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MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

HIGHLIGHTS

Death row convict in minor's rape-murder case acquitted because of procedural lapses.

PG. 05

Supreme Court held that pre-cross-examination evidence enough to summon accused.

PG. 07

Human bite not a weapon under Section 324 IPC.

PG. 08



Executing an arrest without informing the accused of the substance of the arrest warrant is unconstitutional.

PG. 09

A delay in the registration of a First Information Report (FIR) concerning offences punishable by imprisonment exceeding three years cannot, in itself, justify the quashing of the FIR

PG. 10



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ABSCENCE OF COMPLAINANT WILL NOT ALWAYS RESULT IN ACQUITTAL

The Supreme Court clarified the interpretation of Section 256 of the Code of Criminal Procedure (now corresponding to Section 279 of the Bharatiya Nagarik Suraksha Sanhita). The Court held that the mere absence of a complainant on any hearing date does not automatically entitle the accused to an acquittal. What truly matters is the nature of the date for which the case is listed—specifically, whether it is fixed for the appearance of the accused. The bench, comprising Justice Dipankar Datta and Justice Manmohan, was hearing an appeal filed by a complainant challenging a Calcutta High Court order. The High Court had acquitted the accused on the sole ground that the complainant, a septuagenarian, failed to appear before the trial court. The complainant had cited serious health concerns due to COVID-19 as the reason for his absence.

The Supreme Court clarified that an acquittal under Section 256 CrPC is appropriate only if the complainant is absent on a day scheduled for the personal appearance of the accused and when the accused is indeed present. If the date is fixed for another procedural reason, such as for the complainant to explain an earlier absence or to bring documents, then their non-appearance would not necessarily lead to the accused being acquitted. Importantly, the Court also took note of the COVID-19 restrictions in force at the relevant time. A Standard Operating Procedure issued by the High Court clearly barred trial courts from dismissing cases for default due to the pandemic. Despite this, the trial court had dismissed the complaint without considering the special circumstances or the SOP.



The Court remarked, “Had COVID restrictions not been in place, and had the accused been present on a date fixed for their appearance, an acquittal might have been justified. But in the present case, those conditions were not met.” Ultimately, while the Court agreed that the trial court could have dismissed the complaint for procedural default, it held that doing so in defiance of the applicable SOP was unjustified. The Supreme Court partly allowed the appeal, restored the complaint, and directed the High Court to reconsider the matter afresh.

This judgment serves as a timely reminder that procedural laws must be applied with sensitivity, especially in extraordinary situations like a pandemic, and that justice cannot be reduced to a mechanical exercise.

Case Law: *Ranjit Sarkar v Ravi Ganesh Bhardwaj* (2025) INSC 415.

Read More:

- <https://www.livelaw.in/supreme-court/s256-crpcs279-bnss-absence-of-complainant-will-not-always-lead-to-acquittal-of-accused-supreme-court-288055>
- <https://www.lawweb.in/2025/06/supreme-court-under-which-circumstances.html>

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

SUPREME COURT ACQUITS DEATH ROW CONVICT IN MINOR'S RAPE-MURDER CASE BECAUSE OF PROCEDURAL LAPSES

In a recent judgment, the Supreme Court overturned the conviction and death sentence awarded to a man accused of raping and murdering a minor girl, after finding that the trial had been conducted in a highly flawed and irregular manner. The appellant had been convicted under several provisions of the Indian Penal Code, including Sections 376A (rape causing death), 302 (murder), 366 and 363 (kidnapping), 201 (destruction of evidence), as well as Sections 5 and 6 of the POCSO Act. However, on appeal, the Supreme Court found significant lapses in the trial process that compromised the fairness of the proceedings.

A key concern raised by the bench comprising Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta was the improper admission of the accused's confessional statements. The trial court had permitted the investigating officer to narrate the accused's confession during his examination-in-chief, and even allowed the statement to be marked as evidence. The Court observed that this was a serious breach of the rules of evidence. Under Section 164 of the Code of Criminal Procedure, only confessions recorded by a magistrate are legally admissible. Moreover, Sections 24 to 26 of the Indian Evidence Act explicitly bar confessions made to a police officer from being used as evidence in such a manner.

The Supreme Court strongly criticised the trial court's conduct, describing it as "*lopsided*" and "*distorted*," noting that such serious irregularities undermine the very foundation of a fair trial. Another major lapse identified was the prosecution's failure to produce the scientific expert who had conducted the DNA profiling. The DNA report was heavily relied upon by the prosecution but without the testimony of the expert who prepared it, the Court held that the report could not be accepted as valid evidence.



Citing its earlier decision in *Rahul v. State of Delhi* (2023), the Court reiterated that DNA reports must be supported by testimony establishing the reliability of the methods used.

Further, the Court found that the chain of custody for the forensic samples was not adequately established. There was no evidence that the samples were properly sealed or securely handled from the time of collection until they reached the Forensic Science Laboratory (FSL). The lack of documentation and corroboration from relevant witnesses raised the possibility of tampering, further weakening the prosecution's case.

Given the cumulative lapses, including the improper admission of the accused's alleged confession and the failure to follow proper forensic procedures, the Court concluded that the conviction was unsafe. Accordingly, the appeal was allowed, and the appellant's conviction and sentence were set aside. This case underscores the critical importance of adhering to due process and evidentiary standards in criminal trials, especially in matters involving the most serious of charges. Procedural safeguards are not mere technicalities—they are essential to ensuring justice is served, both for the accused and for the victims.

Case Law: *Karandeep Sharma @ Razia @ Raju v State of Uttarakhand* 2025 (SC) 398.

Read more:

1. <https://www.livelaw.in/supreme-court/death-penalty-in-child-rape-murder-case-set-aside-supreme-court-flags-illegal-admission-of-confession-lapses-in-dna-evidence-288630>
2. <https://courtbook.in/posts/supreme-court-overturns-death-sentence-in-child-rape-murder-case-citing-illegal-confession-flawed-dna-evidence>

PENALTY FOR U.P. GOVERNMENT FOR TREATING A CIVIL DISPUTE AS A CRIMINAL MATTER

The Supreme Court imposed a cost of ₹50,000 on the State of Uttar Pradesh for wrongly converting a purely civil dispute into a criminal case. The Court held that such misuse of criminal law by the police cannot be permitted and directed the State to recover the cost from the responsible police officers.

A bench led by Chief Justice Sanjiv Khanna, along with Justice Sanjay Kumar, was hearing a plea seeking the quashing of criminal proceedings against a

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MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

a petitioner accused under Sections 420 (cheating), 406 (criminal breach of trust), 354 (assault on a woman), 504 (intentional insult), and 506 (criminal intimidation) of the Indian Penal Code. The complainant had alleged that the petitioner had cheated him of ₹19 lakh on the false pretext of executing a property sale deed. The petitioner had earlier approached the High Court under Section 482 CrPC to quash the criminal charges and chargesheet. However, the High Court dismissed the plea.

During the hearing, CJI Khanna came down strongly on the misuse of the criminal justice system. "Filing a criminal case for a civil wrong is unacceptable," the CJI observed. He further instructed the State of Uttar Pradesh to bear the ₹50,000 cost and recover it from the officers responsible, stating that internal inquiries may be conducted to identify the erring officials.

This is not the first time the Court has expressed concern over such practices. In an earlier case, the CJI described the trend of converting civil disputes into criminal matters by the UP Police as indicative of a "complete breakdown of the Rule of Law." The Court had also directed the Director General of Police to file an affidavit detailing compliance with its earlier directions in *Sharif Ahmed v. State of Uttar Pradesh*, regarding the completeness and accuracy of chargesheets.

Case Law: *M. Varadhan v Union of India & Anr* Writ Petition (Civil) No 1319/2023 [2023] SC.

Read more:

1. <https://www.barandbench.com/news/bail-with-excessive-conditions-is-no-bail-supreme-court>
2. <https://www.livelaw.in/supreme-court/if-accused-given-bail-in-multiple-cases-is-unable-to-find-sureties-condition-of-multiple-sureties-be-balanced-with-article-21-supreme-court-267410>.

DELHI HIGH COURT UPHOLDS CHARGES AGAINST CLUB OWNERS FOR SERVING HOOKAH AND LIQUOR TO MINORS

The Delhi High Court has upheld the framing of charges against two individuals, an owner and a partner of two clubs, accused of serving hookah and liquor to minor children, including a 13-year-old girl, in a bid to increase their profits. Justice Swarana Kanta Sharma, while dismissing their revision petitions, observed that the two men had allegedly deleted CCTV footage to conceal their unlawful activities and obstruct the police investigation. The charges were originally filed based on a complaint made by the mother of the missing minor girl. According to the prosecution, the girl had been served hookah and liquor repeatedly at the clubs in question.

The Court noted that at the stage of framing charges, only a prima facie view needs to be taken based on the prosecution's material. The exact nature of the petitioners'

involvement will be determined during the course of the trial. Charges against them include offences under Section 201 and 34 of the Indian Penal Code (for destruction of evidence), Section 19(1) read with Section 21 of the POCSO Act (for non-reporting of offences against children), Section 77 of the Juvenile Justice Act (for supplying intoxicants to a child), Section 42 of the Delhi Excise Act (for selling liquor to minors), and Section 28 read with Section 110 of the Delhi Police Act. In her statement, the minor revealed that she had visited several clubs, including those operated by the petitioners, and had stayed overnight at different locations. It was further alleged that another co-accused had established physical relations with her, and that other minors had also been exposed to similar experiences.

Given the seriousness of the allegations and the material on record, the Court found no irregularity in the trial court's decision to frame charges. Justice Sharma affirmed, "There is no infirmity with the impugned order passed by the learned ASJ. The revision petitions are dismissed."

This case highlights the need for strict vigilance and accountability in spaces accessible to minors and underlines the duty of business owners to comply with child protection and excise laws.

Case law: *Naresh Kumar Jain v State & Ors* (2025) DHC 1856.

Read more:

1. <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-upholds-charges-against-club-owners-accused-of-serving-hookah-liquor-to-minors-288306>
2. <https://lawtrend.in/delhi-high-court-upholds-charges-against-club-owners-for-serving-minors/>



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

PRE-CROSS-EXAMINATION EVIDENCE ENOUGH TO SUMMON ACCUSED: SUPREME COURT

In a significant judgment delivered on April 1, 2025, the Supreme Court held that a person can be summoned as an additional accused based on pre-trial evidence such as the examination-in-chief of a witness, even before the cross-examination is concluded.

The case arose from a trial court's decision to summon two individuals, Neeraj and Rajesh, as additional accused based on the unchallenged chief examination of the complainant. The trial court, relying on the testimony, found prima facie material indicating their involvement and allowed the complainant's application under Section 319 of the Code of Criminal Procedure (CrPC).

However, the proposed accused challenged this order before the High Court, which re-assessed the evidence and overturned the trial court's decision without first determining whether the trial court's findings were illegal or perverse. The complainant then approached the Supreme Court against this interference.

A bench of Justices Dipankar Datta and Manmohan criticised the High Court for overstepping its revisional powers under Section 401 CrPC. It emphasised that a revisional court must first identify any perversity or legal error before re-evaluating evidence.

Referring to the Constitution Bench decisions in Hardeep Singh v. State of Punjab and Dharam Pal v. State of Haryana, the Court clarified several principles regarding the interpretation of Section 319 of the CrPC. Notably, it reiterated that the term "evidence" in Section 319 includes not only evidence recorded during trial but also material from pre-trial inquiries, including examination-in-chief. The Court also stated that cross-examination is not a prerequisite for exercising this power.

In this case, the complainant had testified that one accused facilitated the stabbing while the other issued death threats. The Sessions Judge found this sufficient to summon them for trial. The Supreme Court upheld the trial court's decision, restoring its order and allowing the appeal.

This ruling reaffirms the principle that courts can take decisive action based on unrebutted pre-trial testimony to ensure that all responsible individuals are held accountable and brought to justice.

Case Law: Satbir Singh v Rajesh Kumar & Ors (2025)
INSC 416

Read more

1. <https://www.livewlaw.in/supreme-court/s319-crpc-additional-accused-can-be-summoned-based-on-witness-statement-without-cross-examination-supreme-court-288166>
2. https://lawhelpline.in/wp-content/uploads/2024/01/Sec_319_CrPC.pdf

ABDUCTION AND COERCION TOO SERIOUS FOR COMPROMISE, SAYS MP HIGH COURT

In a recent ruling, the Madhya Pradesh High Court declined to quash an FIR despite a compromise reached between the parties, highlighting that the allegations involved were of a grave and serious nature. The Court noted that acts such as abduction from a public place, physical assault with a pistol butt, and coercing the complainant into making a false self-incriminating video cannot be considered minor or private disputes.

Justice Gurpal Singh Ahluwalia, while hearing the matter, emphasized the broader impact of such conduct on society. "Abduction from a public place and then assaulting him by the butt of a pistol and thereafter preparing a false video containing some self-incriminating admissions by complainant cannot be said to be an offence which is not heinous or not against the society," he observed.

The case involved offences under the Bharatiya Nyaya Sanhita, 2023, including Section 308(5) (extortion), Section 127(2) (wrongful confinement), Section 115(2) (voluntarily causing hurt), Section 296 (obscene acts and songs), and Section 3(5) (act done in furtherance of common intention). According to the prosecution, the complainant was approached by individuals in a car while he was with his friends. He was forcibly taken away, assaulted, and threatened for money. The accused allegedly made him transfer ₹16,000 via Google Pay under duress and forced him to record a video admitting that he had voluntarily paid the money and had intended to harm someone. The complainant was further threatened with the release of the video and blackmailed for an additional ₹4.84 lakh.

An application was filed requesting quashing of the FIR on the ground that the matter had been settled between the parties. However, the Court took a firm stance and examined whether the contents of the FIR pointed to a simple personal dispute or a more serious offence impacting public order and safety.

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

After a detailed review, the Court concluded that the allegations made in the FIR were of a heinous nature, involving elements of violence, intimidation, and extortion. Citing the Supreme Court's decisions in *Gian Singh v. State of Punjab* (2012) and *Narinder Singh v. State of Punjab* (2014), the Court reiterated that compromise cannot be a ground to quash proceedings when the alleged offences are serious and affect society at large.

Accordingly, the High Court dismissed the plea for quashing the FIR, underscoring the principle that criminal justice must not be undermined by private settlements in cases involving grave misconduct.

Case Law: *Sourav Gurjar & Ors v State of Madhya Pradesh & Ors* (2025) MPHC-GWL 793.

Read more :

1. <https://www.livewlaw.in/high-court/madhya-pradesh-high-court/madhya-pradesh-high-court-assault-pistol-butt-abduction-false-self-incriminating-video-289472>

2. <https://www.scconline.com/blog/post/2025/04/18/heinous-acts-of-abduction-armed-threat-assault-coerced-self-incrimination-is-detrimental-to-public-order-beyond-scope-of-private-dispute-mp-high-court-scc-times/>

LEGALLY MARRIED MAN CANNOT BE PROSECUTED FOR RAPE BASED ON THE PROMISE OF A RELIGIOUS CEREMONY

The Goa Bench of the Bombay High Court ruled that a man cannot be prosecuted for rape under the pretext of not fulfilling a promise to solemnise the marriage through religious customs if the couple is already legally married and has shared a consensual sexual relationship. The case came before a division bench of Justices Bharati Dangre and Nivedita Mehta, which was hearing a petition seeking to quash an FIR filed by a woman against her legally wedded husband. The complainant alleged that although the couple had registered their marriage, she had agreed to engage in

a physical relationship only on the assurance that the husband would later marry her as per their religious customs. She claimed that this promise remained unfulfilled.

The Court noted that while the husband had initially concealed their registered marriage from his family, tensions arose later when he allegedly discovered the complainant's interactions with other men. This, he claimed, led to the breakdown of their relationship.

Crucially, the Court observed that for a charge of rape based on false promise to marry, it must be established that the accused had a dishonest intention at the time the promise was made, and that such a promise influenced the complainant's consent. However, in this case, both parties were fully aware of their registered marriage before engaging in a sexual relationship. The Court noted that the complainant herself admitted to multiple consensual encounters following their civil marriage.

The bench ruled that the promise to perform religious marriage rites, if unfulfilled, may at most constitute a breach of promise, but does not amount to rape, especially since the marital status was never misrepresented. Holding that no offence of rape or cheating was made out, the Court quashed the FIR.

Case Law: *Pravin v State of Maharashtra* (2025) SLP (Cri) No 3604 (SC).

Read More:

1. <https://www.livewlaw.in/high-court/bombay-high-court/bombay-high-court-false-promise-to-marry-as-per-customs-consent-not-vitiated-288849>

2. <https://www.scconline.com/blog/post/2025/04/11/husband-promise-to-marry-as-per-customs-not-false-promise-once-marriage-is-legally-registered-bomhc-quashes-rape-case-against-husband/>

HUMAN BITE NOT A WEAPON UNDER SECTION 324 IPC

In a recent judgment, the Bombay High Court clarified that causing injury through a human bite does not amount to the use of a dangerous weapon under Section 324 of the Indian Penal Code (IPC). Instead, such an act would fall under Section 323, which deals with voluntarily causing hurt, as human teeth do not qualify as a "weapon" under the law. The case was heard by a division bench comprising Justice Vibha Kankanwadi and Justice Sanjay A. Deshmukh,



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

who were examining a petition to quash criminal proceedings against two individuals. The applicants had been charged under Sections 324, 323, 504 (intentional insult), and 506 (criminal intimidation) of the IPC. The incident arose from a long-standing property dispute. The complainant had filed a partition suit over a land, house, and brick kiln. According to the FIR, the dispute escalated when the applicants were found constructing a road to transport bricks, allegedly in violation of court proceedings. The complainant claimed she was assaulted and bitten by one of the applicants, while her brother, who intervened, was also bitten.

The applicants argued that the FIR was motivated by ongoing civil disputes and denied the allegations. They further submitted that human teeth cannot be treated as a weapon under Section 324 IPC. In support, the Court referred to the Supreme Court's decision in *Shakeel Ahmed v. State of Delhi* (2004), which held that human teeth do not qualify as a *deadly weapon* under the IPC. The High Court also pointed out that the medical report did not confirm the presence of bite marks on either the complainant or her brother. The injuries recorded did not align with those typically caused by human teeth. In light of these observations, the Court held that the offence under Section 324 IPC was not made out and quashed the criminal proceedings.

Case Law: *Tanaji Shivaji Solankar and Others v State of Maharashtra and Another* (2025) Bom HC (Aurangabad).

Read more -

1. <https://www.livelaw.in/high-court/bombay-high-court/human-teeth-not-weapon-injury-caused-by-it-covered-under-section-323-ipc-289029>
2. <https://courtbook.in/posts/bombay-high-court-human-teeth-not-a-dangerous-weapon-biting-injury-attracts-section-323-ipc-not-324>

ARREST WITHOUT NOTIFICATION OF WARRANT SUBSTANCE VIOLATES ARTICLE 22

The Calcutta High Court held that executing an arrest without informing the accused of the substance of the arrest warrant is unconstitutional. The Court observed that such an arrest violates Article 22(1) of the Constitution, read with Section 75 of the Code of Criminal Procedure (CrPC).

The case involved a challenge to an arrest made by the CBI, where the accused had been taken into custody in Kolkata based on a permanent warrant issued by a Madhya Pradesh court in 2019. However, the accused was not informed of the grounds of his arrest at the time

of his detention in 2025. Justice Suvra Ghosh upheld the Magistrate's earlier order granting interim bail to the accused, emphasizing that the arrest memo did not contain sufficient details regarding the grounds of arrest.

The CBI argued that the arrest was lawful and that the accused was aware of the charges, especially as the arrest memo mentioned the penal sections invoked. They also stated that the accused's father had signed the memo, which was accompanied by the original warrant. On the other hand, the defence submitted that the accused had not been told why he was being arrested, which severely affected his ability to defend himself.

The High Court referred to Article 22(1), which mandates that any person who is arrested must be informed, as soon as possible, of the grounds of arrest and allowed to consult a legal practitioner. Section 75 of the CrPC also requires that the substance of a warrant be notified to the arrestee.

Relying on the Supreme Court's ruling in *Prabir Purkayastha v. State*, the High Court distinguished between a warrant and an arrest memo, stressing that both must fulfill legal requirements. The Court concluded that the absence of detailed reasons in both the warrant and memo rendered the arrest process invalid, thereby justifying the grant of interim bail.

Case law: *Central Bureau of Investigation v Rajnikant Ojha* (High Court, 10 April 2025) CRM (M) 1 of 2025.

Read more

1. <https://www.livelaw.in/high-court/calcutta-high-court/merely-supplying-warrant-of-arrest-notifying-penal-sections-without-mentioning-substance-of-charge-violates-article-22-of-constitution-calcutta-hc-289142>
2. <https://www.verdictum.in/court-updates/high-courts/calcutta-high-court/central-bureau-of-investigation-vs-rajnikanth-ojha-warrant-of-arrest-penal-charges-article-22-1574055>



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

CITIZENS REPORTING CRIMES AT POLICE STATIONS ARE ENTITLED TO RESPECTFUL AND DIGNIFIED TREATMENT, RULES SUPREME COURT

The Supreme Court has affirmed that every individual who approaches a police station to report a criminal offence is entitled to be treated with dignity, a right enshrined under Article 21 of the Constitution of India. A bench comprising Justice Abhay S. Oka and Justice Ujjal Bhuyan made this observation while upholding a decision of the Tamil Nadu State Human Rights Commission (SHRC), which imposed a penalty of ₹2 lakh on the state government. This amount is to be recovered from a police inspector who refused to register a First Information Report (FIR) and behaved inappropriately towards individuals attempting to file a complaint concerning alleged cheating and embezzlement of ₹13 lakh.

The complainant, accompanied by his parents, approached the Srivilliputhur police station to file the complaint. The sub-inspector, to whom the complaint was initially handed, stated that due to the nature of the transaction occurring in three different locations, he required the inspector's approval to proceed. He subsequently provided the inspector's contact number. The complainant's mother later spoke with the inspector over the phone.

When the complainant returned to the police station at 5:00 PM, he was told to wait for the inspector, who only arrived at 8:30 PM. Upon his arrival, the inspector not only refused to register the FIR but also used offensive language when addressing the complainant's mother. The SHRC subsequently ordered the Additional Chief Secretary of the Home Department, Government of Tamil Nadu, to pay ₹2 lakh in compensation, with liberty to recover the amount from the inspector in question, Mr Pavul Yesu Dhasan. Both the SHRC's decision and the Madras High Court's affirmation were challenged by the inspector in the present petition.

Following its inquiry, the SHRC concluded that the inspector had not only failed in his duty to register the FIR but also employed indecent language. The Supreme Court, noting the inspector's objectionable conduct, held that the facts clearly demonstrated a violation of human rights and found no reason to interfere with the decisions of the SHRC or the High Court. The petition was accordingly dismissed.

Case law: *Pavul Yesu Dhasan v Registrar, State Human Rights Commission of Tamil Nadu & Ors* (2025) INSC 677.

Read More:

1. <https://www.livewlaw.in/supreme-court/citizens-who-approach-police-station-to-report-crime-entitled-to-be-treated-with-dignity-supreme-court-290814>
2. <https://courtbook.in/posts/citizens-who-approach-police-station-to-report-crime-entitled-to-be-treated-with-dignity-supreme-court>

DELAY ALONE IS NOT SUFFICIENT GROUND TO SQUASH FIRS FOR OFFENCES CARRYING PUNISHMENT EXCEEDING THREE YEARS' IMPRISONMENT, HOLDS SUPREME COURT

The Supreme Court has clarified that a delay in the registration of a First Information Report (FIR) concerning offences punishable by imprisonment exceeding three years cannot, in itself, justify the quashing of the FIR, provided it discloses the commission of a cognisable offence. This clarification was delivered by a bench comprising Justices Dipankar Datta and Manmohan in a case where an FIR had been filed against Respondent Nos. 2 and 3 under Sections 467, 468, 471, 420, and 120B of the Indian Penal Code. These sections relate to serious offences, each prescribing punishment extending beyond three years. The High Court had quashed the FIR on several grounds, including a 16-year delay in filing it.

In a judgment authored by Justice Manmohan, the Supreme Court overturned the High Court's decision, noting that it had erred by halting the investigation solely on account of the delay in registration. The Court reiterated the established legal principle that such a delay, when the offences are punishable with imprisonment exceeding three years, cannot be grounds for impeding a criminal investigation. Referring to Section 468 of the Code of Criminal Procedure (CrPC), the Court held that the statutory limitation period does not apply to offences carrying a punishment of more than three years. Moreover, the Court observed that the cause of action only arose in December 2021, when the appellant first became aware of a fraudulent sale deed and prior mortgages.

The complaint, lodged with the Economic Offences Wing on 12 January 2022, was thus considered timely. Citing Section 469 CrPC, which states that the limitation period begins from the date the aggrieved person becomes aware of the offence, the Court concluded there was no undue delay in the filing of the complaint.

Given that the FIR was filed just 15 days after the offence came to light, the Court found the initiation of criminal proceedings to be appropriate and within the legal framework. Consequently, the appeal was allowed, and the High Court's decision was set aside.

Case law: *Punit Beriwal v State of NCT of Delhi & Ors* (2025) INSC 582.

Read More:

1. <https://www.livewlaw.in/supreme-court/delay-cannot-be-reason-to-quash-firs-for-offences-punishable-with-more-than-3-years-imprisonment-supreme-court-290812>
2. <https://courtbook.in/posts/delay-not-a-ground-to-quash-fir-in-serious-offences-says-supreme-court>

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

ABSENCE OF MOTIVE MAY STRENGTHEN DEFENSE OF INSANITY: SUPREME COURT REDUCES SENTENCE OF MOTHER WHO KILLED TWO DAUGHTERS UNDER 'INVISIBLE INFLUENCE'

The Supreme Court has reduced the sentence of a woman convicted of killing her two young daughters, aged three and five, by altering her conviction from murder under Section 302 of the Indian Penal Code (IPC) to culpable homicide not amounting to murder under Section 304 Part II IPC.

The appellant, who had been sentenced to life imprisonment, claimed that she had committed the act under the influence of an "invisible power." The Court, noting that she had already spent nine years and ten months in custody, ordered her release, as the maximum sentence under Section 304 Part II is ten years.

The bench, comprising Justices B.V. Nagarathna and N.K. Singh, found that there was no clear explanation for her condition but acknowledged her strange and inexplicable behaviour. This led the Court to infer that the appellant may have been suffering from some form of impaired mental condition at the time of the incident.

The Court observed that in cases involving grave offences such as homicide, the existence or absence of motive assumes significance, particularly when the accused pleads mental instability. The absence of any identifiable motive in this case strengthened the argument that the appellant was not in a stable mental state when the offence occurred.

Trial courts were advised to be cautious when such defences are raised, especially in situations involving claims of invisible forces or complete lack of explanation for the accused's actions. The Court emphasised that under Section 165 of the Indian Evidence Act, judges must actively seek the truth, even if the accused remains silent. Although the appellant's behaviour did not meet the legal threshold for unsoundness of mind under Section 84 IPC due to lack of medical evidence, the Court acknowledged that her mental state may have temporarily impaired her judgment.

Taking into account her rural background and limited education, the Court extended the benefit of doubt concerning the existence of intention. Consequently, her conviction was modified under Section 304 Part II IPC, recognising the unusual and tragic nature of the case.

Case law: *Chunni Bai v State of Chhattisgarh* (2025) INSC 577.

Read More:

1. <https://www.livewlaw.in/supreme-court/chunni-bai-vs-state-chhattisgarh-lack-of-motive-insanity-plea-mother-who-killed-daughters-290687>
2. <https://economictimes.indiatimes.com/news/india/s-c-provides-relief-to-mother-who-killed-her-daughters-under-spell-of-invisible-powers/articleshow/120721784.cms?from=mdr>

THE PROSECUTION IS NOT PERMITTED TO CONTRADICT A COURT WITNESS USING PRIOR STATEMENTS MADE TO THE POLICE; HOWEVER, THE COURT MAY DO SO, RULES SUPREME COURT

The Supreme Court has clarified that a "Court Witness"—a person summoned by the Court under its powers conferred by Section 311 of the Code of Criminal Procedure (CrPC) and Section 165 of the Indian Evidence Act—cannot be cross-examined by the prosecution on the basis of their previous statements made to the police.

A bench comprising Justices Sudhanshu Dhulia and Prashant Kumar Mishra observed that although either party may cross-examine a Court Witness, this may only be done with the Court's permission and must be confined strictly to the responses given by the witness to the Court's own questions. Importantly, such a witness cannot be contradicted using their statements recorded under Section 161 CrPC, which is reserved for prosecution witnesses. The proviso to Section 162(1) CrPC permits the defence to use prior statements of prosecution witnesses for contradiction, and likewise permits the prosecution to do so with the Court's leave—but this framework does not extend to Court Witnesses.

Citing *Mahabir Mandal v. State of Bihar* and *Dipakbhai Jagdishchandra Patel v. State of Gujarat*, the Court reinforced this principle. However, it clarified that no such restrictions apply to the Court itself, which retains broad authority under Section 165 of the Evidence Act to pose any questions, including those that may contradict the witness's prior police statements.

The clarification came while affirming the convictions in the 2003 'Kannagi-Murugesan' honour killing case in Tamil Nadu. The victims, an inter-caste couple, were poisoned and their bodies burnt by the woman's family. The case involved the summoning of PW-49, the stepmother of the deceased Murugesan, as a witness during the trial. Though not originally listed in the chargesheet, she was later summoned under Section 311 CrPC as an additional witness, not a Court Witness, as claimed by the defence.

The Court drew a distinction between additional and Court Witnesses, noting that while there is wide discretion in summoning an additional witness, cross-examination of a Court Witness is strictly regulated. The Court also upheld the life sentences awarded by the Madras High Court and directed compensation of ₹5 lakh to be paid jointly to Murugesan's father and stepmother.

Case law: *K.P. Tamilmaran v State by Deputy Superintendent of Police* (2025) INSC 576.

Read more:

1. <https://courtbook.in/posts/supreme-court-prosecution-cannot-use-police-statements-to-contradict-court-witness-but-court-can>
2. <https://www.livewlaw.in/supreme-court/prosecution-cannot-contradict-a-court-witness-with-previous-statements-made-to-police-but-court-can-supreme-court-290668>

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

DISMISSAL OF A SUIT FOR DEFAULT DOES NOT PRECLUDE FILING A FRESH SUIT ON THE SAME CAUSE OF ACTION, AFFIRMS SUPREME COURT

The Supreme Court recently ruled that the dismissal of a suit or application for default under Rules 2 or 3 of Order IX of the Civil Procedure Code (CPC) does not preclude the filing of a fresh suit. This is because such dismissals do not amount to either a decree or a judgment, and therefore, the principle of res judicata does not apply.

The bench, comprising Justices J.B. Pardiwala and R. Mahadevan, observed that an order passed under Rule 2 or Rule 3 of Order IX CPC is neither an adjudication nor a decree and is not an appealable order under Order XLIII CPC. Consequently, such dismissals do not meet the definition of a "judgment" or "decree" and cannot be treated as decisions on the merits of the dispute.

The matter arose from a case in which the plaintiff's father had filed a suit seeking a declaration and permanent injunction. The suit was dismissed for default under Rule 2 of Order IX due to the non-appearance of both parties. A subsequent application for restoration under Rule 4 was also dismissed and attained finality as it was not challenged.

Thereafter, the plaintiff filed a fresh suit for the same reliefs under Rule 4. The trial court allowed the suit, and although the first appellate court reversed this decision, the High Court restored the trial court's order. The defendant challenged this before the Supreme Court, arguing that the new suit was barred by res judicata. Rejecting this argument, the Court upheld the High Court's ruling, confirming that a fresh suit was maintainable. It stated that the dismissal of the earlier suit for default did not result in a formal adjudication of any rights or defences raised and thus could not invoke the bar of res judicata.

Accordingly, the Court dismissed the appeal, affirming that the plaintiff was entitled to file a fresh suit following dismissal in default under Rule 2 of Order IX CPC.

Case Law: *Amruddin Ansari (D) through LRS & Ors v Afajal Ali & Ors* (2025) INSC 566.

Read more:

- <https://www.livelaw.in/supreme-court/dismissal-of-suit-for-default-doesnt-bar-fresh-suit-on-same-cause-of-action-supreme-court-290450#:~:text=The%20Supreme%20Court%20recently%20held,res%20judicata%20does%20not%20apply.>
- <https://www.verdictum.in/court-updates/supreme-court/amruddin-ansari-deadthrough-lrs-ors-v-afajal-ali-ors-2025-insc-566-dismissal-suit-rule-2-rule-3-order-ix-cpc-res-judicata-1575289>

HIGH COURTS CANNOT BE CALLOUS IN GRANTING BAIL TO PERSONS ACCUSED OF CHILD TRAFFICKING, RULES SUPREME COURT, ALONG WITH DIRECTING STATES TO IMPLEMENT BIRD'S REPORT

The Supreme Court considered instant appeals filed by the kin of trafficked children, praying for cancellation of bail granted by the Allahabad High Court in a significant ruling in April, 2025. The main issue in front of the court was whether the High Court committed any error while releasing the accused persons on bail. The Division bench of J.B Pardiwala and R. Mahadevan JJ, set aside these bail orders and the accused were remanded to judicial custody. The apex court stated that the callousness while dealing with bail applications will lead for the abscondment of many accused persons who are a threat to the society, expressing disappointment with the state in not challenging the bail orders.

It also stated that the concept of liberty is a restricted one, and it cannot be accentuated to such an extent that would bring anarchy into the society. The court berated the Allahabad high court for not being serious with the matter, since there was no condition of marking presence at the concerned police station, eventually leading the police to lose track of all these accused persons. Many of the accused had absconded and were not appearing before the courts for committal proceedings.



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MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

The SC further instructed the State governments to implement recommendations made by Bharatiya Institute of Research and Development (BIRD) to curb child trafficking cases. It conveyed a message to the nation, especially the parents, to remain careful with their children since slight negligence can prove to be extremely costly. It highlighted the pain that a parent faces when they lose their children to child trafficking gangs, taking note of why this offence happens. One of the accused persons trafficked a minor male child because of his longing for a son, providing an unfortunate illustration of this evil.

Finally, the Court elaborated on the liability of hospitals from which a newborn infant is trafficked, asking for immediate action against such a hospital in the form of suspension of the license to run the hospital. It maintained that it is the responsibility of the administration of the hospital to protect the newborn infant in all respects.

Case Law: *Pinki v State of Uttar Pradesh & Anr* (2025) INSC 482.

Read more at:

1. <https://www.sconline.com/blog/post/2025/04/15/allahabad-hc-callous-approach-bail-grant-to-child-trafficking-accused-directs-bird-report-implementation-sc-legal-news/>
2. <https://www.livelaw.in/top-stories/supreme-court-directs-completion-of-child-trafficking-case-trials-in-6-months-issues-directions-to-states-on-handling-such-cases-289407>

CONSENSUAL RELATIONSHIPS, WHERE THE POSSIBILITY OF MARRIAGE MAY EXIST, CANNOT BE GIVEN A COLOUR OF FALSE PRETEXT TO MARRY AFTER FALLING OUT; SC QUASHED RAPE CASE AGAINST FORMER JUDGE

The criminal appeal in this case was filed by a former judicial officer who had superannuated from the post of Civil Judge (Senior Division), City Civil Court, Calcutta, who was charged under Sections 376, 417 and 506 of the IPC. The Calcutta High Court refused to discharge the accused. The complainant had claimed that the accused, who was also married but separated from his wife, assured her that he would marry her and take full responsibility for her and her son from the first marriage once she was divorced. The accused allegedly kept the complainant in a rented house, got her son admitted to a school at his own expense, and regularly transferred money into her bank account. The accused also alleged that the accused took her to his residence and repeatedly assured her of marriage after her divorce. It was on this pretext that the accused allegedly had physical relations with the complainant on various occasions. However, once the complainant's divorce was finalised, the accused started to avoid her and asked her not to contact him.

It was on these facts that the trial court convicted the accused, which was further upheld by the High Court. However, the Supreme Court observed that the complainant was aware of the personal and professional background of the accused, and even if her version is accepted at face value, it cannot be stated that the relationship was based on the accused's offer of marriage. She could not claim rape on the false pretext of marriage or misconception of fact. She made her own decision to enter and sustain the relationship between her and the accused, while being aware of all facts and circumstances of the case.

The court noted an increasing trend of initiating criminal proceedings when relationships turn sour, and held that such instances can amount to abuse of the legal process. The court terminated the proceedings and discharged the accused, highlighting that these sections cannot be invoked when the relationship was consensual, just because the relationship turns sour. It held that each relationship has the potential of a fall-out, and people cannot be allowed to misuse such provisions.

Case law: *Biswajyoti Chatterjee v State of West Bengal* (2025) 5 SCC 749.

Read more at:

1. <https://www.sconline.com/blog/post/2025/04/11/sc-quashes-rape-case-former-judge-consensual-relationship/>