Article 21 - Writ Petitions Dismissed

Law Point: Procedural lapses in arrest communication do not invalidate custody where compelling evidence links accused to serious offences; victim rights must balance accused protections.

Acts Referred:

Constitution of India Art. 22, Art. 20, Art. 51A, Art. 21, Art. 39A

Code of Criminal Procedure, 1973 Sec. 2

Motor Vehicles Act, 1988 Sec. 134A, Sec. 184, Sec. 134B, Sec. 187

Bharatiya Nyaya Sanhita, 2023 Sec. 238, Sec. 125, Sec. 105, Sec. 281, Sec. 324

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 123, Sec. 47

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC2412140226**

Monthly Digest [Criminal] - Supreme Court and Bombay High Court

2025(1)MDSCBHC(Criminal)49

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Vibha Kankanwadi; R W Joshi]

Criminal Application No 3426 of 2022 **dated 25/11/2024**

Bhanudas S/o Baburao Dalve vs. State of Maharashtra; Prasad S/o Ravindra Kulkarni

RETROSPECTIVE OPERATION OF PENAL PROVISIONS

Code of Criminal Procedure, 1973 Sec. 482, Sec. 173 - Maharashtra Money-Lending (Regulation) Act, 2014 Sec. 39 - Retrospective Operation of Penal Provisions - Applicant sought quashing of FIR, charge-sheet, and criminal case under Section 39 of Maharashtra Money-Lending Act, 2014 - Transactions cited in allegations occurred prior to enactment date - High Court noted penal provisions cannot operate retrospectively - Affirmed absence of cognizability under repealed Bombay Money Lenders Act, 1946 - FIR, charge-sheet, and case quashed for lack of jurisdiction - Application Allowed

Law Point: Penal provisions cannot apply retroactively-Offences under repealed laws, if non-cognizable, bar subsequent prosecution under newer enactments.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 482, Sec. 173

Maharashtra Money-Lending (Regulation) Act, 2014 Sec. 39

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2025(1)MDSCBHC(Criminal)50

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No 526 of 2002 **dated 25/11/2024**

Sudershan Laxman Teddu vs. Union of India and Ors

CONVICTION UNDER CUSTOMS ACT

Code of Criminal Procedure, 1973 Sec. 397 - Customs Act, 1962 Sec. 13, Sec. 135, Sec. 102, Sec. 108 - Gold (Control) Act, 1968 Sec. 85, Sec. 8 - Conviction Under Customs Act - Appellant challenged conviction under Customs Act for possessing unauthorized gold bars citing procedural lapses in search and seizure - Court found statutory procedure under Section 102 not followed, including absence of Gazetted Officer involvement and failure to produce seized gold in trial - Held prosecution failed to prove case beyond reasonable doubt - Bail bond canceled - Conviction Quashed

Law Point: Non-adherence to statutory search and seizure procedures under Customs Act vitiates prosecution-Conviction requires strict compliance with prescribed safeguards.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 397

Customs Act, 1962 Sec. 13, Sec. 135, Sec. 102, Sec. 108

Gold (Control) Act, 1968 Sec. 85, Sec. 8

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2025(1)MDSCBHC(Criminal)51

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Ahsanuddin Amanullah; Augustine George Masih]

Criminal Appeal No. 297 of 2024 **dated 22/11/2024**

Randeep Singh @ Rana & Anr vs. State of Haryana & Ors

ADMISSIBILITY OF EVIDENCE

Indian Penal Code, 1860 Sec. 212, Sec. 201, Sec. 302, Sec. 364, Sec. 120B - Code of Criminal Procedure, 1973 Sec. 161, Sec. 162 - Evidence Act, 1872 Sec. 65B, Sec. 27, Sec. 25 - Admissibility of Evidence - Appellants challenged conviction under IPC Sections 364, 302, 201, and 120B for abduction and murder - Prosecution relied on circumstantial evidence including CCTV footage and eyewitness testimony - Supreme Court found CCTV footage inadmissible due to lack of compliance with Evidence Act Sec. 65B - Eyewitness evidence deemed unreliable due to significant omissions and lack of corroboration - Adverse inference drawn for non-examination of additional eyewitness - Confession to police barred under Evidence Act Sections 25 and 26 - Court ruled circumstantial evidence did not establish guilt beyond reasonable doubt - Appellants acquitted - Appeal allowed

Law Point: Conviction cannot be sustained on inadmissible evidence or incomplete circumstantial chain - Compliance with Evidence Act and proof beyond reasonable doubt are essential for upholding guilt.

Acts Referred:

Indian Penal Code, 1860 Sec. 212, Sec. 201, Sec. 302, Sec. 364, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 161, Sec. 162

Evidence Act, 1872 Sec. 65B, Sec. 27, Sec. 25

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112329156**

2025(1)MDSCBHC(Criminal)52

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Ahsanuddin Amanullah; Augustine George Masih]

Criminal Appeal No. 388 of 2024, 389 of 2024 **dated 22/11/2024**

Sonu Agnihotri vs. Chandra Shekhar & Ors

EXPUNGING REMARKS

Indian Penal Code, 1860 Sec. 380, Sec. 34, Sec. 411, Sec. 177 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 41A - Expunging Remarks - Appeal challenged adverse remarks made by High Court against appellant, a Judicial Officer, in connection with bail matter proceedings - Appellant issued strict directions to Delhi Police citing improper investigation under IPC Sec. 177 and procedural lapses - High Court expunged directions and issued critical remarks questioning appellant's judicial conduct and use of language - Supreme Court reiterated principle that adverse personal remarks against judicial officers must be avoided unless essential for decision-making - Observed that judicial errors must be corrected with restraint - Criticism of conduct should follow administrative channels, not judicial orders - Expunged critical remarks affecting appellant's career while retaining High Court's decision on police directions - Appeal Allowed

Law Point: Adverse personal remarks against judicial officers should be avoided in judicial orders and addressed administratively to uphold principles of fairness and judicial independence.

Acts Referred:

Indian Penal Code, 1860 Sec. 380, Sec. 34, Sec. 411, Sec. 177

Code of Criminal Procedure, 1973 Sec. 482, Sec. 41A

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2025(1)MDSCBHC(Criminal)53

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From AURANGABAD BENCH]

[Before Vibha Kankanwadi; R W Joshi]

Criminal Application No. 1836 of 2023 **dated 22/11/2024**

Pankaj S/o Sambhaji Kate vs. State of Maharashtra; Kapil S/o Bhaskarrao Ritpure

CRIMINAL PROCEEDINGS QUASHED

Indian Penal Code, 1860 Sec. 415, Sec. 34, Sec. 420, Sec. 463, Sec. 473, Sec. 468, Sec. 465, Sec. 471, Sec. 467, Sec. 464 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 173, Sec. 468 - Criminal Proceedings Quashed - Applicant sought quashing of FIR and related proceedings alleging fabrication of non-agricultural assessment order for land sale - Alleged offences included forgery and cheating under IPC - Court observed delay of over 12 years in lodging FIR coupled with pending civil dispute over property - Held offences like cheating and forgery not attracted as complainant's allegations did not satisfy legal requirements - No material evidence linked applicant to alleged forgery - Delay in filing FIR not adequately explained; extension of limitation unwarranted - Prosecution found to be abuse of process of law - Quashed FIR and pending criminal proceedings - Application Allowed

Law Point: Initiating criminal proceedings after prolonged delay, especially amidst unresolved civil disputes, constitutes abuse of process where allegations lack evidentiary basis.

Acts Referred:

Indian Penal Code, 1860 Sec. 415, Sec. 34, Sec. 420, Sec. 463, Sec. 473, Sec. 468, Sec. 465, Sec. 471, Sec. 467, Sec. 464

Code of Criminal Procedure, 1973 Sec. 482, Sec. 173, Sec. 468

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2025(1)MDSCBHC(Criminal)54

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No. 4680 of 2024 **dated 21/11/2024**

Rajnish Kumar Biswakarma vs. State of NCT of Delhi & Anr

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 34, Sec. 498A, Sec. 406 - Code of Criminal Procedure, 1973 Sec. 482 - Hindu Marriage Act, 1955 Sec. 12 - Quashing of FIR - Appellant sought quashing of FIR alleging cruelty and breach of trust under Sec. 498A and Sec. 406 IPC - FIR filed after appellant initiated proceedings for nullity of marriage under Sec. 12 of Hindu Marriage Act - High Court dismissed petition without examining merits and directed Trial Court to consider decree of nullity at charge framing - Supreme Court held High Court erred by directing reliance on documents outside

charge-sheet - Prayer for quashing FIR maintainable at any stage under Sec. 482 CrPC
 - Restored writ petition to High Court with interim relief and left questions open for determination - Appeal Partly Allowed

Law Point: FIR can be challenged at any stage under Sec. 482 CrPC; Trial Courts cannot rely on documents outside charge-sheet at charge framing.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 498A, Sec. 406

Code of Criminal Procedure, 1973 Sec. 482

Hindu Marriage Act, 1955 Sec. 12

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 2025(1)MDSCBHC(Criminal)55

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Karnik; Dr Neela Gokhale]

Criminal Application No 639 of 2019 **dated 21/11/2024**

Ajeet Vikram Bahadur Singh vs. State of Maharashtra

DOUBLE JEOPARDY

Constitution of India Art. 22, Art. 20 - Indian Penal Code, 1860 Sec. 285, Sec. 338, Sec. 337, Sec. 287 - Code of Criminal Procedure, 1973 Sec. 300 - Factories Act, 1948 Sec. 92 - Double Jeopardy - Appeal challenged prosecution under IPC Sections 285, 287, 337, and 338 despite prior conviction under Factories Act, 1948 for same incident - Appellant managed industrial unit where mishap caused injury to workers - Convicted under Factories Act with fine imposed as penalty - High Court held prosecution under IPC amounts to double jeopardy violating Constitution Article 20(2) and CrPC Sec. 300 - Emphasized identical nature of offences under special and general statutes arising from same incident - Declared simultaneous prosecutions unsustainable as abuse of process - FIR Quashed - Petition Allowed

Law Point: Prosecution for same incident under IPC and Factories Act constitutes double jeopardy if offences are identical - Violates Article 20(2) and Section 300 CrPC.

Acts Referred:

Constitution of India Art. 22, Art. 20

Indian Penal Code, 1860 Sec. 285, Sec. 338, Sec. 337, Sec. 287

Code of Criminal Procedure, 1973 Sec. 300

Factories Act, 1948 Sec. 92

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2025(1)MDSCBHC(Criminal)56

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No. 559 of 2024 **dated 21/11/2024**

Gobindram Daryanumal Talreja & Ors vs. State of Maharashtra

ABUSE OF PROCESS

Indian Penal Code, 1860 Sec. 34, Sec. 353, Sec. 420, Sec. 120B, Sec. 352 - Code of Criminal Procedure, 1973 Sec. 258, Sec. 251 - Prevention of Corruption Act, 1988 Sec. 13 - Abuse of Process - Appeal challenged rejection of discharge application under IPC Sec. 353 and 34 for alleged obstruction during CBI search operation - Appellants were advocates and law intern visiting client's office upon her request - Prosecution alleged obstruction based on refusal to leave premises despite showing identity cards - Appellants argued no assault or force occurred to satisfy Sec. 353 IPC - High Court noted absence of evidence for use of criminal force or obstruction in statements of prosecution witnesses - Held that presence of appellants in professional capacity and questioning identity cards did not constitute assault or obstruction - Quashed FIR citing absence of prima facie case and abuse of process - Directed compensation for 17 years of stigma and harassment caused to appellants - Petition Allowed

Law Point: Mere questioning of identity or presence during official actions without assault or criminal force does not constitute obstruction under IPC Sec. 353 - Misuse of legal provisions warrants judicial intervention.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 353, Sec. 420, Sec. 120B, Sec. 352

Code of Criminal Procedure, 1973 Sec. 258, Sec. 251

Prevention of Corruption Act, 1988 Sec. 13

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2025(1)MDSCBHC(Criminal)57

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before G A Sanap]

Criminal Revision Application No 108 of 2020 **dated 21/11/2024**

Seema W/o Suresh Khobragade vs. State of Maharashtra

CHEATING BY PERSONATION

Indian Penal Code, 1860 Sec. 420, Sec. 419, Sec. 471 - Cheating by Personation - Appeal challenged conviction for using sister's academic certificates to secure admission and employment under IPC Sections 419, 420, and 471 - Appellant misused mark list and transfer certificate of her sister for admission to DEd course and subsequently secured a government job - Courts below rejected claims of false implication and upheld convictions, citing documentary and oral evidence proving identity theft - High Court dismissed revision application observing calculated and planned misuse of documents causing denial of legitimate opportunities to others - Refused leniency despite appellant's advanced age and prolonged trial, emphasizing societal deterrence and proportional punishment - Directed appellant to serve sentence with no reduction in term - Petition Dismissed

Law Point: Cheating by impersonation involving misuse of documents denies rightful opportunities to others and attracts stringent punishment to uphold societal confidence in justice.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 419, Sec. 471

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2025(1)MDSCBHC(Criminal)58

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No. 518 of 2002 **dated 21/11/2024**

Siddappa Kashiraya Savli vs. State of Maharashtra

DISCHARGE APPLICATION

Indian Penal Code, 1860 Sec. 380 - Discharge Application - Appellant sought discharge from charges in case alleging custodial death linked to third-degree treatment - Incident arose from investigation of theft complaint; no evidence of

appellant instructing or being informed about detainees brought to station - Trial Court discharged superior officer but denied discharge to appellant citing supervisory role - Departmental inquiry revealed appellant was unaware of detainees or alleged treatment - High Court held Trial Court's reasoning insufficient; no prima facie material linked appellant to misconduct - Discharged appellant from charges due to lack of evidence - Discharge Application Allowed

Law Point: Supervisory roles alone do not establish liability in custodial misconduct; discharge warranted absent prima facie evidence linking accused to alleged acts.

Acts Referred:

Indian Penal Code, 1860 Sec. 380

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2025(1)MDSCBHC(Criminal)59

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Milind N Jadhav]

Criminal Revision Application No 270 of 2024 **dated 21/11/2024**

Mohit Bharatiya @ Mohit Kumboj vs. State of Maharashtra

DOUBLE JEOPARDY PROTECTION

Constitution of India Art. 22, Art. 20 - Indian Penal Code, 1860 Sec. 353, Sec. 71 - Code of Criminal Procedure, 1973 Sec. 300, Sec. 220, Sec. 301 - Evidence Act, 1872 Sec. 40 - General Clauses Act, 1897 Sec. 26 - Maharashtra Regional and Town Planning Act, 1966 Sec. 52, Sec. 43 - Mumbai Municipal Corporation Act, 1888 Sec. 354A - Double Jeopardy Protection - Appellant challenged rejection of discharge application in second prosecution under IPC Sec. 353 for obstruction, arising from same facts as prior acquittal under MRTP Act - Argued contravention of Article 20(2) of Constitution and CrPC Sec. 300 barring double jeopardy - High Court held offences stemmed from same incident and prosecution failed to secure State consent for second trial as required by CrPC Sec. 300(2) - Cited judgments emphasizing prohibition against repeated trials on identical facts - Allowed revision application; discharged appellant - Revision Allowed

Law Point: Double jeopardy bars second prosecution for identical facts under distinct statutes-Compliance with procedural safeguards including State consent crucial for subsequent trials.

Acts Referred:

Constitution of India Art. 22, Art. 20

Indian Penal Code, 1860 Sec. 353, Sec. 71

Code of Criminal Procedure, 1973 Sec. 300, Sec. 220, Sec. 301

Evidence Act, 1872 Sec. 40

General Clauses Act, 1897 Sec. 26

Maharashtra Regional and Town Planning Act, 1966 Sec. 52, Sec. 43

Mumbai Municipal Corporation Act, 1888 Sec. 354A

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2025(1)MDSCBHC(Criminal)60

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before C T Ravikumar; Sanjay Karol]

Criminal Appeal; Arising Out Of Slp(Crl) No 4675 of 2024; 4887 of 2024, 7896 of
2023 **dated 20/11/2024**

Ajayan; Antony Raju vs. State of Kerala & Ors

EVIDENCE TAMPERING

Indian Penal Code, 1860 Sec. 193, Sec. 201, Sec. 34, Sec. 420, Sec. 120, Sec. 217 -
Code of Criminal Procedure, 1973 Sec. 482, Sec. 195 - Narcotic Drugs and
Psychotropic Substances Act, 1985 Sec. 20 - Evidence Tampering - Appeals arose
from a High Court order quashing cognizance in a case involving tampering with
evidence - Underwear (Mo2) linked to a narcotics trial found altered - Accused
included a clerk and a lawyer - High Court invoked Section 195(1)(b) Cr.P.C. to rule
proceedings void due to procedural non-compliance - Supreme Court held that
evidence indicated judicial directives initiated investigation, thus bar under Section
195 Cr.P.C. did not apply - Emphasized public interest in addressing acts undermining
judicial integrity - Reinstated proceedings before Magistrate - Directed expedited trial
completion within a year - Appeals Partially Allowed

**Law Point: Section 195 Cr.P.C. bars private complaints in specified cases but
does not apply when judicial directions initiate prosecution - Public interest and
judicial integrity override procedural lapses.**

Acts Referred:

Indian Penal Code, 1860 Sec. 193, Sec. 201, Sec. 34, Sec. 420, Sec. 120, Sec. 217

Code of Criminal Procedure, 1973 Sec. 482, Sec. 195

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 20

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2025(1)MDSCBHC(Criminal)61

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No of 2024 **dated 20/11/2024**

Sunny @ Santosh Dharmu Bhosale vs. State of Maharashtra

DOWNGRADED CONVICTION

Indian Penal Code, 1860 Sec. 504, Sec. 302, Sec. 304 - Downgraded Conviction - Appeal challenged conviction under Sec. 302 IPC for killing with a bamboo stick due to a quarrel - Evidence showed no premeditation or motive - Deceased intervened in a dispute unrelated to him - Incident occurred during a sudden altercation after provocation - Trial and High Court findings reviewed - Supreme Court held injuries were caused by a bamboo stick, commonly available in villages, and ruled out undue cruelty - Altered conviction from Sec. 302 IPC to Sec. 304 Part I IPC - Appellant sentenced to time already served, over 12 years with remission - Appeal Partly Allowed

Law Point: Conviction under Sec. 302 IPC requires evidence of premeditation or motive - Sudden provocation without intent to kill may reduce liability to Sec. 304 IPC Part I.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 302, Sec. 304

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112135338**

2025(1)MDSCBHC(Criminal)62

IN THE SUPREME COURT OF INDIA

[Before B V Nagarathna; Nongmeikapam Kotiswar Singh]

Criminal Appeal No 2793 of 2024 **dated 20/11/2024**

Prashant vs. State of NCT of Delhi

CONSENSUAL RELATIONSHIP

Indian Penal Code, 1860 Sec. 376, Sec. 164, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 482 - Consensual Relationship - Appeal challenging High Court's refusal to quash FIR registered under Sections 376(2)(n) and 506 IPC - FIR alleged repeated sexual assault under false promise of marriage and criminal intimidation - Appellant contended relationship consensual and allegations inconsistent - High Court held prima facie case made out based on complainant's statements - Supreme Court found allegations lacked essential ingredients of Section 376(2)(n) and consent evident from complainant's prolonged association with appellant - No evidence of false promise of marriage at relationship outset - Criminal intimidation charge unsupported - Held continuation of proceedings abuse of process - FIR, charge-sheet, and trial quashed - Appeal Allowed

Law Point: Prosecution under Section 376(2)(n) IPC cannot be sustained where consent for physical relationship is established, and allegations of false promise of marriage are unsupported by evidence.

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 164, Sec. 506

Code of Criminal Procedure, 1973 Sec. 482

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112235082**

2025(1)MDSCBHC(Criminal)63

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before Bela M Trivedi; Satish Chandra Sharma]

Criminal Appeal; Arising Out Of Slp(Criminal) No 4625 of 2024; 13463 of 2024 **dated 19/11/2024**

Siddique vs. State of Kerala & Anr

ANTICIPATORY BAIL

Indian Penal Code, 1860 Sec. 376, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 438 - Anticipatory Bail - Appeal challenged rejection of anticipatory bail for alleged offences under Sections 376 and 506 IPC - Complainant filed FIR after an eight-year delay, alleging incidents from 2016 and earlier social media posts implicating multiple individuals - Court noted absence of grievances raised before Justice Hema Committee constituted for such matters - Bail granted with conditions including surrender of

passport and cooperation in investigation - Court cautioned that breach of bail conditions would result in cancellation - Appeal Allowed

Law Point: Delay in filing complaints in sensitive cases may affect bail considerations - Anticipatory bail can be granted with stringent conditions ensuring investigation compliance.

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 506

Code of Criminal Procedure, 1973 Sec. 438

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24112135230**

2025(1)MDSCBHC(Criminal)64

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before A S Gadkari; Dr Neela Gokhale]

Criminal Writ Petition No 2638 of 2022 **dated 19/11/2024**

Anurag Vijaykumar Goel vs. State of Maharashtra; Chhavi Anurag Goel Nee Chhavi Agarwal

QUASHING REFUSED

Indian Penal Code, 1860 Sec. 34, Sec. 498A, Sec. 406 - Hindu Marriage Act, 1955 Sec. 13B - Contempt of Courts Act, 1971 Sec. 2 - Bombay High Court (Appellate Side) Rules, 1960 Rule 7 - Quashing Refused - Petition sought quashing of FIR alleging cruelty and dowry demands under Sec. 498A IPC - Petitioner argued refusal to proceed with mutual consent divorce under Sec. 13B(2) HMA constituted abuse of process - Court held respondent-wife entitled to withdraw consent per statutory rights - Petitioner failed to fulfill terms of settlement agreement, including property transfer - Investigation deemed adequate, and FIR disclosed cognizable offence - Criminal proceedings justified - Interim stay vacated - Petition Dismissed

Law Point: Sec. 13B HMA allows withdrawal of mutual divorce consent before decree - Failure to comply with settlement terms by one party invalidates abuse of process claims against other.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 498A, Sec. 406

Hindu Marriage Act, 1955 Sec. 13B

Contempt of Courts Act, 1971 Sec. 2

Bombay High Court (Appellate Side) Rules, 1960 Rule 7

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112132467**

2025(1)MDSCBHC(Criminal)65

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before M S Sonak; Jitendra Jain]

Writ Petition No. 4339 of 2024 **dated 19/11/2024**

Mahindra and Mahindra Ltd vs. Union of India; Office of Commissioner of Customs(Export); Deputy Commissioner of Customs Deec (M Cell); Additional Director General of Foreign Trade

INORDINATE DELAY

Customs Act, 1962 Sec. 143, Sec. 28 - Inordinate Delay - Petition challenged notice issued under Customs Act Sec. 143 for recovery of duty foregone due to non-submission of Export Obligation Discharge Certificate issued 26 years earlier - Petitioner argued proceedings barred by unreasonable delay despite absence of statutory limitation - High Court emphasized reasonable period must guide actions where statute is silent - Compared timelines in Sec. 28 of Customs Act, providing 5 years for fraud cases, to highlight disproportionate delay - Found no allegations of fraud or suppression; termed 26-year delay unreasonable and unjustifiable - Quashed notice citing precedent supporting timely adjudication - Petition Allowed

Law Point: In absence of statutory limitation, recovery actions under Customs Act must adhere to reasonable timeframes to ensure fairness and avoid arbitrary delays.

Acts Referred:

Customs Act, 1962 Sec. 143, Sec. 28

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112329086**

2025(1)MDSCBHC(Criminal)66

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Revati Mohite Dere; Prithviraj K Chavan]

Criminal Appeal No. 316 of 2024 **dated 18/11/2024**

Sunil Dharma Mane vs. National Investigating Agency; State of Maharashtra

BAIL DENIED UNDER NIA ACT

Indian Penal Code, 1860 Sec. 379, Sec. 201, Sec. 34, Sec. 302, Sec. 473, Sec. 465, Sec. 364, Sec. 286, Sec. 120B, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 173 - Evidence Act, 1872 Sec. 27 - Explosive Substances Act, 1908 Sec. 4 - Unlawful Activities (Prevention) Act, 1967 Sec. 16, Sec. 20, Sec. 18 - National Investigation Agency Act, 2008 Sec. 21 - Bail Denied under NIA Act - Appeal filed under Sec. 21 of National Investigation Agency Act against rejection of bail in a case involving conspiracy and murder under UAPA and IPC - Appellant accused of aiding murder of Mansukh Hiran in furtherance of a conspiracy involving other accused, including dismissed police officer - Allegations included providing logistical support, concealing evidence, and involvement in placing an explosive-laden vehicle near a businessman's residence - Prosecution presented circumstantial evidence, witness statements, and technical data linking appellant to crime - Defense argued lack of direct evidence and maintained appellant's innocence - Court held sufficient prima facie evidence existed to connect appellant with offense - Bail denied considering gravity of charges under UAPA and IPC. - Bail Rejected

Law Point: Bail under NIA Act requires prima facie satisfaction of no reasonable grounds for accusations; conspiracy and murder involving terrorism demand stringent evaluation of evidence, even if circumstantial, to deny bail.

Acts Referred:

Indian Penal Code, 1860 Sec. 379, Sec. 201, Sec. 34, Sec. 302, Sec. 473, Sec. 465, Sec. 364, Sec. 286, Sec. 120B, Sec. 506

Code of Criminal Procedure, 1973 Sec. 173

Evidence Act, 1872 Sec. 27

Explosive Substances Act, 1908 Sec. 4

Unlawful Activities (Prevention) Act, 1967 Sec. 16, Sec. 20, Sec. 18

National Investigation Agency Act, 2008 Sec. 21

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112030502**

2025(1)MDSCBHC(Criminal)67

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before G A Sanap]

Criminal Revision Application No 50 of 2024 **dated 18/11/2024**

Mustafa Kha: Jabbar Kha vs. State of Maharashtra; Xyz

JUVENILE TRIED AS ADULT

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 506, Sec. 354D, Sec. 376, Sec. 376DA - Protection of Children from Sexual Offences Act, 2012 Sec. 6, Sec. 10, Sec. 8, Sec. 12 - Juvenile Justice (Care and Protection of Children) Act, 2015 Sec. 14, Sec. 15, Sec. 101, Sec. 19 - Juvenile Justice (Care and Protection of Children) Model Rules, 2016 Rule 13 - Juvenile Tried as Adult - Revision application challenged orders allowing juvenile accused (CCL) to be tried as an adult for heinous sexual offences - Juvenile Justice Board and Additional Sessions Judge found accused mentally and physically capable of committing and understanding crime's consequences - Psychiatric reports and Special Investigation Report indicated CCL's criminal mentality and planning - Court ruled heinous repetitive offences warranted trial as adult under Juvenile Justice Act - Held no violation of procedural or substantive law - Revision Application Dismissed

Law Point: Juveniles above 16 involved in heinous offences may be tried as adults if preliminary assessments confirm mental and physical capacity, ability to understand consequences, and circumstances of offence.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 506, Sec. 354D, Sec. 376, Sec. 376DA

Protection of Children from Sexual Offences Act, 2012 Sec. 6, Sec. 10, Sec. 8, Sec. 12
Juvenile Justice (Care and Protection of Children) Act, 2015 Sec. 14, Sec. 15, Sec. 101, Sec. 19

Juvenile Justice (Care and Protection of Children) Model Rules, 2016 Rule 13

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24112133482**

2025(1)MDSCBHC(Criminal)68

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[Before Bharati Dangre; Manjusha Deshpande]

Criminal Writ Petition No 3634 of 2016 **dated 18/11/2024**

Manoj Suryakant Dalvi vs. State of Maharashtra; Tina Suny John

QUASHING FIR AND CHAPTER PROCEEDINGS

Indian Penal Code, 1860 Sec. 354 - Code of Criminal Procedure, 1973 Sec. 107 - Quashing FIR and Chapter Proceedings - Appellant sought quashing of FIR and Chapter Proceedings initiated after a complaint alleging offence under Section 354 IPC-Complaint involved alleged physical contact while attempting to recover a misidentified bag at Mumbai Airport - High Court noted absence of intent or actions

constituting outraging of modesty-Concluded allegations were baseless, motivated by earlier altercation with complainant's husband - Held proceedings under Section 354 IPC and related Chapter Case unwarranted and quashed chargesheet and proceedings under Section 482 CrPC - Proceedings Quashed

Law Point: Allegations under Section 354 IPC must demonstrate intent to outrage modesty-Absence of intent or indecent action invalidates prosecution and subsequent Chapter Proceedings.

Acts Referred:

Indian Penal Code, 1860 Sec. 354

Code of Criminal Procedure, 1973 Sec. 107

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2025(1)MDSCBHC(Criminal)69

IN THE SUPREME COURT OF INDIA

[From ANDHRA PRADESH HIGH COURT]

[Before C T Ravikumar; Sanjay Karol]

Criminal Appeal No 4562 of 2024 **dated 13/11/2024**

Didde Srinivas vs. State Sho, Podduru Police Station and Anr

CONVICTION AND SENTENCE

Indian Penal Code, 1860 Sec. 376 - Sec. 511 - Sec. 306 - Sec. 354 - Sec. 451 - Sec. 448 - Conviction and Sentence - Appellant convicted for house-trespass under Sec. 451 IPC and attempted rape under Sec. 376/511 IPC, later modified to Sec. 354 IPC by appellate court - Sentence for Sec. 354 IPC reduced from 2 years to 1 year by Supreme Court considering appellant's young age at time of offense, lapse of 25 years since incident, and absence of criminal antecedents - Sentence for Sec. 451 IPC of 1 year R.I. maintained - Both sentences to run concurrently - Fine imposed under Sec. 354 IPC upheld - Appellant directed to surrender within four weeks, failing which to be taken into custody to serve remaining sentence - Appeal Partly Allowed

Law Point: Sentences may be reduced considering mitigating factors like young age, lack of criminal history, and elapsed time, but must remain proportionate to offense severity. Concurrent sentencing ensures fair punishment for connected offenses

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 511, Sec. 306, Sec. 354, Sec. 451, Sec. 448

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2025(1)MDSCBHC(Criminal)70

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Vinay Joshi; Abhay J Mantri]

Criminal Appeal No. 263 of 2021 **dated 13/11/2024**

Jayanand S/o Arjun Dhabale; Niranjana S/o Jayanand Dhabale; Ashabai W/o Jayanand Dhabale; Kiran S/o Jayanand Dhabale vs. State of Maharashtra

CONVICTION FOR MURDER

Indian Penal Code, 1860 Sec. 34, Sec. 114, Sec. 109, Sec. 302, Sec. 452, Sec. 33 - Code of Criminal Procedure, 1973 Sec. 164, Sec. 313 - Evidence Act, 1872 Sec. 27 - Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 Sec. 3 - Conviction for Murder - Appeal arose against conviction of four appellants under Section 302 read with Section 34 of IPC - Incident involved murder of Sunanda following allegations of practicing black magic - Accused No.1 assaulted victim with an axe, causing fatal injuries - Prosecution established accused No.1's involvement through medical evidence, eyewitness testimonies, and recovery of weapon - Trial Court convicted accused Nos.2 to 4 by invoking Section 34 of IPC for common intention - High Court found insufficient evidence of prior concert or common intention involving accused Nos.2 to 4 - Prosecution failed to prove participation of these appellants in crime - Conviction of accused No.1 under Section 302 upheld - Conviction of accused Nos.2 to 4 under Section 302 read with Section 34 quashed - Conviction under Section 452 for all appellants maintained as they already served sentences. - Appeal Partly Allowed

Law Point: Section 34 of IPC requires evidence of prior concert or participation in furtherance of common intention to hold individuals vicariously liable - Mere presence at crime scene insufficient to attract Section 34.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 114, Sec. 109, Sec. 302, Sec. 452, Sec. 33

Code of Criminal Procedure, 1973 Sec. 164, Sec. 313

Evidence Act, 1872 Sec. 27

Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 Sec. 3

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24111733622**

2025(1)MDSCBHC(Criminal)71

IN THE SUPREME COURT OF INDIA

[Before M M Sundresh; Aravind Kumar]

Criminal Appeal; S L P (Cr) (Special Leave Petition (Criminal)) No 4564 of 2024;
13123 of 2024 **dated 12/11/2024**

Asha Dubey Appellant(S) vs. State of Madhya Pradesh Respondent(S)

ANTICIPATORY BAIL

Code of Criminal Procedure, 1973 Sec. 82 - Dowry Prohibition Act, 1961 Sec. 4, Sec. 3 - Bharatiya Nyaya Sanhita, 2023 Sec. 85, Sec. 3, Sec. 108, Sec. 80 - Anticipatory Bail - Appeal arose against denial of anticipatory bail to appellant charged under Bharatiya Nyaya Sanhita, 2023 and Dowry Prohibition Act, 1961 - Appellant, mother-in-law of deceased, alleged to have abetted offence - High Court denied bail citing non-cooperation and proclamation as an offender under CrPC Sec. 82 - Supreme Court noted appellant's claim of willingness to cooperate and lack of custodial interrogation necessity - Held proclamation does not impose total embargo on anticipatory bail if facts justify liberty protection - Granted bail with conditions ensuring investigation cooperation and permitting cancellation upon breach or witness threats - High Court order set aside - Appeal Allowed

Law Point: Proclamation under CrPC Sec. 82 does not bar anticipatory bail where circumstances demonstrate absence of custodial interrogation necessity and cooperation assurance.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 82

Dowry Prohibition Act, 1961 Sec. 4, Sec. 3

Bharatiya Nyaya Sanhita, 2023 Sec. 85, Sec. 3, Sec. 108, Sec. 80

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111933684**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

[From NAGPUR BENCH]

[Before Vinay Joshi; Vrushali V Joshi]

Criminal Appeal No 128 of 2022 **dated 12/11/2024**

Kamlesh S/o Narayan Dubey; Shekhar S/o Chandrakishor Dubey vs. State of Maharashtra

CONVICTION FOR MURDER

Indian Penal Code, 1860 Sec. 34, Sec. 300, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 235 - Bombay Police Act, 1951 Sec. 135 - Arms Act, 1959 Sec. 25, Sec. 4 - Conviction for Murder - Appeal by two appellants convicted for murder under Section 302 read with Section 34 of Indian Penal Code - Prosecution alleged appellants Kamlesh and Shekhar murdered deceased by stabbing and running vehicle over him - Incident occurred after altercation at dumping yard where deceased confronted Kamlesh about a previous dispute - Prosecution's evidence included three eye witnesses and medical testimony confirming severe stab and crush injuries on deceased - Appellants argued absence of intention, contending incident occurred on sudden provocation and questioned consistency of eye witness accounts - Trial Court found evidence consistent, indicating premeditated intent and brutal manner of execution - High Court upheld conviction, rejecting applicability of Exception 4 to Section 300 IPC, noting act was committed with deliberate intent, using deadly weapons, and exhibited cruelty - Appeal Dismissed

Law Point: For murder conviction, premeditation and brutality demonstrated in manner of execution negate applicability of sudden provocation exception under Section 300 IPC; common intention may be inferred from coordinated assault on victim.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 300, Sec. 302

Code of Criminal Procedure, 1973 Sec. 235

Bombay Police Act, 1951 Sec. 135

Arms Act, 1959 Sec. 25, Sec. 4

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **BHC24111433643**

2025(1)MDSCBHC(Criminal)73

IN THE SUPREME COURT OF INDIA

[From TELANGANA HIGH COURT]

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No 4130 of 2024 **dated 07/11/2024**

Aruna Dhanyakumar Doshi vs. State of Telangana & Ors

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 116, Sec. 347, Sec. 384, Sec. 342, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 482 - Maintenance and Welfare of Parents and Senior Citizens Act, 2007 Sec. 23, Sec. 24 - Quashing FIR Under Senior Citizens Act - Appellant challenged FIR involving harassment and intimidation allegations against family members, including respondents under Senior Citizens Act - FIR quashed partially for 4th and 5th respondents due to lack of specific allegations - Court found vague claims insufficient for prosecution - Allowed remaining proceedings - Appeal Dismissed

Law Point: Specificity in allegations essential for prosecution under Senior Citizens Act; generalized claims inadequate for establishing criminal liability.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 116, Sec. 347, Sec. 384, Sec. 342, Sec. 506

Code of Criminal Procedure, 1973 Sec. 482

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 Sec. 23, Sec. 24

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2025(1)MDSCBHC(Criminal)74

IN THE SUPREME COURT OF INDIA

[From RAJASTHAN HIGH COURT]

[Before C T Ravikumar; Sanjay Kumar]

Criminal Appeal; S L P (Cr) (Special Leave Petition (Criminal)) No 3403 of 2023;
12912 of 2022 **dated 07/11/2024**

Ramji Lal Bairwa & Anr vs. State of Rajasthan & Ors

LOCUS STANDI IN FIR QUASHMENT

Constitution of India Art. 136, Art. 142, Art. 32 - Indian Penal Code, 1860 Sec. 354A, Sec. 504, Sec. 342, Sec. 509 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 173 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3 - Protection of Children from Sexual Offences Act, 2012 Sec. 7, Sec. 8 - Locus Standi in FIR Quashment - Appellants, residents in respondent's community, challenged High Court order quashing an FIR under IPC and POCSO Act based on a compromise between accused teacher and victim's father - Appellants argued serious offenses like those under POCSO and Atrocities Act affect society and cannot be quashed on private compromise grounds - Court observed that POCSO Act aims to protect children, holding such offenses as societal crimes with significant impact, unsuitable for compromise-driven quashment - Found High Court erred in relying on compromise without assessing offense severity, undermining societal interests - FIR reinstated, directing investigation to continue. - Appeal Allowed

Law Point: Serious offenses with societal impact, especially under POCSO and Atrocities Acts, cannot be quashed solely based on compromise; require judicial scrutiny on impact and severity

Acts Referred:

Constitution of India Art. 136, Art. 142, Art. 32

Indian Penal Code, 1860 Sec. 354A, Sec. 504, Sec. 342, Sec. 509

Code of Criminal Procedure, 1973 Sec. 482, Sec. 173

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 3

Protection of Children from Sexual Offences Act, 2012 Sec. 7, Sec. 8

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2411835703**

2025(1)MDSCBHC(Criminal)75

IN THE SUPREME COURT OF INDIA

[From CHHATTISGARH HIGH COURT]

[Before B R Gavai; Prashant Kumar Mishra; K V Viswanathan]

Criminal Appeal No 328 of 2015 **dated 06/11/2024**

Devendra Kumar & Ors vs. State of Chhattisgarh

CONVICTION UNDER SECTION 304

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 307, Sec. 304 - Code of Criminal Procedure, 1973 Sec. 145 - Conviction Under Section 304 - Appellants, convicted under Sec. 302 IPC for fatal assault related to land dispute, contended incident was

unpremeditated, occurring in sudden heat of passion due to ongoing enmity and quarrel - Evidence from eyewitnesses established appellants' assault with common agricultural tools, but without premeditation - Court found that injuries, though fatal, were inflicted without undue advantage or unusual cruelty - Held offense more aligned with Part I of Sec. 304 IPC than Sec. 302 - Conviction modified, appellants sentenced to time served given over 12 years already spent in custody - Appeal Partly Allowed

Law Point: Absence of premeditation in fatal assault due to sudden quarrel allows modification from Sec. 302 to Sec. 304 Part I IPC, where injuries were inflicted without undue advantage

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 302, Sec. 307, Sec. 304

Code of Criminal Procedure, 1973 Sec. 145

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2025(1)MDSCBHC(Criminal)76

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No 4314 of 2024, 4316 of 2024 **dated 06/11/2024**

Directorate of Enforcement vs. Bibhu Prasad Acharya, Etc

SANCTION REQUIREMENT FOR PUBLIC SERVANTS UNDER PMLA

Indian Penal Code, 1860 Sec. 166A, Sec. 376, Sec. 354A, Sec. 376C, Sec. 376A, Sec. 376D, Sec. 166B, Sec. 370, Sec. 375, Sec. 354, Sec. 509, Sec. 354B, Sec. 354C, Sec. 354D, Sec. 376DA, Sec. 376AB, Sec. 376DB - Code of Criminal Procedure, 1973 Sec. 197 - Prevention of Money-Laundering Act, 2002 Sec. 44, Sec. 71, Sec. 65, Sec. 3 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 218 - Sanction Requirement for Public Servants under PMLA - Appellant filed complaints under Sec. 3 of PMLA, alleging respondent officials aided illegal asset transfer - High Court quashed cognizance taken by Special Court, holding that Sec. 197 CrPC requires prior government sanction for prosecuting public servants - Appellant argued PMLA overrides CrPC provisions under Sec. 71 - Supreme Court upheld sanction necessity, ruling Sec. 197 CrPC compatible with PMLA's enforcement under Sec. 65, making official sanction mandatory for public servant prosecution - Special Court may reassess if sanction granted, while cognizance against other accused remains unaffected. - Appeals Dismissed

Law Point: Sec. 197 CrPC mandates government sanction for prosecuting public servants under PMLA; PMLA does not override CrPC requirements

Acts Referred:

Indian Penal Code, 1860 Sec. 166A, Sec. 376, Sec. 354A, Sec. 376C, Sec. 376A, Sec. 376D, Sec. 166B, Sec. 370, Sec. 375, Sec. 354, Sec. 509, Sec. 354B, Sec. 354C, Sec. 354D, Sec. 376DA, Sec. 376AB, Sec. 376DB

Code of Criminal Procedure, 1973 Sec. 197

Prevention of Money-Laundering Act, 2002 Sec. 44, Sec. 71, Sec. 65, Sec. 3

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 218

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2025(1)MDSCBHC(Criminal)77

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Ujjal Bhuyan]

Criminal Appeal No 190 of 2011 **dated 06/11/2024**

Union of India & Ors vs. Wing Commander M S Mander

ACQUITTAL IN CUSTODIAL DEATH

Indian Penal Code, 1860 Sec. 149, Sec. 302, Sec. 325, Sec. 342, Sec. 340 - Air Force Act, 1950 Sec. 45, Sec. 71, Sec. 65 - Acquittal in Custodial Death - Respondent, an Air Force officer, faced General Court Martial (GCM) for alleged custodial death of Signalman Garje, charged with offenses under IPC and Air Force Act, including wrongful confinement and prejudice to good order - Evidence indicated deceased died from fall injuries after jumping from a vehicle while being transported, with no proven assault or confinement by respondent - Armed Forces Tribunal set aside GCM conviction for lack of direct intent or causative action by respondent - Supreme Court upheld acquittal, emphasizing that acquittal further strengthens presumption of innocence and found Tribunal's assessment reasonable. - Appeal Dismissed

Law Point: Acquittal reinforces presumption of innocence; custodial death charges require clear causative actions or intent to convict

Acts Referred:

Indian Penal Code, 1860 Sec. 149, Sec. 302, Sec. 325, Sec. 342, Sec. 340

Air Force Act, 1950 Sec. 45, Sec. 71, Sec. 65

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2025(1)MDSCBHC(Criminal)78

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before Bela M Trivedi; Satish Chandra Sharma]

Criminal Appeal No 3111 of 2024 **dated 06/11/2024**

Sonu Choudary vs. State of Nct Delhi

HOUSE TRESPASS CONVICTION

Indian Penal Code, 1860 Sec. 324, Sec. 441, Sec. 442, Sec. 452 - House Trespass Conviction - Appellant challenged conviction for offences under Sections 324 and 452 IPC arising from an altercation at a restaurant - Court upheld conviction for Section 324 IPC based on corroborated evidence of injuries caused voluntarily - Found conviction under Section 452 IPC unsustainable as restaurant did not qualify as a dwelling or protected space under Sections 441 and 442 IPC - Set aside conviction under Section 452 while maintaining sentence for Section 324 - Directed Trial Court to verify fine payment and execute remaining sentence if necessary - Appeal Partly Allowed

Law Point: House trespass under Section 452 IPC requires proof of criminal entry into a protected space; public places like restaurants do not meet statutory criteria

Acts Referred:

Indian Penal Code, 1860 Sec. 324, Sec. 441, Sec. 442, Sec. 452

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC2412454483**

2025(1)MDSCBHC(Criminal)79

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No 291 of 2023 **dated 05/11/2024**

Karakkattu Muhammed Basheer vs. State of Kerala

ACQUITTAL IN CIRCUMSTANTIAL EVIDENCE CASE

Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 302 - Acquittal in Circumstantial Evidence Case - Appellant challenged conviction for murder under Sec. 302 and 201 IPC, arguing evidence was circumstantial without eyewitnesses - Prosecution alleged murder of deceased Gouri over relationship dispute, claiming Appellant struck her with coconut scraper and disposed of body in paddy field - Appellant contended gaps in prosecution's circumstantial chain, highlighting inconsistent witness statements and unreliable recovery of evidence - Supreme Court held prosecution failed to establish an unbroken chain of evidence, casting significant doubt on appellant's involvement - Doubts raised on presence, sequence of events, and evidence authenticity led Court to acquit appellant due to lack of proof beyond reasonable doubt. - Appeal Allowed

Law Point: In circumstantial cases, prosecution must establish a conclusive chain of evidence linking accused; absence of complete evidence warrants acquittal

Acts Referred:

Indian Penal Code, 1860 Sec. 201, Sec. 34, Sec. 302

For Full Judgement visit currentpublications.com or download 'Current Publications' Mobile App. Use Code: **SC24111239496**

2025(1)MDSCBHC(Criminal)80

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before B V Nagarathna; Pankaj Mithal]

Criminal Appeal No of 2024 **dated 04/11/2024**

Saibaj Noormohammad Shaikh vs. State of Maharashtra & Anr

SUSPENSION OF SENTENCE WITH VICTIM COMPENSATION

Indian Penal Code, 1860 Sec. 376D, Sec. 354 - Code of Criminal Procedure, 1973 Sec. 389, Sec. 357A, Sec. 357B - Protection of Children from Sexual Offences Act, 2012 Sec. 4 - Protection of Children from Sexual Offences Rules, 2012 Rule 7 - Protection of Children from Sexual Offences Rules, 2020 Rule 9 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 396 - Suspension of Sentence with Victim Compensation - Appellant sought suspension of sentence and bail under Sec. 389 CrPC, having served more than half his sentence - Appellant, convicted of Sec. 376D IPC and Sec. 4 of POCSO Act offenses, argued delay in appeal hearing justified interim relief - State opposed, stressing gravity of offenses against a minor - Supreme Court granted suspension of sentence with bail, citing long custody and co-accused's similar relief - Additionally, Court directed compensation for victim under Sec. 357A CrPC, emphasizing immediate relief under victim compensation schemes, including

Maharashtra's Manodhairya Scheme - Directed nationwide adherence to victim compensation protocols for minor or female victims in relevant cases. - Appeal Allowed

Law Point: Courts must ensure victim compensation orders for minor or female assault victims under CrPC Sec. 357A; timely implementation by Legal Services Authority essential

Acts Referred:

Indian Penal Code, 1860 Sec. 376D, Sec. 354

Code of Criminal Procedure, 1973 Sec. 389, Sec. 357A, Sec. 357B

Protection of Children from Sexual Offences Act, 2012 Sec. 4

Protection of Children from Sexual Offences Rules, 2012 Rule 7

Protection of Children from Sexual Offences Rules, 2020 Rule 9

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 396

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