Judicial Academy, Jharkhand

SNIPPETS
OF

SUPREME COURT JUDGEMENTS

DECEMBER 2025

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(Section 3 of the Muslim Women (Protection of Rights on Divorce) Act does not curtail the right of a divorced Muslim woman to claim the return of gifts given to her husband; denial of such a claim would violate her dignity under Article 21 of the Constitution. A High Court judgment holding otherwise was set aside.)

Facts

Rousanara Begum married S.K. Salahuddin on 28 August 2005. As is customary, at the time of marriage her father gave substantial money, gold ornaments, and household articles. The marriage, however, did not survive. Differences arose within a few years, compelling Rousanara Begum to leave her matrimonial home on 7 May 2009.

Subsequently, she initiated legal proceedings for maintenance under Section 125 of the Code of Criminal Procedure and also lodged a criminal case under Section 498-A IPC. Eventually, the marriage was dissolved by divorce on 13 December 2011.

After the divorce, Rousanara Begum approached the Magistrate under Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986, claiming return of money, gold ornaments (30 bhories), and other articles worth approximately ₹17.67 lakhs. Her claim was that these properties were given at the time of marriage and continued to belong to her, even though they were physically handed over to the husband or kept in the matrimonial home.

The Magistrate partly allowed her claim. The matter then travelled through multiple rounds of litigation—revision before the Sessions Court, remand, reappreciation of evidence, and reaffirmation of her entitlement to money and gold. Ultimately, when the matter reached the High Court, it reversed the findings of the lower courts. The High Court held that since the money and gold were given to the husband, the woman had no right to claim their return under the 1986 Act.

Aggrieved by this decision, Rousanara Begum approached the Supreme Court.

Issues

1. Whether a divorced Muslim woman can claim return of money, gold, and other articles given at the time of marriage, even if such gifts were handed over to the husband.
2. Whether a restrictive interpretation of Section 3 of the Muslim Women (Protection of Rights on Divorce) Act, 1986 defeats its object.
3. Whether denial of such property impacts the dignity and financial security of a divorced Muslim woman under Article 21 of the Constitution.

Judgment

The Supreme Court allowed the appeal and set aside the judgment of the High Court. It held that Rousanara Begum was entitled to the return of money and gold ornaments given at the time of marriage. The Court directed the respondent to remit the amount directly to her bank account and warned that failure to comply would attract interest.

Rationale

The Supreme Court strongly disagreed with the High Court's approach, observing that it treated the dispute as a purely civil disagreement over ownership of property. The Court held that such an approach completely ignored the purpose and spirit of the 1986 Act.

The Court explained that Section 3 of the Muslim Women (Protection of Rights on Divorce) Act is a beneficial provision enacted to secure the financial protection, dignity, and autonomy of Muslim women after divorce. The phrase "properties given to her before or at the time of marriage or after her marriage" must be interpreted purposively, not narrowly.

Importantly, the Court emphasized that the Act must be read in the light of constitutional values, especially Article 21, which guarantees dignity, equality, and personal autonomy. The

Court noted that in many social settings—particularly in smaller towns and rural areas—women often have no real control over how marriage gifts are recorded or to whom they are formally handed over. Denying them the right to reclaim such property after divorce would perpetuate structural inequality and patriarchal disadvantage.

The Supreme Court observed that when two interpretations of a welfare statute are possible, courts must adopt the one that advances social justice rather than restricts it. By refusing to return the gifts, the High Court had failed to protect the dignity and economic security of the divorced woman, thereby frustrating the very objective of the legislation.

Accordingly, the Court restored the orders granting relief to the appellant and reaffirmed that divorced Muslim women are entitled to reclaim marriage-related property as part of their right to live with dignity.

This judgment reinforces that Section 3 of the Muslim Women (Protection of Rights on Divorce) Act is not merely procedural but deeply rooted in constitutional guarantees of dignity and equality, and courts must interpret it with a humane, purposive, and rights-oriented approach.

2. Mission Accessiblity v Union of India; 2025 INSC 1376

Decided on: 3 December 2025

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Rights of Persons with Disabilities Act, 2016: In light of Articles 14, 16 and 21 of the Constitution, the timeline for registration of scribes in the Civil Service Examination was found to be unreasonable. Accordingly, the Court modified the timeline and directed the UPSC to frame and implement uniform guidelines within two months.)

Facts

The writ petition was instituted by *Mission Accessibility*, an organisation engaged in advancing and safeguarding the rights of persons with disabilities. The petition challenged certain procedural requirements imposed by the Union Public Service Commission (UPSC) in the conduct of the Civil Services Examination (CSE), particularly the requirement that candidates with benchmark disabilities must furnish details of their scribes at a rigid and early stage of the application process.

It was contended that this inflexible timeline caused serious hardship to candidates with disabilities, especially visually impaired candidates, who often face genuine and unforeseen difficulties in arranging scribes well in advance. The petitioner argued that the requirement effectively excluded such candidates from equal participation in one of the most important public employment examinations in the country. Along with the issue of scribe registration, the petition also raised concerns regarding denial of assistive technologies such as screen reader software and accessible digital question papers.

The petitioner asserted that these practices violated the Rights of Persons with Disabilities Act, 2016, and the constitutional guarantees of equality, equal opportunity in public employment, and dignity under Articles 14, 16, and 21 of the Constitution of India. The matter came to be heard by the Supreme Court, which actively monitored the steps taken by UPSC through affidavits and interim directions.

Issues

1. Whether the rigid and inflexible timeline for scribe registration prescribed by UPSC violates the rights of persons with disabilities under the Rights of Persons with Disabilities Act, 2016.
2. Whether such procedural rigidity infringes Articles 14, 16, and 21 of the Constitution, by denying substantive equality, equal opportunity in public employment, and the right to live with dignity.
3. Whether UPSC is under a constitutional and statutory obligation to frame uniform, reasonable, and accessible guidelines for scribe registration and assistive technologies.

Judgment

The Supreme Court disposed of the writ petition by issuing mandatory directions to UPSC. The Court directed that UPSC must modify its examination process to permit candidates eligible for scribes to request a change of scribe up to a reasonable period prior to the examination. It further directed UPSC to formulate and implement uniform guidelines governing scribe registration and related accommodations.

Importantly, the Court directed UPSC to file a comprehensive compliance affidavit within two months, detailing the roadmap, timeline, and modalities for implementing assistive measures, including screen reader software and accessible examination formats. The Union of India was also directed to extend all necessary administrative and technical support to UPSC for implementation of these measures.

Rationale of the Court

The Supreme Court undertook an extensive discussion on the meaning of equality in the context of disability rights. It observed that true equality does not mean identical treatment, but rather the removal of barriers that prevent individuals from competing on equal footing. The Court

emphasized that the Constitution envisions a shift from formal equality to substantive equality, particularly for historically disadvantaged groups such as persons with disabilities.

The Court held that procedural rigidity—such as insisting on early and immutable scribe registration—cannot be justified on grounds of administrative convenience when it results in the exclusion of disabled candidates. Such practices, the Court noted, undermine the guarantee of equal opportunity in public employment under Article 16 and violate Article 14 by creating unreasonable and discriminatory classifications.

The Court further linked accessibility directly with human dignity under Article 21, observing that denial of reasonable accommodation strips persons with disabilities of autonomy, agency, and meaningful participation in public life. It reiterated that reasonable accommodation is not a matter of charity or discretion, but a statutory and constitutional obligation flowing from the Rights of Persons with Disabilities Act, 2016.

The Court also critically noted that progressive policy decisions are meaningless unless accompanied by effective and time-bound implementation. While appreciating UPSC's in-principle acceptance of assistive technologies, the Court found the absence of a clear implementation roadmap unacceptable. It therefore insisted on uniform standards, inter-agency coordination, and fixed timelines to ensure that accessibility measures translate from intent into reality.

In conclusion, the Court held that constitutional bodies like UPSC must act as enablers of inclusion rather than gatekeepers of exclusion, and that the rights of persons with disabilities represent enforceable constitutional promises, not optional administrative considerations.

3. State of Karnataka v Taghar Vasudeva Ambrish; 2025 INSC 1380

Decided on: 4 December 2025

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice K.V. Viswanathan

(GST exemption: Hostel accommodation provided for long-term residential stay qualifies as a "residential dwelling." Applying the nature and use test, the Karnataka High Court affirmed that sub-letting in such circumstances does not disentitle the exemption, and no retrospective amendment can be applied.)

Facts

The respondent was a co-owner of a residential property in Bengaluru consisting of multiple rooms. The property was leased to a company which, in turn, used the premises as a hostel providing long-term accommodation to students and working professionals. The respondent claimed exemption from payment of GST on the rent received under Entry 13 of Notification No. 9/2017–Integrated Tax (Rate), which exempts services by way of renting of residential dwelling for use as residence.

The tax authorities rejected the claim. Both the Authority for Advance Ruling (AAR) and the Appellate Authority for Advance Ruling (AAAR) held that leasing the premises to a company for running a hostel amounted to a commercial activity and that the exemption was unavailable since the lessee itself was not using the premises as a residence. The High Court of Karnataka set aside these rulings and allowed the exemption. Aggrieved, the State of Karnataka appealed to the Supreme Court.

Issues

1. Whether a hostel providing long-term accommodation to students and working professionals qualifies as a "residential dwelling".

2. Whether the exemption under Entry 13 requires that the lessee itself must use the premises as a residence, or whether use by sub-lessees is sufficient.

3. Whether GST was payable on the rent received for the period prior to the 2022 amendment to the exemption notification.

Judgment

The Supreme Court dismissed the appeals and upheld the judgment of the High Court. It held that, for the relevant period, the respondent was entitled to exemption from GST under Entry 13 of Notification No. 9/2017. The Court ruled that leasing a residential property for use as a hostel for long-term residence falls within the scope of "renting of residential dwelling for use as residence".

Rationale and Discussion

The Court undertook a detailed examination of the expression "residential dwelling", noting that it is not defined under the GST law. Relying on dictionary meanings, earlier service tax guidance, and judicial precedents, the Court held that a residential dwelling includes any accommodation used for living, eating, and sleeping, even if the residence is temporary or shared. A hostel providing long-term accommodation to students and working professionals clearly satisfied this description.

The Court rejected the revenue's argument that the property ceased to be residential merely because it was leased to a company or because multiple rooms were involved. What is determinative, the Court held, is the nature and ultimate use of the property, not the legal status of the lessee.

On the question of use, the Court clarified that Entry 13 does not require that the lessee must itself reside in the premises. The exemption is activity-based, not person-specific. As long as the property is rented as a residential dwelling and is ultimately used for residence, the exemption applies. Importing an additional condition that the lessee must personally occupy the premises would amount to rewriting the notification and defeating legislative intent.

The Court further adopted a purposive interpretation, observing that the object of the exemption is to ensure that residential accommodation is not burdened with indirect tax. Levying GST on such transactions would ultimately shift the tax burden to students and working professionals, undermining the very purpose of the exemption.

Finally, the Court noted that the amendment introduced in 2022, which restricted the exemption where residential premises are rented to registered persons, could not be applied retrospectively. For the period prior to the amendment, the respondent was fully entitled to the exemption.

Accordingly, the Court affirmed that leasing residential premises for use as a hostel for long-term residence qualifies for GST exemption, and the appeals were dismissed.

4. Neeraj Kumar v State of UP; 2025 INSC 1386

Decided on: 4 December 2025

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice N.K. Singh

(Section 161, Code of Criminal Procedure, 1973: A statement recorded under Section 161 can be treated as a dying declaration if the maker subsequently dies. Imminence of death is not a mandatory precondition for a dying declaration, and the High Court judgment was accordingly set aside.)

Facts

The case arose from a tragic incident involving the death of a young married woman, Nishi, who sustained gunshot injuries at her matrimonial home and later succumbed to those injuries. The appellant, Neeraj Kumar, is the brother of the deceased. On 25 March 2021, he lodged an FIR after receiving a distressing phone call from his nine-year-old niece, Shristi, who informed him that her father had shot her mother.

The injured woman was initially taken to a government hospital and later shifted to a private hospital for treatment. During the course of her treatment, two statements under Section 161 of the Code of Criminal Procedure were recorded by the police. In the first statement, recorded immediately after the incident, she stated that her husband had shot her following a quarrel. In a subsequent statement recorded about three weeks later, she made detailed allegations that her husband had acted at the instigation of his mother, brother, and brother-in-law, naming each of them and describing their role in provoking and facilitating the act.

Despite these statements, after the woman's death on 15 May 2021, the investigating agency filed a charge-sheet only against the husband under Sections 302 and 316 IPC, and exonerated the other family members. During the trial, the prosecution examined the complainant (brother of the deceased) and the minor daughter of the deceased. The child witness gave a vivid account of the incident, stating that her father fired at her mother after being provoked by his relatives, who were present at the spot and actively instigated the shooting.

On the basis of this evidence, the prosecution moved an application under Section 319 CrPC seeking summoning of the mother-in-law, brother-in-law, and brother-in-law's relative as additional accused. The Trial Court rejected the application, holding that the evidence was not strong enough to invoke the extraordinary power under Section 319. The High Court affirmed this decision, primarily on the grounds that (i) the statements of the deceased could not be treated as dying declarations due to the time gap between recording and death, and (ii) the child witness was not a reliable eyewitness. The appellant challenged these findings before the Supreme Court.

Issues

1. Whether the material that emerged during trial constituted strong and cogent evidence sufficient to invoke the power under Section 319 CrPC.
2. Whether statements recorded under Section 161 CrPC by a person who later dies can be treated as dying declarations under Section 32(1) of the Evidence Act.
3. Whether the Trial Court and High Court erred by evaluating credibility and conducting a mini-trial at the stage of deciding an application under Section 319 CrPC.

Judgment

The Supreme Court allowed the appeal, set aside the orders of the High Court and the Trial Court, and directed that the private respondents be summoned as additional accused under Section 319 CrPC. The Court clarified that its observations were confined only to the decision on the summoning application and would not prejudice the merits of the trial. The Trial Court was directed to expedite the proceedings.

Rationale and Detailed Discussion of the Court

The Supreme Court undertook an extensive analysis of the object, scope, and limits of Section 319 CrPC. It reiterated that the provision exists to ensure that the criminal justice system does not fail

by allowing real offenders to escape trial merely because they were not charge-sheeted by the police. The power is extraordinary and discretionary, but it also casts a duty on the court to act when evidence surfaces during trial pointing towards the involvement of other persons.

The Court reaffirmed settled law that the standard of satisfaction required under Section 319 is higher than the prima facie standard applied at the stage of framing charges, but lower than the standard required for conviction. What is required is evidence which, if left unrebutted, would reasonably warrant putting the person on trial. Importantly, the Court cautioned that at this stage, courts must not weigh evidence, test credibility, or compare versions, as that would amount to conducting a mini-trial.

Applying these principles to the facts of the case, the Court found serious flaws in the approach adopted by the courts below.

First, with respect to the testimony of the complainant (PW-1), the Court held that although he was not an eyewitness, his deposition clearly disclosed motive, a consistent narrative of harassment, and immediate disclosure by the child witness implicating the proposed accused. The Court emphasized that an FIR is not expected to be an encyclopaedia of facts and omissions therein cannot, by themselves, discredit later consistent testimony.

Second, the Court dealt at length with the testimony of the minor child witness (PW-2). It found that her deposition, read as a whole, assigned specific and overt roles to the proposed accused, including instigation, supply of weapon, and presence at the scene. The High Court, in the Supreme Court's view, committed a grave error by selectively relying on portions of her cross-examination to conclude that she was not an eyewitness. Such an approach amounted to an impermissible assessment of credibility at the Section 319 stage. Whether the child witness was fully reliable, whether she was tutored, or whether her version would ultimately inspire confidence were all matters for final adjudication at trial, not for rejection at the threshold.

Third, and most significantly, the Court elaborated on the evidentiary value of the statements of the deceased recorded under Section 161 CrPC. It categorically held that once the maker of such statements dies, and the statements relate to the cause of death or circumstances leading to death, they become admissible under Section 32(1) of the Evidence Act, notwithstanding the bar under Section 162 CrPC. Such statements assume the character of dying declarations.

The Court rejected the High Court's reasoning that the time gap between the recording of the statements and the death of the declarant rendered them inadmissible. It clarified that the law does not require the declarant to be under an expectation of imminent death. What is material is the nexus between the statement and the cause or circumstances of death. The absence of a Magistrate or medical certification regarding fitness was held to be a matter of prudence, not a rule of law, and could not be a ground to discard the statements at the summoning stage.

Finally, the Court held that when the cumulative effect of the evidence was considered—the testimony of the complainant, the detailed account of the child witness, and the dying declarations of the deceased—it clearly disclosed the involvement of the proposed accused. The refusal to summon them amounted to a failure to exercise jurisdiction vested in the court and undermined the purpose of Section 319 CrPC.

In conclusion, the Supreme Court held that the courts below had adopted an unduly restrictive and legally flawed approach, thereby risking a situation where potentially culpable persons could escape trial. The intervention of the Supreme Court was therefore necessary to uphold the integrity of the criminal justice process.

5. Laxmikant Sharma v. State of Madhya Pradesh & Others; 2025 INSC 1385

Decided on: 5 December 2025

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Vipul Manibhai Pancholi

(The Supreme Court has held that eligibility conditions in a recruitment advertisement must be applied in a reasonable and purposive manner by assessing the curriculum and academic content studied by the candidate rather than mechanically depending upon the title of the degree.)

Facts:

Laxmikant Sharma was appointed on a contractual basis as a Monitoring and Evaluation Consultant under the Water Support Organisation, State Water Mission, P.H.E.D., Madhya Pradesh, pursuant to an advertisement requiring a postgraduate degree in Statistics. The appellant held an M.Com. degree in which Business Statistics and Indian Economic Statistics were studied as principal subjects, and his documents were verified at the time of appointment. After he served for about one year without any adverse remarks, an inquiry committee opined that he did not possess a postgraduate degree in Statistics, leading to termination of his services. Despite multiple rounds of litigation, remands by the High Court, a University certificate confirming that Statistics was a principal subject in his postgraduate course, and an expert opinion by the Director of the department recommending his continuation, the State repeatedly terminated his services on the ground of lack of qualification, which was upheld by the High Court.

Issues:

1. Whether the expression "Postgraduate degree in Statistics" should be interpreted strictly by degree nomenclature or purposively by examining the curriculum studied.
2. Whether the repeated termination of the appellant, despite expert opinions and prior judicial directions, was arbitrary and violative of Article 14.
3. Whether termination based on an inquiry report prepared without granting a hearing violates principles of natural justice.

Judgment:

The Supreme Court allowed the appeal, set aside the judgments of the Single Bench and Division Bench of the Madhya Pradesh High Court, and held that the appellant was wrongly terminated. The Court directed restoration of the appellant to the post of Monitoring and Evaluation Consultant with all consequential benefits, while clarifying that the decision was confined to the peculiar facts of the case and should not be treated as a general precedent.

Rationale:

The Supreme Court's reasoning was grounded in the principles of fairness, purposive interpretation, and non-arbitrariness under Article 14 of the Constitution. The Court first examined the eligibility condition requiring a "postgraduate degree in Statistics" and held that such a requirement cannot be interpreted mechanically by focusing only on the title of the degree. Where the factual position showed that no Government university in the State offered a standalone postgraduate degree explicitly titled "Statistics," insisting on nomenclature alone would lead to an unreasonable and impractical result. The Court therefore adopted a **purposive and contextual interpretation**, holding that what matters is the substance of the qualification, namely whether the candidate had studied core statistical subjects at the postgraduate level, and not merely the label attached to the degree.

The Court further distinguished the case from earlier precedents on equivalence of qualifications, clarifying that the appellant was not seeking recognition of an alternative or equivalent degree. Instead, he was asserting that he fulfilled the very qualification prescribed in the advertisement when reasonably construed. This distinction was crucial, as judicial restraint in academic matters applies primarily to cases involving equivalence, whereas the present dispute concerned a manifestly rigid and arbitrary interpretation of the prescribed qualification by the employer itself.

A significant part of the Court's rationale was the **evidentiary value of expert and institutional opinions**. The University had certified that the appellant studied Business Statistics and Indian Economic Statistics as principal subjects in his M.Com. programme. Additionally, the Director of the concerned department, a competent expert authority, had examined the curriculum and expressly opined that the appellant satisfied the eligibility criteria and deserved continuation. The

State failed to provide any rational justification for discarding this expert opinion, and the Court held that ignoring such relevant material renders the administrative decision arbitrary and unsustainable in law.

The Court also scrutinised the reliance placed on the report of the 8-member inquiry committee and found it legally flawed. The committee's conclusion that the appellant had not studied Statistics was factually incorrect in light of the University's certification. More importantly, the report was prepared without granting the appellant an opportunity of being heard, thereby violating the **principles of natural justice**. Continued reliance on such a procedurally defective report, even in subsequent termination orders passed after judicial remands, demonstrated non-application of mind and administrative unfairness.

On the issue of equality, the Court rejected the State's defence of "negative equality." It observed that the appellant was not claiming parity with unqualified persons but with similarly placed candidates who possessed postgraduate degrees containing Statistics as principal subjects and were retained in service. In the absence of any intelligible differentia or reasonable classification, singling out the appellant for termination amounted to hostile discrimination and offended Article 14.

Finally, the Court reiterated that even in matters of **contractual employment**, the State does not shed its constitutional obligations. Termination of a contractual employee on the ground of ineligibility must still satisfy standards of reasonableness, fairness, and non-arbitrariness. Since the foundation of the termination—lack of qualification—was found to be factually incorrect and procedurally unfair, judicial interference was justified. Thus, the cumulative effect of rigid interpretation, disregard of expert opinion, violation of natural justice, and discriminatory treatment led the Court to conclude that the termination was arbitrary and unconstitutional.

6. Dr. Sohail Malik v Union of India & Anr.; 2025 INSC 1415

Decided on: 10 December 2025

Bench: 1. Hon'ble Mr. Justice J.K. Maheshwari

2. Hon'ble Mr. Justice Vijay Bishnoi

(Section 9 of the POSH Act 2013 — Limits of ICC jurisdiction under the POSH Act — the ICC of the aggrieved woman's workplace has jurisdiction to inquire into a complaint even if the respondent is employed in a different workplace.)

Facts

Dr. Sohail Malik, a 2010-batch IRS officer, was posted as Officer on Special Duty, Investigation, Central Board of Direct Taxes, Delhi. The aggrieved woman, a 2004-batch IAS officer, was serving as Joint Secretary in the Department of Food and Public Distribution.

On 15 May 2023, the aggrieved woman alleged that Dr. Malik sexually harassed her at Krishi Bhawan, New Delhi, which was her workplace. An FIR was registered against him under various provisions of the IPC and the IT Act.

Subsequently, the aggrieved woman filed a complaint under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 before the Internal Complaints Committee (ICC) constituted at her department. The ICC issued notice to Dr. Malik for inquiry.

Dr. Malik challenged the jurisdiction of the ICC before the Central Administrative Tribunal, contending that only the ICC constituted in his own department could inquire into the complaint. The CAT dismissed his application. The Delhi High Court affirmed this view. Aggrieved, he approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the ICC constituted at the workplace of the aggrieved woman has jurisdiction to inquire into a POSH complaint against a respondent employed in a different department.

2. Whether the expression "where the respondent is an employee" in Section 11 of the POSH Act restricts jurisdiction only to the ICC of the respondent's workplace.
3. Whether, under the scheme of the POSH Act, findings of such ICC can be acted upon by the employer of the respondent.

Judgment

The Supreme Court dismissed the appeal and upheld the orders of the CAT and the Delhi High Court. It held that the ICC constituted at the workplace of the aggrieved woman was competent to conduct the inquiry under the POSH Act, even though the respondent was employed in a different department.

Rationale

The Court undertook a detailed interpretation of Sections 2 and 11 of the POSH Act. It rejected the argument that the word "where" in Section 11 refers to the location of the respondent's employment. Instead, the Court held that the provision merely lays down different procedural situations, where the respondent is an employee, where no service rules exist, and where the respondent is a domestic worker. It does not impose any territorial or departmental limitation on the ICC's jurisdiction.

The Court emphasized that the definitions of "respondent," "employee," and especially "workplace" under Section 2(o) are intentionally broad. "Workplace" includes any place visited by an employee during the course of employment. The statute does not require that the respondent must belong to the same workplace as the aggrieved woman.

Adopting a purposive interpretation, the Court held that restricting jurisdiction only to the ICC of the respondent's department would defeat the very object of the POSH Act. Such a narrow construction would create serious practical and psychological barriers for aggrieved women, forcing them to approach an unfamiliar workplace to seek redress.

The Court further clarified that under Section 13 of the POSH Act, while the ICC of the aggrieved woman's workplace conducts the fact-finding inquiry, the report and recommendations are to be sent to the employer of the respondent, who is statutorily bound to act upon them. Thus, inquiry and disciplinary control are distinct, and inter-departmental functioning is built into the statutory scheme.

Accordingly, the Supreme Court held that the ICC at the aggrieved woman's workplace had lawful jurisdiction and that no prejudice was caused to the appellant.

This judgment authoritatively settles that under the POSH Act, 2013, jurisdiction of the ICC is determined with reference to the aggrieved woman's workplace and the occurrence of sexual harassment, not the departmental affiliation of the respondent. The decision reinforces a purposive, victim-centric interpretation of the Act to ensure effective access to redressal mechanisms and to advance the constitutional guarantees of dignity, equality, and a safe working environment.

7. National Cooperative Development Corporation v Assistant Commissioner of Income Tax, 2025 INSC 1414

Decided on: 10 December 2025

Bench: 1. Hon'ble Mr. Justice Pamidighantam Sri Narasimha

2. Hon'ble Mr. Justice Atul S. Chandurkar

(Section 36(1)(viii) of the Income Tax Act — deduction is confined strictly to profits derived from the business of providing long-term finance; dividend income, interest on short-term deposits, and service charges are not eligible.)

Facts

The National Cooperative Development Corporation (NCDC) is a statutory body engaged in promoting agricultural and cooperative development, primarily through financing activities. For several assessment years, NCDC claimed deductions under Section 36(1)(viii) of the Income Tax Act, 1961 in respect of three categories of income:

1. Dividend income from investments in shares,
2. Interest earned on short-term bank deposits, and
3. Service charges received for monitoring loans under the Sugar Development Fund (SDF) scheme.

The Assessing Officer disallowed the deductions, holding that these receipts were not "profits derived from the business of providing long-term finance." This view was upheld successively by the Commissioner of Income Tax (Appeals), the Income Tax Appellate Tribunal, and the Delhi High Court. Aggrieved, NCDC approached the Supreme Court.

Issues Before the Supreme Court

1. Whether dividend income on investments qualifies as profits derived from the business of providing long-term finance under Section 36(1)(viii).

2. Whether interest on short-term bank deposits can be treated as profits derived from such business.

3. Whether service charges received for acting as a nodal agency under the Sugar Development Fund are eligible for deduction under Section 36(1)(viii).

Judgment

The Supreme Court dismissed the batch of appeals and affirmed the judgment of the Delhi High Court. It held that none of the three categories of income qualified for deduction under Section 36(1)(viii), as they were not profits *derived from* the business of providing long-term finance.

Rationale

The Court traced the legislative history of Section 36(1)(viii), particularly the 1995 Finance Act amendment, which replaced a broad deduction regime with a narrow, source-specific benefit limited to profits "derived from" long-term finance. This change, the Court held, reflected a clear parliamentary intent to ring-fence the deduction and exclude ancillary or incidental income.

On interpretation, the Court reiterated that the expression "derived from" requires a direct and first-degree nexus between the income and the specified activity. It is narrower than the expression "attributable to" and excludes income that is only indirectly connected to the business.

Applying this test, the Court held:

• **Dividend income** flows from shareholding and not from the activity of lending. A shareholder is not a creditor, and dividends cannot be equated with interest on loans.
• **Interest on short-term deposits** arises from parking surplus funds with banks. Though such interest may constitute business income, it is a step removed from the activity of providing long-term finance and therefore fails the "derived from" test.
• **Service charges under the SDF scheme** were received for acting as a nodal agency of the Government of India. Since the funds belonged to the government and NCDC merely performed

administrative functions, this income was not generated from lending its own funds as long-term finance.

The Court rejected the argument that NCDC's functions constituted a single, indivisible integrated activity. It emphasized that in fiscal statutes, specific incentive provisions must be construed strictly, and benefits cannot be extended beyond the precise statutory language.

This judgment reaffirms the strict construction of tax incentive provisions and clarifies that under Section 36(1)(viii) of the Income Tax Act, only income having a direct and immediate nexus with the activity of providing long-term finance qualifies for deduction. Ancillary receipts, even if arising in the course of business fall outside the statutory benefit.

8. Central Bureau of Investigation v Dayamoy Mahato & Ors., 2025 INSC 1418

Decided on: 11 December 2025

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Nongmeikapam Kotiswar Singh

(Bail in heinous offences involving UAPA and mass casualties — Section 436-A CrPC inapplicable where death is a prescribed punishment; prolonged incarceration engages Article 21, but national security and gravity of offence remain paramount. High Court erred in invoking Section 436-A, yet bail not interfered with due to absence of misuse of liberty and extraordinary delay in trial.)

Facts

On 28 May 2010, the Jnaneshwari Express derailed between Khemasuli and Sardiha railway stations after the railway track was sabotaged, leading to the death of 148 persons, injuries to over 170 persons, and extensive destruction of public property. The Central Bureau of Investigation registered an FIR alleging that the derailment was a result of a criminal conspiracy aimed at pressurising the Government and spreading terror.

The respondents were charge-sheeted for offences under Sections 120-B, 302, 307 and other provisions of the IPC, Sections 150/151 of the Railways Act, and Sections 16 and 18 of the Unlawful Activities (Prevention) Act, 1967. They were alleged to have played various roles in facilitating the conspiracy through coordination, communication, and logistical support.

Their earlier bail applications had been rejected in 2016 with directions for expeditious trial. However, despite the passage of several years, a substantial number of witnesses remained unexamined. In 2022–2023, the Calcutta High Court granted bail to several accused relying on Section 436-A CrPC and Article 21. Aggrieved, the CBI approached the Supreme Court.

Issues Before the Supreme Court

1. Whether Section 436-A CrPC could be invoked in cases where the offences are punishable with death.
2. Whether prolonged incarceration of undertrials in heinous and terror-related offences warrants bail under Article 21 of the Constitution.
3. How courts should balance individual liberty with national security concerns and the reverse burden of proof under the UAPA.
4. Whether the High Court's grant of bail warranted interference.

Judgment

The Supreme Court partly allowed the appeals. It held that the High Court had erred in invoking Section 436-A CrPC, as the provision does not apply to offences punishable with death. However, the Court declined to interfere with the grant of bail, considering the extraordinary length of incarceration, the inordinate delay in trial, and the absence of any misuse of liberty by the accused after their release.

Rationale

The Court clarified that Section 436-A CrPC creates a statutory right to release only in cases where death is not one of the prescribed punishments. Since the respondents were facing charges including Section 302 IPC and Section 16 UAPA, the High Court's reliance on Section 436-A was legally unsustainable.

On Article 21, the Court reaffirmed that the right to life and personal liberty, including the right to a speedy trial, extends to all undertrials irrespective of the gravity of allegations. At the same time, in offences affecting national security and public safety, courts must exercise heightened vigilance and balance individual liberty against societal and sovereign interests.

The Court undertook a detailed discussion on reverse burden statutes like the UAPA, noting that prolonged incarceration seriously impairs an accused's ability to rebut statutory presumptions. A constitutional democracy, it observed, must ensure not only stringent laws but also meaningful access to justice, effective legal assistance, and timely trials.

Although the Court found that the High Court ought not to have granted bail in view of the enormity of the offence, it ultimately refused to cancel bail because the accused had already spent over a decade in custody, the trial had progressed at a glacial pace, and there was no allegation of absconding, tampering with evidence, or influencing witnesses after their release. The Court also issued extensive directions to ensure day-to-day trial and systemic reforms in long-pending UAPA cases.

This decision is a significant exposition on the intersection of bail jurisprudence, Article 21, and anti-terror legislation. It holds that Section 436-A CrPC cannot be invoked in capital offences, but prolonged pre-trial incarceration may still justify bail on constitutional grounds. The judgment underscores that while national security and gravity of crime are crucial, indefinite detention without conclusion of trial imperils the foundational values of fairness, dignity, and due process.

9. Akola Municipal Corporation v Zishan Hussain & Ors., 2025 INSC 1398

Decided on: 8 December 2025

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Judicial review of fiscal policy in PIL — courts must exercise restraint; municipal corporations are empowered and duty-bound to periodically revise property taxes; High Court erred in quashing tax revision in a public interest litigation.)

Facts

The Akola Municipal Corporation revised property tax rates for the period 2017–18 to 2021–22 after nearly sixteen years without any revision. The revision followed a comprehensive door-to-door property survey conducted through a technical agency and was aimed at strengthening municipal revenue.

Dr. Zishan Hussain, a resident of Akola and a corporator, filed a Public Interest Litigation before the Bombay High Court (Nagpur Bench) challenging the revision of property tax on the ground that it was arbitrary and made without following due process. The High Court allowed the PIL, quashed the resolutions revising property tax, and also rejected the Corporation's review application.

Aggrieved, the Akola Municipal Corporation approached the Supreme Court.

Issues Before the Supreme Court

1. Whether a Public Interest Litigation was maintainable to challenge the municipal corporation's decision revising property tax.
2. Whether the High Court exceeded the permissible limits of judicial review by interfering with a fiscal and policy decision of a municipal body.

3. Whether the revision of property tax, undertaken after a long gap, could be interdicted in the absence of perversity, illegality, or constitutional violation.

Judgment

The Supreme Court allowed the appeals and set aside the judgment and review order of the High Court. It upheld the validity of the municipal resolutions revising property tax and restored the Corporation's power to implement the revised rates.

Rationale

The Court held that municipal bodies are autonomous statutory institutions entrusted with vital public functions such as urban planning, sanitation, infrastructure, and public health. To discharge these constitutional and statutory obligations, they must possess financial autonomy, including the power to periodically revise taxes.

The Court found that the High Court had transgressed the limits of judicial review by effectively sitting in appeal over an economic policy decision. It reiterated that courts do not examine the wisdom of fiscal measures but only their legality, procedural compliance, and constitutional validity.

The Court also doubted the bona fides and locus of the writ petitioner, noting that he had raised what was essentially an individual grievance under the garb of a PIL, despite the availability of a statutory appellate remedy under the Maharashtra Municipal Corporations Act.

Relying on settled precedent, the Court emphasized that interference in economic and fiscal policy through PIL is impermissible unless there is a clear violation of constitutional or statutory provisions. Since no perversity, arbitrariness, or illegality was demonstrated in the procedure adopted by the Corporation, the High Court's intervention was held to be unwarranted.

This judgment reaffirms the doctrine of judicial restraint in matters of economic and fiscal policy. It underscores that municipal corporations are not only empowered but obligated to revise tax

structures to ensure financial sustainability, and courts should not interfere with such policy decisions in PILs unless there is a manifest violation of law or constitutional mandate.

10.K. S. Dinachandran v Shyla Joseph; 2025 INSC 1449

Decided on: 17 December 2025

Bench: 1. Hon'ble Mr. Justice Ahsanuddin Amanullah,

2. Hon'ble Mr. Justice K.V. Chandran

(Will: Exclusion of one out of nine children in a suit for partition was based on a document attested by a beneficiary. As the requisites of a valid will were not satisfied, the verdict upheld by the High Court was challenged before the Supreme Court. Considering the undeniable probative value of leading questions, leave was granted.)

Facts

The dispute arose out of a family partition suit concerning the estate of N.S. Sreedharan, who had nine children. During his lifetime, the testator executed a registered Will dated 26 March 1988, which was registered the very next day through commission at his residence. By this Will, the testator bequeathed his properties to eight of his nine children, deliberately excluding the plaintiff, who had married outside the community.

Soon after the execution of the Will, one of the beneficiaries filed a suit for permanent injunction in 1990 to restrain the plaintiff from interfering with possession of the property. A copy of the Will was produced in that suit. The plaintiff did not contest the injunction proceedings, and an ex parte decree was passed.

More than two decades later, in 2011, the plaintiff instituted a suit for partition, claiming that the properties were partible and asserting her right as a legal heir. The defendants relied on the Will and contended that the plaintiff had no share in view of the testamentary disposition.

During trial, one of the two attesting witnesses to the Will had already passed away. The surviving attesting witness (DW-2) was examined. The Trial Court, however, disbelieved the Will on the ground that DW-2 had not adequately proved the attestation by the other witness as required under Section 63(c) of the Indian Succession Act, 1925, read with Section 68 of the Evidence Act, 1872. The High Court affirmed this finding, holding that answers elicited in cross-examination through

leading questions lacked probative value and that certain inconsistencies created suspicious circumstances around the execution of the Will.

Aggrieved by the concurrent findings, the defendants approached the Supreme Court .

Issues

1. Whether the Will dated 26 March 1988 was duly proved in accordance with Section 63(c) of the Indian Succession Act and Section 68 of the Evidence Act.
2. Whether the evidence of a single surviving attesting witness, including admissions elicited in cross-examination, was sufficient to prove due execution and attestation of the Will.
3. Whether the courts below were justified in treating the Will as surrounded by suspicious circumstances, merely because one child was excluded from inheritance.

Judgment

The Supreme Court allowed the appeals, set aside the judgments of the Trial Court and the High Court, and held that the Will stood validly proved. Consequently, the partition suit filed by the plaintiff was dismissed, and it was held that she had no partible share in the estate of her father.

Rationale and Detailed Discussion of the Court

The Supreme Court undertook a comprehensive examination of the law governing proof of wills, reiterating that the foundational requirements are contained in Section 63 of the Succession Act and Section 68 of the Evidence Act. At least one attesting witness must be examined, and such witness must depose not only to the execution of the Will by the testator, but also to the attestation by both attesting witnesses.

The Court emphasized that proof of a Will is essentially a question of fact, and while courts must exercise caution—especially where a Will alters the normal line of succession—this caution should not degenerate into unwarranted suspicion or technical rigidity.

On appreciation of evidence, the Court closely analysed the deposition of DW-2. It found that:

- DW-2 clearly identified the signature of the testator and his own signature on the Will.
- He deposed to the presence of the testator, the other attesting witness, and the Sub-Registrar at the relevant time.
- Although his examination-in-chief did not explicitly state that the other witness had attested the Will, this missing element was supplied during cross-examination, where DW-2 affirmed that all concerned had signed the Will on the same occasion.

The Supreme Court categorically rejected the High Court's view that answers given to leading questions in cross-examination lack probative value. It held that leading questions are permissible in cross-examination, and admissions made therein are valid evidence. What matters is the substance of the testimony, not the form in which it is elicited.

The Court also addressed the alleged inconsistencies regarding the dates of execution and registration. It held that minor discrepancies in recollection, especially when evidence is recorded more than two decades after the execution of the Will, are natural and cannot, by themselves, render the Will suspicious. The Court cautioned against expecting mathematical precision from human memory after such a long lapse of time.

On the question of suspicious circumstances, the Court clarified that exclusion of one legal heir does not automatically render a Will suspicious. Testamentary freedom allows a testator to distribute property as per his own wishes, and courts must place themselves in the armchair of the testator, not substitute their own notions of fairness or equity. The Court noted that the testator's mental capacity was never seriously disputed and was, in fact, affirmed by the attesting witness.

Finally, the Court held that the concurrent findings of the courts below suffered from an overly technical and erroneous appreciation of evidence, leading to an unjustified invalidation of a duly executed Will. Since the Will was proved in accordance with law, the plaintiff's claim for partition was untenable.

In conclusion, the Supreme Court reaffirmed that judicial conscience must be satisfied by evidence, not by conjecture, and that testamentary intent, once legally proved, must be given full effect.

11. Andhra Pradesh Power Generation Corporation Limited (APGENCO) v Tecpro Systems Limited; 2025 INSC 1447

Decided on: 17 December 2025

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha,

2. Hon'ble Mr. Justice A.S. Chandurkar

(Section 11, Arbitration and Conciliation Act, 1996: Invocation of arbitration by a member of a consortium was examined in light of the consortium agreement and the principal contract. At the referral stage, only a prima facie satisfaction as to the existence of an arbitration agreement is required. The authority of the consortium member and allied objections were held to be issues falling within the arbitral tribunal's jurisdiction under Section 16. The High Court's order constituting the arbitral tribunal was upheld and the civil appeals were dismissed.)

Facts

The appellant, Andhra Pradesh Power Generation Corporation Limited (APGENCO), floated a tender for execution of EPC works for its Rayalseema Thermal Power Plant. The tender permitted participation by a consortium of companies and incorporated the General Conditions of Contract (GCC), which contained an arbitration clause (Clause 22.2).

A consortium comprising Tecpro Systems Ltd. (Respondent No. 1), VA Tech Wabag Ltd., and Gammon India Ltd. was formed, with Tecpro designated as the lead member. The consortium was awarded the contract, and multiple purchase orders were issued in its favour. Each consortium member undertook distinct portions of the work, and payments were made proportionately.

During execution, Tecpro Systems faced financial difficulties and was eventually admitted into Corporate Insolvency Resolution Process (CIRP) and later liquidation. Disputes arose between Tecpro and APGENCO regarding delays, alleged breaches, and outstanding dues. Tecpro unilaterally issued notices invoking the arbitration clause and sought appointment of an arbitral tribunal.

APGENCO objected, contending that the arbitration agreement was only between APGENCO and the consortium as a collective entity, and that an individual consortium member lacked authority

to invoke arbitration. Despite these objections, the High Court, exercising jurisdiction under Section 11(6) of the Arbitration and Conciliation Act, 1996, appointed an arbitral tribunal. This order was challenged before the Supreme Court.

Issues

1. Whether, at the stage of Section 11 of the Arbitration and Conciliation Act, 1996, the Court must conclusively determine whether an individual consortium member has the capacity to invoke arbitration.
2. Whether the High Court exceeded its jurisdiction by referring the dispute to arbitration despite objections relating to authority, capacity, and maintainability.
3. Whether such objections ought to be decided by the referral court or left to the Arbitral Tribunal under Section 16 of the Act.

Judgment

The Supreme Court dismissed the appeals and upheld the order of the High Court constituting the Arbitral Tribunal. It held that the High Court had correctly confined itself to a prima facie examination of the existence of an arbitration agreement and rightly left all other objections, including the authority of an individual consortium member to invoke arbitration, to be decided by the Arbitral Tribunal.

Rationale and Detailed Discussion of the Court

The Supreme Court undertook an extensive analysis of the limited scope of judicial intervention at the referral stage under Section 11 of the Arbitration and Conciliation Act, particularly after the insertion of Section 11(6-A). The Court reiterated that the legislative intent is to restrict the court's enquiry to a prima facie determination of the existence of an arbitration agreement, and nothing more.

The Court emphasized that objections relating to:

- capacity of a party to invoke arbitration,
- authority of an individual consortium member,
- continuation or dissolution of the consortium,
- impact of insolvency proceedings, and
- maintainability of claims,

are all matters falling squarely within the jurisdiction of the Arbitral Tribunal under Section 16, which embodies the doctrine of kompetenz–kompetenz.

The Supreme Court clarified that a referral court must resist the temptation to conduct a mini-trial by examining contractual definitions, consortium agreements, correspondence, and factual disputes in detail. Such an approach would defeat the pro-arbitration policy of the Act and undermine the autonomy of the arbitral process.

Addressing the specific contention that only the consortium, and not an individual member, could invoke arbitration, the Court held that this issue does not admit of a uniform or abstract answer. It depends on a detailed examination of:

- the tender conditions,
- the General Conditions of Contract,
- the consortium agreement, and
- the conduct of parties during performance of the contract.

Such an examination necessarily requires appreciation of evidence and contractual interpretation, which is the exclusive domain of the Arbitral Tribunal.

The Court further relied on consistent precedents to reaffirm that, at the Section 11 stage, even complex jurisdictional objections must ordinarily be left open for determination by the tribunal. Once a prima facie arbitration agreement is shown to exist, the referral court must allow the arbitral process to take its course.

Applying these principles, the Court found that:

- the existence of an arbitration clause was not seriously in dispute;
- the High Court had correctly applied the prima facie test; and
- all objections raised by APGENCO could be effectively addressed before the Arbitral Tribunal.

In conclusion, the Supreme Court held that the High Court had acted well within its jurisdiction and that judicial restraint at the pre-arbitral stage is essential to uphold the objectives of the Arbitration and Conciliation Act, 1996.

12.Ranjeet Baburao Nimbalkar v State of Maharashtra; 2025 INSC 1460

Decided on: 18 December 2025

Bench: 1. Hon'ble Mr. Aravind Kumar,

2. Hon'ble Mr. Justice N.V. Anjaria

(Section 51(3), States Reorganisation Act, 1956: The Chief Justice, as the Master of the Roster, has the exclusive prerogative to determine the Court's sittings. In the absence of mala fides or manifest illegality, such decisions are not open to interference, as they are integral to the Chief Justice's administrative responsibilities.)

Facts

The petitioner filed a writ petition under Article 32 of the Constitution challenging an administrative notification dated 01.08.2025 issued by the High Court of Judicature at Bombay. By this notification, issued in exercise of powers under Section 51(3) of the States Reorganisation Act, 1956 with the approval of the Governor of Maharashtra, Kolhapur was appointed as an additional place where Judges and Division Courts of the Bombay High Court would sit.

The petitioner contended that the notification effectively created a permanent additional Bench without following the procedure prescribed under Section 51(2), which requires a Presidential order and consultation with constitutional authorities. It was argued that earlier proposals for additional benches in Maharashtra had been rejected and that the sudden decision lacked adequate consultation, objective criteria, and violated Articles 14 and 21 of the Constitution. The petitioner sought quashing of the notification and restraint on holding sittings at Kolhapur.

The respondents, including the State of Maharashtra and the High Court administration, defended the notification, asserting that Section 51(3) confers an independent and continuing power on the Chief Justice to appoint additional places of sitting for the convenient transaction of judicial business, and that the decision was taken bona fide to enhance access to justice.

Issues

1. Whether Section 51(3) of the States Reorganisation Act, 1956 permits the Chief Justice of a High Court to appoint an additional place of sitting on a continuing basis.
2. Whether the impugned notification amounted to a colourable exercise of power to establish a permanent Bench without following Section 51(2).
3. Whether the decision suffered from lack of consultation, arbitrariness, or violated Articles 14 and 21 of the Constitution.
4. What are the limits of judicial review in matters of internal judicial administration.

Judgment

The Supreme Court dismissed the writ petition and upheld the notification appointing Kolhapur as an additional place of sitting of the Bombay High Court. It held that the notification was a valid exercise of power under Section 51(3), issued by the competent authority with the approval of the Governor, and suffered from no constitutional or statutory infirmity.

Rationale and Discussion of the Court

The Court undertook a detailed examination of Section 51 of the States Reorganisation Act, 1956, and clarified the distinction between sub-sections (2) and (3). It held that while Section 51(2) deals with the establishment of permanent Benches involving territorial bifurcation through a Presidential order, Section 51(3) confers a separate, independent, and continuing power on the Chief Justice, with the approval of the Governor, to appoint additional places of sitting for the convenient transaction of judicial business.

Relying on the precedent in *State of Maharashtra v. Narayan Shamrao Puranik*, the Court reiterated that the exercise of power under Section 51(3) does not result in territorial bifurcation of the High Court. Judges sitting at such places continue to function as Judges of the same High Court, exercising its jurisdiction as allocated by the Chief Justice. The longevity or continuity of a sitting does not convert it into a permanent Bench under Section 51(2).

On the issue of consultation, the Court held that while internal consultation may be a matter of sound institutional practice, Section 51(3) does not mandate Full Court consultation. Where Parliament intended consultation to be mandatory, it expressly provided so under Section 51(2). Courts cannot judicially read into the statute requirements that the legislature deliberately omitted.

The Court rejected the argument that past administrative decisions rejecting similar proposals created a bar against reconsideration. Administrative decisions are contextual and may legitimately be revisited in light of changed circumstances, accumulated demand, infrastructure availability, and access-to-justice considerations.

Addressing the challenge under Article 14, the Court held that the selection of Kolhapur had a rational nexus with the objective of improving access to justice for litigants from geographically distant districts. Article 14 does not require identical treatment of all regions simultaneously, nor does it prohibit reasonable differentiation based on objective criteria.

On Article 21, the Court reaffirmed that access to justice is an integral facet of the right to life. Decentralisation of High Court sittings, where justified, furthers rather than impairs this right. Questions of allocation of judicial resources fall within the domain of policy and judicial administration and are not amenable to judicial review unless tainted by illegality or mala fides.

Finally, the Court emphasized the limited scope of judicial review in matters of internal judicial administration. Unless the decision is shown to be ultra vires, mala fide, or manifestly arbitrary, courts must exercise restraint and respect the administrative autonomy of constitutional courts.

Accordingly, the notification appointing Kolhapur as an additional place of sitting was upheld as a lawful, bona fide, and constitutionally valid exercise of power.

13.M.K. Ranjitsinh v Union of India; 2025 INSC 1472

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha,

2. Hon'ble Mr. Justice A.S. Chandurkar

(Writ petition, Article 32: Concerning the endangered Great Indian Bustard in Gujarat and Rajasthan, the Court considered the expert committee report identifying priority and non-priority areas. Directions were issued for implementation of the report, emphasising corporate social responsibility and corporate environmental responsibility, guided by the species' best interest and the polluter pays principle.)

Facts

The case arose from a set of writ petitions filed under Article 32 of the Constitution, primarily by M.K. Ranjitsinh and others, seeking urgent judicial intervention for the protection of the Great Indian Bustard (GIB)—locally known as *Godawan*—and the Lesser Florican, both critically endangered avian species. The petitions highlighted the rapid decline of the GIB population, attributing a significant cause of mortality to collisions with overhead power transmission lines, particularly in the arid and semi-arid grasslands of Rajasthan and Gujarat, which also happen to be major hubs for renewable energy generation.

In April 2021, the Supreme Court had passed sweeping interim directions prohibiting overhead transmission lines in large priority habitats and mandating undergrounding wherever feasible, along with installation of bird diverters. However, the Union of India and renewable energy stakeholders later sought modification of these directions, contending that blanket prohibitions were technically unfeasible, economically prohibitive, and would severely impede India's renewable energy commitments and climate change obligations.

Recognising the competing imperatives of species conservation and sustainable development, the Court in March 2024 modified its earlier directions and constituted a high-level Expert Committee comprising wildlife scientists, forest officials, power sector experts, and representatives of relevant ministries. The Committee was tasked with recommending scientifically grounded, site-specific mitigation measures balancing conservation of the GIB with energy infrastructure needs. The

present judgment examines the Committee's reports, objections raised by various stakeholders, and determines the future course of action.

Issues

1. How should the Court balance the right to environmental protection and species survival with the need for renewable energy development and climate commitments?
2. Whether blanket judicial prohibitions on infrastructure projects are sustainable, or whether expert-driven, nuanced mitigation measures are preferable.
3. What measures are necessary and constitutionally appropriate to prevent the extinction of the Great Indian Bustard, while respecting principles of sustainable development.
4. Whether Corporate Social Responsibility (CSR) obligations should explicitly encompass environmental and species protection.

Judgment

The Supreme Court accepted the majority recommendations of the Expert Committee, with limited modifications, and issued a comprehensive set of binding directions for the conservation of the Great Indian Bustard and the Lesser Florican. The Court recalibrated its earlier approach, moving away from blanket bans, and adopted a scientific, region-specific, and phased mitigation framework. It emphasised that conservation of critically endangered species is non-negotiable, but must be pursued through evidence-based and proportionate measures.

The Court also held that Corporate Social Responsibility must be understood as including Corporate Environmental Responsibility, and directed that conservation efforts may be supported through CSR funding. Detailed timelines were fixed for mitigation measures, including undergrounding, rerouting, and other protective steps in priority areas.

Rationale and Discussion of the Court

The Court undertook an extensive and philosophically grounded discussion on ecocentrism, noting that the Constitution does not sanction an exclusively human-centric view of development. It reaffirmed that Article 21 encompasses the right to a healthy environment and extends to the protection of endangered species as part of India's natural heritage.

At the same time, the Court candidly acknowledged that its April 2021 blanket directions, though well-intentioned, lacked sufficient engagement with technical realities of power transmission, grid stability, desert terrain, and renewable energy infrastructure. The Court held that judicial directions in complex scientific and policy domains must be informed by domain expertise, lest they cause unintended harm.

Relying heavily on the Expert Committee's reports, the Court endorsed:

- Rationalisation of priority habitats for the GIB in Rajasthan and Gujarat based on scientific data and sightings.
- Creation of dedicated powerline corridors in sensitive areas, rather than unregulated dispersal of transmission lines.
- Selective undergrounding, rerouting, and insulation of power lines depending on voltage, terrain, and habitat sensitivity.
- A cautious approach towards Bird Flight Diverters, noting the lack of conclusive scientific evidence on their efficacy and high maintenance costs.
- Strict restrictions on new large-scale renewable projects within revised priority areas, while allowing smaller, community-oriented projects.

The Court underscored that species extinction is irreversible, whereas economic and infrastructural losses are, to some extent, remediable. It reiterated the "species best interest" principle, holding that where survival of a species is at stake, commercial interests must yield.

In a significant doctrinal development, the Court expanded the understanding of CSR under the Companies Act, 2013, holding that environmental and wildlife protection is not charity but a constitutional and statutory obligation, flowing from Articles 48A and 51A(g). Corporations

operating in ecologically sensitive regions were reminded that they are guests in the habitat of endangered species, and must conduct their activities accordingly.

Ultimately, the Court adopted a holistic, future-oriented approach, balancing conservation with development, judicial restraint with constitutional responsibility, and human needs with ecological survival. The judgment stands as a landmark in Indian environmental jurisprudence, signalling a decisive shift towards science-led, ecocentric constitutionalism.

14.K.P. Kirankumar v State; 2025 INSC 1473

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Manoj Misra,

2. Hon'ble Mr. Justice Joymalya Bagchi

(Child trafficking: In cases of commercial sexual exploitation, the testimony of a minor victim must be appreciated with sensitivity and realism. The victim is not an accomplice, and her sole testimony can be sufficient for conviction under Sections 366A, 372 and 373 of the IPC and Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956. The Karnataka High Court judgment was affirmed and the appeal dismissed.)

Facts

The case arose from a police operation that exposed an organised racket of child trafficking and commercial sexual exploitation operating from a rented residential premises in Peenya, Bengaluru. Acting on credible information received from NGO workers, the police conducted a raid on 22 November 2010 after deploying a decoy witness to verify the allegations.

The decoy entered the premises and offered money to the appellant, K.P. Kirankumar @ Kiran, for sexual access to a minor girl who was present inside the house. Upon acceptance of money by the appellant, the decoy alerted the police. The raiding team immediately entered the premises and rescued the minor victim (PW-13). Marked currency notes, a condom, and other incriminating articles were recovered from the spot.

The investigation revealed that the victim, aged 16 years and 6 months, had been forcibly brought from a public place and confined in the rented premises. She was repeatedly subjected to sexual exploitation for commercial gain by the appellant and his wife. At times, she was sent to other locations to satisfy customers and, upon resistance, was forcibly compelled to submit.

The victim's age was established through school records, and the prosecution examined sixteen witnesses, including police officials, NGO workers, the decoy witness, independent witnesses, and the minor victim herself.

The Trial Court, relying primarily on the testimony of the minor victim and corroborative evidence, convicted the appellant under Sections 366A, 373, and 34 of the IPC, read with Sections 3, 4, 5, and 6 of the Immoral Traffic (Prevention) Act, 1956. The High Court, upon re-appreciation of evidence, affirmed the conviction and sentence. Aggrieved by the concurrent findings, the appellant approached the Supreme Court.

Issues

1. Whether conviction for offences relating to child trafficking and commercial sexual exploitation can be sustained primarily on the sole testimony of the minor victim.
2. Whether minor inconsistencies or omissions in the victim's testimony undermine the prosecution case.
3. Whether alleged non-compliance with Section 15(2) of the Immoral Traffic (Prevention) Act, 1956 vitiates the search and trial.
4. Whether the age of the victim was proved in accordance with law in the absence of an ossification test.

Judgment

The Supreme Court dismissed the appeal and upheld the conviction and sentence imposed by the Trial Court and affirmed by the High Court. It held that the prosecution had proved the guilt of the appellant beyond reasonable doubt, and that no perversity, illegality, or failure of justice was made out warranting interference.

Rationale and Discussion of the Court

The Supreme Court undertook a victim-centric and constitutionally informed analysis, recognising that child trafficking and sexual exploitation operate through organised, concealed, and coercive mechanisms that prey upon the socio-economic vulnerability of minors.

Evidentiary Value of the Minor Victim's Testimony

The Court categorically held that a minor victim of sex trafficking is not an accomplice, but an injured witness, whose testimony deserves the highest degree of credibility. If such testimony is natural, consistent, and inspires confidence, it can form the sole basis of conviction without the need for independent corroboration.

The Court emphasised that while appreciating the testimony of trafficked minors, courts must remain conscious of:

- Their economic and social vulnerability;
- The layered structure of organised trafficking networks, which makes precise narration difficult;
- The trauma and secondary victimisation involved in recounting sexual exploitation.

Minor discrepancies relating to details such as the layout of the premises or narration of injuries were held to be natural and immaterial, incapable of discrediting an otherwise credible prosecution case.

Corroborative Circumstances

The Court found strong corroboration in:

- The decoy witness who paid money for sexual exploitation;
- Independent witnesses accompanying the decoy;
- Recovery of marked currency notes and incriminating articles;
- Rescue of the victim from the appellant's premises.

These circumstances, taken cumulatively, established that the appellant was harbouring and exploiting a minor for commercial sexual purposes.

Determination of Age

Rejecting the contention that absence of an ossification test was fatal, the Court reaffirmed settled law that school records constitute the best evidence of age. Medical opinion is only a fallback option and cannot override documentary proof such as school certificates.

Compliance with Section 15(2) of the ITPA

On the challenge relating to non-compliance with Section 15(2) of the ITPA, the Court held that even if procedural irregularities exist, they do not vitiate the trial unless failure of justice is demonstrated. The presence of independent witnesses during the raid constituted substantial compliance, and no prejudice was caused to the accused.

Constitutional Perspective

The Court underscored that child trafficking and sexual exploitation strike at the core of human dignity, protected under Article 21 of the Constitution. It cautioned courts against allowing procedural technicalities to defeat the purpose of protective legislation enacted to safeguard vulnerable children.

15.Rajasthan High Court & Anr. v Rajat Yadav & Ors., 2025 INSC 1503

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Augustine George Masih

(Migration of meritorious reserved category candidates at the shortlisting stage — open category is not a compartment reserved for "general" candidates; candidates belonging to reserved categories who secure marks higher than the open cut-off must be treated as open category candidates even at the stage of screening/shortlisting.)

Facts

The Rajasthan High Court issued an advertisement dated 5 August 2022 inviting applications for 2,756 posts of Junior Judicial Assistant/Clerk Grade-II in the High Court, Rajasthan State Judicial Academy, District Courts and allied institutions. The selection process comprised a written examination (300 marks) followed by a computer-based typewriting test (100 marks). Candidates were to be shortlisted for the second stage category-wise, to the extent of five times the number of vacancies.

The written examination was held in March 2023. When results were declared, the cut-off marks for several reserved categories (SC, ST, OBC-NCL, MBC-NCL and EWS) were higher than the cut-off for the General/Open category. As a result, several candidates belonging to reserved categories, despite securing marks higher than the General category cut-off, were excluded from the list of candidates eligible to appear in the typewriting test because they did not meet the higher reserved-category cut-offs.

Aggrieved candidates filed writ petitions before the Rajasthan High Court contending that meritorious reserved category candidates could not be denied inclusion in the open category merely on account of their social classification. The High Court allowed the writ petitions and directed recasting of the shortlists by first preparing a General/Open list strictly on merit and thereafter drawing reserved category lists. Challenging these directions, the Rajasthan High Court administration approached the Supreme Court.

Issues

1. Whether meritorious candidates belonging to reserved categories, who secure marks above the General/Open cut-off, are entitled to be included in the open category even at the stage of shortlisting/screening.
2. Whether the principle of "migration" of reserved category candidates applies only at the final selection stage or also at intermediate stages where merit is assessed.
3. Whether the writ petitioners were barred by estoppel from challenging the selection process after having participated in it.

Judgment

The Supreme Court dismissed the appeals and upheld the Rajasthan High Court's judgment. It affirmed that meritorious reserved category candidates who secure marks above the General/Open cut-off cannot be excluded from the open category at the shortlisting stage and must be permitted to compete further on open merit.

Rationale

The Court rejected the plea of estoppel, holding that participation in a selection process does not bar candidates from challenging an illegality that strikes at the root of constitutional principles. The writ petitioners could not have anticipated that the open category would be treated as an exclusive compartment for non-reserved candidates.

On the substantive issue, the Court undertook an extensive constitutional analysis of Articles 14 and 16, the jurisprudence on reservation, and the concept of "migration." It held that the open category is not a quota or reserved compartment but a field of open competition accessible to all candidates purely on merit. To exclude a more meritorious reserved category candidate from the

open category is to deny equality and to convert open posts into communal slots, which the Constitution does not permit.

The Court clarified that what is often described as "migration" is not a special benefit but a natural consequence of merit. A reserved category candidate who, without availing any special concession, outperforms others is, from the outset, an open category candidate. This principle operates at every stage where merit is evaluated, including screening and shortlisting, and not merely at the final stage of appointment.

It further held that the apprehension of granting "double benefit" is misconceived. Where a reserved category candidate qualifies on open merit at an intermediate stage, he or she is not availing any reservation benefit but is simply being treated in accordance with constitutional equality. Only if such a candidate subsequently falls outside the open merit zone does consideration under the reserved category arise.

Accordingly, the Court approved the High Court's directions to redraw the shortlists by first preparing the General/Open list strictly on merit and thereafter preparing reserved category lists.

This judgment is a significant reaffirmation of merit-based equality in public employment. It clarifies that the open category is not a closed compartment for "general" candidates but a domain of open competition. Meritorious reserved category candidates who meet or exceed the open cut-off must be treated as open category candidates even at the shortlisting stage. The ruling strengthens the constitutional vision that reservation is an enabling measure, not a barrier against excellence.

16. Kousik Pal v B.M. Birla Heart Research Centre & Ors., 2025 INSC 1487

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Manoj Misra

(Clinical Establishment Regulatory Commission's jurisdiction — distinction between "medical negligence" and "deficiency in patient care services"; State Commission is competent to examine qualifications of medical personnel, deficiencies in patient care, and award compensation, without trenching upon the exclusive disciplinary domain of the State Medical Council.)

Facts

The appellant's mother, Ms. Arati Pal, was admitted to the respondent hospital in May 2017. After five days of treatment, she was referred to another hospital and was described as being in a "stable condition" in the discharge summary. She was shifted in the early hours of 8 May 2017 and passed away approximately sixteen hours later.

Alleging negligence in detection, delay in referral, improper diagnosis, and deficiency in patient care services, the appellant filed a complaint before the West Bengal Clinical Establishment Regulatory Commission under the West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017.

The Commission found that critical diagnostic procedures had been conducted by persons lacking recognized qualifications and that the discharge summary had misrepresented the patient's condition. While refraining from giving any finding on medical negligence, the Commission held the hospital guilty of major deficiency in patient care service and unethical trade practice, and awarded compensation of ₹20 lakhs.

The Single Judge of the Calcutta High Court upheld the Commission's order. However, in writ appeal, the Division Bench set aside the orders, holding that issues of qualification and patient care were inseparable from medical negligence and fell exclusively within the jurisdiction of the State Medical Council. Aggrieved, the appellant approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the Clinical Establishment Regulatory Commission had jurisdiction to examine the qualifications of medical and paramedical personnel employed by a hospital.
2. Whether the Commission could adjudicate complaints of "deficiency in patient care services" and award compensation without entering into the domain of medical negligence.
3. Whether the High Court erred in holding that patient care and medical negligence are inseparable and exclusively triable by the State Medical Council.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of the Division Bench, and restored the order of the Commission as affirmed by the Single Judge. The Court directed payment of compensation along with interest.

Rationale

The Court undertook a detailed analysis of the West Bengal Clinical Establishments Act, 2017, particularly Sections 29, 33, 36 and 38. It held that the statutory purpose of the Act is to ensure transparency, accountability, and minimum standards of facilities and patient care services in clinical establishments.

The Court clarified that while complaints of "medical negligence" against individual medical professionals fall within the exclusive disciplinary jurisdiction of the State Medical Council, the Commission is statutorily empowered to examine complaints relating to patient care services, unethical trade practices, regulatory violations, and employment of unqualified personnel.

It held that determining whether a hospital employed duly qualified doctors and technicians is intrinsic to regulation and supervision of clinical establishments and squarely within the Commission's mandate under Section 38(1)(x). In the present case, reliance was placed on material

from the Medical Council of India showing that the concerned doctor lacked the minimum qualification required to interpret echocardiograms.

The Court further held that "deficiency in patient care services" is conceptually distinct from "medical negligence." Although the two may arise from the same factual matrix, they are not legally inseparable. If the High Court's view were accepted, the very functioning of the Commission would be rendered nugatory, frustrating legislative intent.

Accordingly, the Court concluded that the Commission acted within jurisdiction in recording findings on qualifications, deficiency in service, and awarding compensation, without usurping the disciplinary role of the State Medical Council.

This judgment draws a clear doctrinal boundary between regulatory accountability of clinical establishments and professional discipline of doctors. It affirms that State Clinical Establishment Commissions are empowered to scrutinize hospital practices, personnel qualifications, and patient care standards, and to award compensation for deficiency in service, even while issues of medical negligence remain within the Medical Council's exclusive disciplinary domain.

17. State of Uttar Pradesh & Anr. v Mohd. Arshad Khan & Ors., 2025 INSC 1480

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Nongmeikapam Kotiswar Singh

(Time bound investigations—Protection from arrest—Section 482 of Criminal Procedure Code, 1973—Article 226 of the Constitution of India, 1950 in criminal matters — High Courts cannot grant blanket protection from arrest or fix investigation timelines while refusing to quash FIRs; such directions violate settled law in Neeharika Infrastructure and trench upon statutory criminal procedure.)

Facts

Based on an inquiry conducted by the Special Task Force, Uttar Pradesh, FIR No. 33 of 2025 was registered at Police Station Nai Ki Mandi, Agra under Sections 420, 467, 468, 471 IPC and Sections 3/25/30 of the Arms Act. The FIR alleged that the accused respondents had procured multiple arms licences by submitting forged documents, false affidavits, and manipulated identity records, and that a public official had facilitated the process.

The accused filed writ petitions before the Allahabad High Court seeking quashing of the FIRs and protection from arrest. The High Court declined to quash the FIRs but directed the investigating officer to complete the investigation within 90 days and ordered that the accused shall not be arrested until cognizance was taken by the trial court, relying on its earlier decision in *Shobhit Nehra v State of U.P.*

Aggrieved by these directions, the State of Uttar Pradesh approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the High Court, while refusing to quash an FIR, can grant blanket protection from arrest till cognizance is taken.

2. Whether High Courts are justified in directing time-bound completion of investigation in the absence of demonstrated delay or stagnation.

3. Whether the impugned orders were contrary to the binding precedent in *Neeharika Infrastructure Pvt. Ltd. v State of Maharashtra*.

Judgment

The Supreme Court allowed the appeals. It set aside the directions granting protection from arrest and fixing timelines for investigation, while permitting interim protection to continue for two weeks.

Rationale

The Court undertook an extensive examination of the scope of Article 226 in criminal matters. It acknowledged that High Courts possess wide constitutional powers, including to prevent abuse of process and protect fundamental rights. However, such powers must be exercised in harmony with the statutory framework of criminal procedure and binding precedent.

On time-bound investigation, the Court held that investigation is an inherently dynamic and unpredictable process. While the right to a speedy trial under Article 21 includes timely investigation, judicial directions fixing timelines can only be issued reactively — where there is clear stagnation, unexplained delay, or prejudice to liberty. They cannot be imposed prophylactically at the inception of investigation. Since no material was shown demonstrating delay, the High Court's directions were held unsustainable.

On protection from arrest, the Court relied heavily on *Neeharika Infrastructure* and *Habib Abdullah Jeelani*, reiterating that directing police "not to arrest" while declining to quash an FIR is legally impermissible and amounts to granting anticipatory bail without satisfying statutory requirements. The Court held that such orders undermine the criminal justice process and disregard binding precedent.

The Court further faulted the High Court for mechanically relying on *Shobhit Nehra* without examining factual comparability. Precedents, it held, are not to be applied divorced from their factual substratum. The absence of any factual analysis rendered the High Court's exercise legally flawed.

This judgment is a strong reaffirmation of doctrinal discipline in criminal writ jurisdiction. It clarifies that High Courts cannot, while refusing to quash FIRs, grant blanket protection from arrest or routinely impose investigation deadlines. Judicial intervention in investigation must be exceptional, fact-based, and consistent with binding precedent. The ruling fortifies the separation between constitutional oversight and statutory criminal procedure while preserving Article 21 as a shield against demonstrable investigative abuse.

18.Mahesh Kumar Agarwal v Union of India & Anr., 2025 INSC 1476

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Augustine George Masih

(Right to passport and pending criminal proceedings — Section 6(2)(f) of the Passports Act is not an absolute bar; where criminal courts permit renewal subject to conditions, Passport Authority must give effect to the statutory exemption under Section 22 and GSR 570(E).)

Facts

The appellant's ordinary passport expired on 28 August 2023. He was an accused in an NIA case pending before the Special Court, Ranchi, and had also been convicted in a CBI coal block case, in which his sentence was suspended by the Delhi High Court. In both proceedings, conditions were imposed that he shall not leave India without prior permission of the concerned court, and his passport was deposited with the court.

Prior to expiry, the NIA Court permitted release of the passport for the limited purpose of renewal, directed re-deposit after renewal, and prohibited foreign travel without court permission. Subsequently, the Delhi High Court expressly granted "no objection" for renewal of the passport for a regular period of ten years, while continuing the travel restriction.

Despite these orders, the Regional Passport Office, Kolkata declined to renew the passport for ten years, citing Section 6(2)(f) of the Passports Act and GSR 570(E), on the ground that the appellant had not been granted specific permission to travel abroad. The Calcutta High Court dismissed the appellant's writ petition and intra-court appeal, holding that the statutory bar continued to operate. Aggrieved, the appellant approached the Supreme Court.

Issues Before the Supreme Court

1. Whether Section 6(2)(f) of the Passports Act operates as an absolute bar to renewal of a passport where criminal proceedings are pending.

2. Whether, in light of Section 22 and GSR 570(E), the Passport Authority could refuse renewal despite "no objection" and conditional permission granted by criminal courts.
3. Whether denial of renewal, despite judicial supervision over travel, violates the appellant's right to personal liberty under Article 21.

Judgment

The Supreme Court allowed the appeal, set aside the judgments of the Calcutta High Court, and directed the respondents to re-issue an ordinary passport to the appellant for the normal period of ten years, subject to compliance with all conditions imposed by the criminal courts.

Rationale

The Court undertook a detailed statutory analysis of Sections 5, 6, 7, 8, 9, 10 and 22 of the Passports Act, read with GSR 570(E) and the Office Memorandum dated 10.10.2019. It held that while Section 6(2)(f) mandates refusal where criminal proceedings are pending, that provision is expressly subject to Section 22, under which the Central Government has carved out a controlled exemption through GSR 570(E).

The Court clarified that GSR 570(E) does not require a criminal court to authorise a specific foreign trip as a condition precedent to renewal. It is sufficient if the criminal court, having applied its mind, permits issuance or renewal while retaining control over foreign travel. In the present case, both the NIA Court and the Delhi High Court had consciously allowed renewal while prohibiting travel without permission. This judicial supervision adequately satisfied the object of Section 6(2)(f), namely to secure the presence of the accused.

The Court rejected the High Court's view that Section 6(2)(f) remained an absolute bar. It held that treating the provision as a permanent disability, even where criminal courts permit renewal, would convert a regulatory safeguard into a disproportionate restriction on liberty. The Court also emphasised the doctrinal distinction between possession of a passport and permission to travel abroad: the former is a civil right, while the latter remains subject to criminal court control.

Placing reliance on Article 21 jurisprudence, including *Maneka Gandhi*, the Court reiterated that the right to hold a passport is an element of personal liberty. Any restriction must therefore be fair, just and reasonable. An indefinite refusal to renew a passport, despite judicial oversight mechanisms already in place, was held to be unreasonable and contrary to the constitutional balance.

This judgment is a significant reaffirmation that pendency of criminal proceedings does not automatically extinguish the right to hold a passport. Section 6(2)(f) of the Passports Act operates subject to the statutory exemption under Section 22 and GSR 570(E). Where criminal courts permit renewal while retaining control over foreign travel, the Passport Authority must honour that regime. The ruling strengthens the constitutional protection of personal liberty and prevents temporary procedural safeguards from hardening into indefinite civil disabilities.

19.M/s Sri Om Sales v Abhay Kumar @ Abhay Patel & Anr., 2025 INSC 1474

Decided on: 19 December 2025

Bench: 1. Hon'ble Mr. Justice Manoj Misra

2. Hon'ble Mr. Justice Ujjal Bhuyan

(Section 138 NI Act — High Court cannot quash cheque dishonour proceedings by adjudicating whether cheque was issued for legally enforceable debt; statutory presumption under Section 139 must be tested at trial, not under Section 482 CrPC.)

Facts

The appellant filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 alleging that the first respondent purchased goods and issued a cheque dated 04 March 2013 for ₹20 lakhs towards discharge of liability. The cheque was dishonoured twice due to insufficiency of funds. Despite issuance of statutory demand notice, payment was not made.

The Magistrate took cognizance and summoned the accused. The accused approached the Patna High Court under Section 482 CrPC. The High Court quashed the complaint, holding that the cheque was not issued in discharge of any legally enforceable debt or liability.

Aggrieved, the complainant approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the High Court, while exercising jurisdiction under Section 482 CrPC, could examine whether the cheque was issued for discharge of debt or liability.
2. Whether statutory presumption under Section 139 of the NI Act can be displaced at the pre-trial stage.
3. Whether the complaint disclosed the essential ingredients of an offence under Section 138 of the NI Act.

Judgment

The Supreme Court allowed the appeal, set aside the High Court's order, and restored the criminal complaint to the file of the Magistrate for trial in accordance with law.

Rationale

The Court reiterated that at the stage of quashing, the only inquiry is whether the complaint discloses a prima facie offence. Where the statutory ingredients of Section 138 are pleaded and supported by basic material, the High Court cannot undertake a roving enquiry into disputed questions of fact.

The Court emphasised that Section 139 raises a mandatory presumption that the cheque was issued for the discharge of a legally enforceable debt or liability. Though rebuttable, this presumption can be displaced only by evidence at trial. Entertaining a defence at the threshold undermines the legislative scheme and prematurely forecloses prosecution.

Relying on *Rangappa v Sri Mohan*, (2010) 11 SCC 441, *Rajeshbhai Muljibhai Patel*, (2020) 3 SCC 794, and *Rathish Babu Unnikrishnan*, (2022) 20 SCC 661, the Court held that quashing NI Act complaints on factual defences deprives the complainant of the statutory benefit of presumption and improperly converts the High Court into a trial court.

Since the complaint in the present case pleaded issuance of cheque towards discharge of liability, dishonour, service of notice, and failure to pay, all ingredients of Section 138 were prima facie satisfied. The High Court therefore exceeded its jurisdiction.

20. Danesh Singh v Har Pyari & Ors., 2025 INSC 1434

Decided on: 16 December 2025

Bench: Hon'ble Mr. Justice J.B. Pardiwala & Hon'ble Mr. Justice R. Mahadevan

(Doctrine of lis pendens — applicability to suits seeking attachment and sale of mortgaged property; Order XXI Rules 89–92 CPC; Section 47 CPC; maintainability of separate suits against auction sales; transferees pendente lite.)

Facts

In 1970, Duli Chand obtained a loan of ₹20,000 from New Bank of India for purchasing a tractor and mortgaged land measuring 116 Kanals 13 Marlas. Upon default, the bank filed a suit which was decreed ex parte after the borrower's death. The decree directed recovery of ₹22,753 with costs and interest.

During pendency of the proceedings, the mortgaged property was sold twice by the judgment-debtor's successors. Thereafter, in execution of the decree, the bank sought attachment and sale of the mortgaged property. The Executing Court attached the property, conducted an auction, and the appellants emerged as highest bidders. Sale was confirmed and execution proceedings were disposed of.

Respondent purchasers later filed a separate civil suit challenging the auction sale, claiming dispossession and seeking declaration that the sale was void and not binding on them. The Trial Court decreed in their favour. The Appellate Court and the Punjab & Haryana High Court affirmed. The auction purchasers approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the doctrine of lis pendens under Section 52 of the Transfer of Property Act, 1882 applies to suits where the plaint seeks attachment and sale of mortgaged property.

2. Whether a separate civil suit challenging an auction sale in execution is maintainable in view of Order XXI Rules 89–92 CPC and Section 47 CPC.
3. Whether transferees pendente lite can claim independent title and resist execution proceedings.
4. Whether alleged irregularities in attachment and sale could render the sale a nullity.

Judgment

The Supreme Court allowed the appeal, set aside the judgments of the courts below, and held that the respondents' suit was not maintainable. The Court upheld the validity of the auction sale and directed the appellants to pay ₹75 lakhs to the respondents as compensation.

Rationale

The Court held that Section 52 of the Transfer of Property Act embodies the doctrine of lis pendens and applies to suits where any right to immovable property is directly and specifically in issue. It cannot be "blindly made inapplicable" to suits where the plaint contains a specific averment that mortgaged property be attached and sold or a charge be created. Otherwise, a judgment-debtor could frustrate execution by transferring property pendente lite.

On execution law, the Court emphasised:

- **Order XXI Rule 89 CPC** allows any person claiming interest in the property (including a pendente lite transferee) to save the sale by deposit within 60 days.
- **Order XXI Rule 90 CPC** permits setting aside of sale only on proof of material irregularity or fraud causing substantial injury. Mere absence or defect in attachment is insufficient unless substantial injury is shown.
- **Order XXI Rule 92 CPC** mandates confirmation of sale once conditions are satisfied and bars a separate suit, except in the narrow case where the sale is without jurisdiction and a nullity.

The Court clarified that:

- Irregularities or fraud in publication or conduct of sale must be raised under Rule 90, not through a separate suit or Rule 99 application.
- Questions relating to execution, discharge or satisfaction of a decree must be raised under **Section 47 CPC** and not by a separate suit.
- A separate suit is maintainable only where the execution proceedings themselves are wholly without jurisdiction and a nullity.

The respondents were held to be **transferees pendente lite** of the judgment-debtor and therefore bound by the decree and execution proceedings. Their suit was barred both by **Section 47 CPC** and **Order XXI Rule 99 CPC**. They were ineligible to seek declaration of title or possession independent of the decree.

The Court further observed that the absence of a saleable interest in the judgment-debtor cannot be raised under Rule 90 but falls under Rule 58 CPC if raised prior to confirmation. Courts must remain vigilant to prevent misuse of separate suits to circumvent the limitations and procedure prescribed under Order XXI.

The Supreme Court conclusively held that the doctrine of *lis pendens* under Section 52 of the Transfer of Property Act applies even to suits where the plaint specifically seeks attachment and sale of mortgaged property or creation of a charge thereon, and it cannot be rendered inapplicable merely because the suit is framed as a money recovery action. The Court clarified that transferees *pendente lite* are bound by the decree and execution proceedings and cannot frustrate execution by claiming independent title through subsequent transfers. It further ruled that challenges to auction sales on grounds of irregularity or fraud must be pursued strictly under Order XXI Rules 89–92 CPC, and that a separate civil suit is barred by Section 47 CPC and Order XXI Rule 99 CPC, except in the narrow circumstance where the execution proceedings are wholly without jurisdiction and therefore a nullity. Since the respondents were transferees *pendente lite* and their grievances fell within the statutory execution framework, their suit was held to be non-maintainable. Accordingly, the Court upheld the validity of the auction sale, set aside the judgments of the courts below, and allowed the appeal, while directing the appellants to pay ₹75 lakhs to the respondents.

21.State of Uttar Pradesh v Ajmal Beg & Ors., 2025 INSC 1435

Decided on: 16 December 2025

Bench: Hon'ble Mr. Justice Sanjay Karol & Hon'ble Mr. Justice N. Kotiswar Singh

(Dowry Prohibition Act, 1961 — Sections 498-A and 304-B IPC — statutory presumptions in dowry death cases — nationwide directions to combat dowry — education, enforcement, sensitisation and institutional accountability.)

Facts

The case arose from allegations that the deceased woman was subjected to persistent harassment, cruelty and assault by her husband and in-laws on account of repeated dowry demands. Evidence on record indicated that such demands were reiterated shortly before her unnatural death.

The Trial Court, upon appreciation of oral and documentary evidence, held that the essential ingredients of dowry-related offences stood established and recorded findings against the accused. The Allahabad High Court reversed the conviction, disbelieving key prosecution witnesses and holding that the alleged dowry demands were improbable.

Aggrieved by the reversal, the State of Uttar Pradesh approached the Supreme Court, contending that the High Court had failed to apply the statutory framework governing dowry deaths and had wrongly interfered with well-reasoned findings of the Trial Court.

Issues Before the Supreme Court

1. Whether the Allahabad High Court erred in reversing the Trial Court's findings in a dowry death case.
2. Whether the statutory presumptions governing offences under Sections 498-A and 304-B IPC were properly applied.

3. Whether the evidence on record satisfied the legal requirements for establishing dowry-related cruelty and death.

4. Whether broader systemic directions were required to combat the continuing prevalence of dowry practices.

Judgment

The Supreme Court allowed the appeals filed by the State, set aside the judgment of the Allahabad High Court, and restored the findings recorded by the Trial Court, subject to modifications with regard to sentencing. The Court also issued a series of nationwide directions aimed at eradicating dowry practices and strengthening enforcement, awareness and institutional accountability.

Rationale

The Court undertook an extensive discussion on the historical evolution of dowry, noting that what was once intended as voluntary gifting to provide financial security to women had transformed into a coercive and exploitative practice. It observed that dowry today is a cross-cultural social evil cutting across religious, regional and economic boundaries, and is incompatible with constitutional values.

Referring to official data reflecting large numbers of cases registered annually under Sections 498-A and 304-B IPC, the Court noted that dowry-related cruelty and deaths continue to occur despite the Dowry Prohibition Act, 1961. It held that dowry strikes at the core of constitutional guarantees under Articles 14, 15 and 21, perpetuating systemic gender inequality and undermining women's dignity.

On the merits of the case, the Court held that the High Court had failed to properly apply the statutory presumptions governing dowry-related offences and had wrongly disbelieved material prosecution evidence. The Court found that the evidence on record satisfied the legal requirements for attracting the relevant provisions, and that interference with the Trial Court's findings was unwarranted.

Recognising both the ineffectiveness and occasional misuse of dowry laws, the Court emphasised that eradication of dowry requires concentrated effort by the Legislature, law enforcement agencies, judiciary and civil society. It described elimination of dowry as a constitutional imperative, noting that every woman must enter marriage as an equal citizen and not as the bearer of an unjust financial burden.

The Supreme Court held that the Allahabad High Court had erred in reversing the well-reasoned findings of the Trial Court and in failing to apply the statutory presumptions governing dowry-related offences. It concluded that the evidence on record established the essential ingredients of cruelty and dowry death, warranting restoration of the Trial Court's findings. Emphasising that eradication of dowry is a constitutional and social necessity, the Court issued comprehensive nationwide directions aimed at education, sensitisation, effective enforcement of the Dowry Prohibition Act, training of police, prosecutors and judicial officers, appointment and monitoring of Dowry Prohibition Officers, and expeditious disposal of dowry-related cases. The appeals were accordingly allowed, the High Court's judgment was set aside, and the matter was directed to be listed after four weeks to monitor compliance with the directions issued.

22. Punimati & Anr. v. The State of Chhattisgarh & Ors.; Dayalu & Ors. v. State of Chhattisgarh, 2025 INSC 1454

Decided on: 18 December 2025

Bench: Hon'ble Mr. Justice Prashant Kumar Mishra & Hon'ble Mr. Justice Vipul M. Pancholi

(Interested or related witnesses — evidentiary value — contradictions in testimony — non-examination of material witnesses — recovery evidence — standard of proof in criminal trials.)

Facts

The prosecution alleged that the informant, while cooking at home, was told by her granddaughter that some persons were assaulting her son near a pond. She claimed that upon reaching the spot, she saw the accused assaulting her son with sticks and stones, with his hands tied, and that he was later found dead.

An FIR was registered for murder and allied offences. After investigation, a charge-sheet was filed. The Trial Court convicted the accused for murder with the aid of unlawful assembly provisions and sentenced them to life imprisonment.

The Chhattisgarh High Court dismissed the appeals filed by the accused and affirmed their conviction and sentence. Aggrieved, the accused approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the testimony of an interested or related witness can be discarded solely on the ground of relationship.
2. Whether the informant's evidence inspired confidence after close scrutiny.
3. Whether the prosecution proved the case beyond a reasonable doubt in light of contradictions, hostile independent witnesses, and limitations in recovery and medical evidence.

Judgment

The Supreme Court allowed the appeals, set aside the judgment of the High Court affirming the conviction and sentence, and acquitted the appellants.

Rationale

The Court reiterated that merely because a witness is interested or related to the victim, his or her testimony cannot be discarded outright, though such evidence must be subjected to close scrutiny. Relationship by itself is not a ground to reject testimony if it otherwise inspires confidence.

On examining the informant's deposition, the Court found major contradictions regarding what her granddaughter had allegedly told her and what she claimed to have witnessed at the spot. In cross-examination, she admitted that when she arrived, the deceased was already injured and that the accused were merely standing there. She was also unable to specify which accused's sticks or stones had struck the deceased.

The Court treated as material the prosecution's failure to examine the granddaughter, who was the alleged first informant about the assault. This omission weakened the prosecution's version.

With respect to recovery evidence, the Court noted that key independent witnesses turned hostile and did not support the prosecution's case. One witness specifically stated that no memorandum statement was made by the accused in his presence and that nothing was seized from the accused in his presence, rendering the alleged recoveries unreliable.

The medical evidence was also found to be inconclusive. The doctor admitted that the post-mortem report did not specify which injuries were caused by which weapon. The Court found it difficult to accept that three incised wounds were caused by a single stone seized, particularly when the prosecution did not attribute repeated blows by the same stone.

In this backdrop, the Court held that the cumulative effect of contradictions in the informant's testimony, non-examination of a material witness, lack of dependable corroboration from independent witnesses, and infirmities in medical and recovery evidence created serious doubt about the prosecution's case.

The Supreme Court held that although the testimony of an interested or related witness cannot be discarded mechanically on the ground of relationship, such evidence must inspire confidence after close scrutiny. In the present case, material contradictions in the informant's deposition, the prosecution's failure to examine the granddaughter who was a crucial link witness, hostile independent witnesses, unreliable recovery evidence, and inconclusive medical findings collectively undermined the prosecution's version. The Court concluded that the prosecution had failed to prove the case beyond a reasonable doubt. Accordingly, the appeals were allowed, the High Court's judgment affirming conviction and sentence was set aside, and the appellants were acquitted.

23. Kiran v. State of Karnataka, 2025 INSC 1453

Decided on: 19 December 2025

Bench: Hon'ble Mr. Justice Ahsanuddin Amanullah & Hon'ble Mr. Justice K. Vinod Chandran

(Life imprisonment — remission and commutation — power of Sessions Courts — alternate sentencing — Section 428 CrPC — set-off — constitutional powers under Articles 72 and 161.)

Facts

The appellant was convicted by the Trial Court for the offence of murder under Section 302 of the Indian Penal Code in connection with the death of a woman who had sustained extensive burn injuries after allegedly resisting repeated sexual advances by the accused.

The Trial Court sentenced the appellant to life imprisonment with a specific direction that the sentence would operate till the end of his natural life. It further denied the benefit of statutory remission and set-off under Section 428 of the Code of Criminal Procedure.

The Karnataka High Court affirmed both the conviction and the sentence imposed by the Trial Court. Aggrieved by the sentencing directions, the appellant approached the Supreme Court, which issued a limited notice confined to the legality of the sentence imposed.

Issues Before the Supreme Court

1. Whether a Sessions Court can direct that a sentence of life imprisonment shall operate till the end of the convict's natural life.
2. Whether a Sessions Court has the jurisdiction to curtail the statutory powers of remission and commutation under the Code of Criminal Procedure.
3. Whether the denial of set-off under Section 428 CrPC by the Trial Court was legally sustainable.

Judgment

The Supreme Court partly allowed the appeal by modifying the sentence imposed by the Trial Court. While the conviction and the sentence of life imprisonment under Section 302 IPC were upheld, the directions imposing imprisonment till the end of natural life and denying statutory remission and set-off were set aside.

Rationale

The Court reaffirmed the settled position that a sentence of life imprisonment ordinarily means imprisonment for the remainder of the convict's life, subject to remission and commutation as provided under the Code of Criminal Procedure and the Constitution. It held that these statutory and constitutional powers cannot be curtailed by a Sessions Court, which itself is a creation of the CrPC.

The Bench examined the doctrine of "alternate sentencing" evolved in *Swamy Shraddananda (2) v. State of Karnataka*, where the Supreme Court had devised a middle path between death penalty and life imprisonment subject to remission, in cases where a sentence of 14 years would be grossly disproportionate but the death penalty was not warranted. The Court noted that while imprisonment for life without remission could be awarded in appropriate cases as a substitute for the death penalty, such power vests only in Constitutional Courts, namely the Supreme Court and the High Courts, and not in Sessions Courts.

Relying on the Constitution Bench decision in *Union of India v. V. Sriharan alias Murugan*, the Court reiterated that even when such special category sentences are imposed by Constitutional Courts, they cannot override the executive's constitutional powers of remission under Articles 72 and 161.

On the issue of set-off, the Court referred to Section 428 CrPC, which mandates that the period of detention already undergone during investigation and trial must be set off against the sentence imposed upon conviction. The Trial Court's direction denying such set-off was held to be contrary to the statute and was accordingly deleted.

The Court also distinguished earlier decisions upholding special category sentences, holding that the present case did not warrant such treatment.

The Supreme Court held that a Sessions Court lacks jurisdiction to direct that a sentence of life imprisonment shall operate till the end of the convict's natural life or to curtail the statutory powers of remission and commutation conferred under the Code of Criminal Procedure. It clarified that the doctrine of alternate sentencing, including the imposition of life imprisonment without remission, can be exercised only by Constitutional Courts and not by Sessions Courts. The Court further held that denial of set-off under Section 428 CrPC is impermissible, as the provision mandates adjustment of pre-conviction detention against the sentence imposed. Accordingly, while affirming the conviction and life sentence, the Court set aside the directions restricting remission and denying set-off, holding that the appellant would be entitled to statutory set-off and could seek remission or commutation in accordance with law and applicable government policy.

24.Jatinder Kumar v. Jeewan Lata

Decided on: 19 December 2025

Bench: Hon'ble Mr. Justice Vikram Nath & Hon'ble Mr. Justice Sandeep Mehta

(Article 142 Constitution of India — irretrievable breakdown of marriage — long separation — grant of divorce despite objection — permanent alimony.)

Facts

The parties, both teachers by profession, were married on 22 June 2003. The appellant-husband contended that the marriage soon became strained. In October 2004, the parties shifted to Ropar, Punjab, following his posting. In February 2005, the appellant met with an accident and alleged that during his medical treatment the respondent-wife neither attended to him nor took care of him. He further claimed that she attempted to obtain his signatures on certain documents under duress, leading him to file a civil suit for injunction, which was later withdrawn pursuant to a compromise.

Subsequently, the appellant filed a petition under Section 13 of the Hindu Marriage Act, 1955, seeking dissolution of marriage on grounds of cruelty and desertion. The Trial Court dismissed the petition, holding that the allegations were not proved. The Punjab & Haryana High Court affirmed the dismissal.

Aggrieved, the appellant approached the Supreme Court. By the time the matter was considered, the parties had been living separately for about twenty years.

Issues Before the Supreme Court

1. Whether the marriage had irretrievably broken down warranting exercise of powers under Article 142 of the Constitution.
2. Whether divorce could be granted despite the wife's denial of cruelty and objection to dissolution.
3. Whether permanent alimony should be awarded and, if so, in what amount.

Judgment

The Supreme Court allowed the appeal, granted a decree of divorce by invoking Article 142 of the Constitution of India, and ordered the appellant-husband to pay permanent alimony of ₹20,00,000 to the respondent-wife.

Rationale

The Court noted that it was undisputed that the parties had been living separately for about two decades. The prolonged separation, repeated litigation, and failure of mediation efforts, including reference to the Supreme Court Mediation Centre, demonstrated that the marital relationship had completely broken down.

The Bench observed that there was no possibility of reconciliation between the parties and that continuation of the marital bond would serve no meaningful purpose, but would only prolong the agony of both parties. In such circumstances, insistence on sustaining a dead marriage would be unjust and contrary to the ends of justice.

Although the respondent-wife denied the allegations of cruelty and objected to dissolution, the Court held that the factual matrix clearly established an irretrievable breakdown of marriage. Relying on its extraordinary powers under Article 142, the Court deemed it appropriate to grant divorce to do complete justice between the parties.

To balance equities and secure the financial interests of the respondent-wife, the Court directed the appellant-husband to pay permanent alimony of ₹20,00,000.

The Supreme Court held that a marriage which has subsisted in a state of complete breakdown for over two decades, with no possibility of reconciliation and repeated failed attempts at settlement, warrants dissolution in exercise of powers under Article 142 of the Constitution. The Court granted divorce to the parties despite the wife's objection, holding that continuation of the marital bond would only prolong mutual suffering. To ensure fairness, the Court awarded permanent alimony

of ₹20,00,000 to the respondent-wife. Accordingly, the appeal was allowed and the marriage between the parties was dissolved.

25.K.P. Kirankumar @ Kiran v. State by Peenya Police, 2025 INSC 1473

Decided on: 21 December 2025

Bench: Hon'ble Mr. Justice Manoj Misra & Hon'ble Mr. Justice Joymalya Bagchi

(Child trafficking and sexual exploitation — appreciation of minor victim's evidence — IPC and Immoral Traffic (Prevention) Act, 1956 — sensitivity in judicial evaluation — parameters for assessing victim testimony.)

Facts

In 2010, the complainant received information from NGO workers that minor girls were being kept for prostitution at a rented house in Bangalore. After obtaining verbal permission from senior officers, a raiding party was formed. An NGO associate, Jaikar, was sent as a decoy along with another witness.

Jaikar offered money to the appellant for engaging in sexual intercourse with a minor victim present in the house. After handing over the money, the raiding party entered the premises and rescued the minor victim. The currency notes given by the decoy were recovered from the appellant. A mobile phone and ₹620 were seized from the appellant's wife.

An FIR was registered under Sections 366A, 372, 373 and 34 IPC, read with Sections 3, 4, 5, 6 and 9 of the Immoral Traffic (Prevention) Act, 1956 (ITPA). The Trial Court convicted the appellant and his wife. The High Court affirmed the conviction and sentence. Aggrieved, the appellant approached the Supreme Court.

Issues Before the Supreme Court

1. Whether the conviction under the IPC and the ITPA was sustainable on the evidence on record.
2. How courts should appreciate the testimony of a minor victim of trafficking and sexual exploitation.

3. Whether non-compliance with Section 15(2) of the ITPA vitiated the search and seizure.

Judgment

The Supreme Court dismissed the appeal and upheld the conviction of the appellant and his wife under the IPC and the Immoral Traffic (Prevention) Act, 1956.

Rationale

The Court held that child trafficking and commercial sexual exploitation strike at the very foundations of dignity, bodily integrity and the State's constitutional promise to protect every child from exploitation. It noted that such offences are not isolated aberrations but form part of an entrenched pattern of organised exploitation that persists despite legislative safeguards.

On appreciation of evidence, the Court emphasised that the testimony of a minor victim of sex trafficking must be evaluated with sensitivity and realism. It laid down parameters for assessing such evidence, including:

- The inherent socio-economic and cultural vulnerability of minor victims, particularly from marginalised communities.
- The complex and layered structure of organised trafficking networks.
- The need for a nuanced judicial approach rather than mechanical disbelief.
- The principle that if the victim's testimony is credible and convincing, conviction can be sustained on her sole evidence.

The Court clarified that a minor victim of sex trafficking is not an accomplice and her deposition deserves the same weight as that of an injured witness.

Applying these principles, the Court found that the decoy's testimony clearly established that the appellant had accepted money in exchange for permitting sexual intercourse with the minor victim. His version was corroborated by an independent witness, and cash and incriminating articles were

recovered from the spot. The age of the victim was proved as 16 years and 6 months on the date of the incident.

On the argument regarding violation of Section 15(2) of the ITPA, the Court held that the provision was substantially complied with. The search was conducted in the presence of respectable and independent witnesses, including the decoy and another witness, and nothing was shown to suggest they were stock or "pocket" witnesses. The Court therefore rejected the contention that the conviction was vitiated due to procedural non-compliance.

The Supreme Court held that child trafficking and sexual exploitation are grave offences that strike at the core of human dignity and the State's constitutional obligation to protect children. It laid down clear parameters for appreciating the evidence of a minor victim of trafficking, emphasising sensitivity, realism, and due regard to the victim's vulnerability and the realities of organised crime. The Court affirmed that a minor victim is not an accomplice and that her credible and convincing testimony can, by itself, sustain a conviction. Finding that the evidence on record proved the guilt of the appellant and his wife beyond reasonable doubt and that statutory requirements under the ITPA were substantially complied with, the Court dismissed the appeal and upheld the conviction.

26.M/s Sri Om Sales v. Abhay Kumar @ Abhay Patel, 2025 INSC 1474

Decided on: 21 December 2025

Bench: Hon'ble Mr. Justice Manoj Misra & Hon'ble Mr. Justice Ujjal Bhuyan

(Section 482 CrPC — cheque bounce complaint — Negotiable Instruments Act, 1881 — scope of inherent powers — presumption under Section 139 — impermissibility of roving enquiry at pre-trial stage.)

Facts

The appellant lodged a complaint under Section 138 of the Negotiable Instruments Act, 1881, alleging that the first respondent had taken delivery of goods and, in discharge of the liability, issued a cheque for ₹20,00,000. Upon presentation, the cheque was dishonoured due to insufficient funds. After assurances by the respondent, the cheque was re-presented but again returned unpaid. A statutory legal notice was issued, and upon non-payment within the stipulated period, a criminal complaint was filed.

The Magistrate took cognizance and summoned the respondent. Aggrieved, the respondent approached the Patna High Court under Section 482 CrPC, which quashed the complaint and the summoning order. The complainant thereafter appealed to the Supreme Court.

Issues Before the Supreme Court

1. Whether the High Court was justified in quashing the cheque bounce proceedings at the pre-trial stage under Section 482 CrPC.
2. Whether the High Court could conduct a roving enquiry to determine if the cheque was issued for the discharge of a debt or liability.
3. The scope and effect of the statutory presumption under Section 139 of the Negotiable Instruments Act.

Judgment

The Supreme Court allowed the appeal, set aside the order of the Patna High Court, and restored the criminal complaint to the file of the concerned Magistrate.

Rationale

The Court reiterated that while exercising jurisdiction under Section 482 CrPC at the threshold stage, the High Court is required only to examine whether the allegations in the complaint, taken at face value along with the supporting materials, disclose a prima facie case. Except in rare and exceptional circumstances, it is impermissible to assess the probative value of evidence or adjudicate disputed factual issues at this stage.

The Bench held that the necessary ingredients of an offence under Section 138 of the Negotiable Instruments Act were clearly disclosed by the complaint, justifying issuance of process. It found that the High Court erred in embarking upon a roving enquiry to test whether the cheque had, in fact, been issued for the discharge of a legally enforceable debt or liability.

Emphasising Section 139 of the Negotiable Instruments Act, the Court clarified that there is a statutory presumption that the holder of a cheque received it for the discharge, in whole or in part, of a debt or liability. This presumption can be rebutted only by evidence led during trial. A fortiori, such an issue cannot be conclusively decided at the pre-trial stage in proceedings under Section 482 CrPC.

The Court further observed that although, in exceptional circumstances, the High Court may quash proceedings to prevent abuse of process or to secure the ends of justice, no such exceptional circumstance existed in the present case. Since the complaint allegations prima facie made out an offence under Section 138, neither the summoning order nor the complaint itself could have been quashed.

Accordingly, the Supreme Court held that the High Court exceeded its jurisdiction under Section 482 CrPC by conducting an unwarranted factual enquiry and prematurely evaluating the defence

of the accused. The complaint was restored to the file of the Magistrate for adjudication in accordance with law.