

## Supreme Court on Criminal Law in 2018

**Bail** - At the time of considering an application for bail, the Court must take into account certain factors such as the existence of a prima facie case against the accused, the gravity of the allegations, position and status of the accused, the likelihood of the accused fleeing from justice and repeating the offence, the possibility of tampering with the witnesses and obstructing the Courts as well as the criminal antecedents of the accused. It is also well settled that the Court must not go into deep into merits of the matter while considering an application for bail. All that needs to be established from the record is the existence of a prima facie case against the accused. *State of Orissa v. Mahimananda Mishra*, JT 2018 (9) SC 186 : 2018 (4) Crimes 156 : 2018 (2) OLR 768 : 2018 (11) Scale 239 [Crl.A. No. 1175 of 2018 18-09-2018](#)

**Bail** - Cancellation of - Application for cancellation of the regular bail granted by the Trial Court - High Court has issued non-bailable warrants of arrest - No justification. *Upendra Sharma v. State of Bihar*, JT 2018 (1) SC 312 : 2018 (3) RCR (Criminal) 294 : 2018 (1) Scale 302 : (2018) 2 SCC 472 : 2018 (1) SCC (Cri) 739 [Crl. A. No. 57 / 2018 10-01-2018](#)

**Bail** - case involving embezzlement to the tune of Rs.2.78 Crores - stringent conditions should be imposed. *Bharat Stars Services Pvt Ltd. v. Harsh Dev Thakur*, [Crl.A. No. 1089 of 2018 28-08-2018](#)

**Bail** - High Court declined to grant bail - petitioner is not keeping well - It is for the petitioner to approach the Sessions Judge who, in his judicial discretion, is empowered to pass appropriate orders keeping in view the facts made out by the petitioner in that behalf after hearing all parties concerned. The special leave petition is dismissed. *Dr. Ramesh Badlani v. State of M.P.*, 2018 (14) Scale 647 [SLP \(Crl.\) No. 6568 of 2018 02-11-2018](#)

**Bail** - Speaking order with reasons need to be given in brief while deciding as to whether the undertrial is entitled to bail or not. *Seema Singh v. Central Bureau of Investigation*, AIR 2018 SC 2161 : 2018 (3) Bom.C.R. (Cri.) 187 : 2018 (2) JKJ 66 : JT 2018 (4) SC 314 : 2018 (6) Scale 76 [Crl.A. No. 569 of 2018 18-04-2018](#)

**Bail** - The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory. *Dataram Singh v. State of Uttar Pradesh*, 2018 (1) ACR 741 : 2018 (4) ADJ 477 : AIR 2018 SC 980 : 2018 (3) ALJ 159 : 2018 CriLJ 2161 : 2018 (1) CTC 782 : 2018 (1) GLH 520 : 2018 (1) JKJ 149 : 2018 (2) JLJR 98 : JT 2018 (2) SC 466 : 2018 (2) PLJR 67 : 2018 (2) MLJ (Cri) 201 : 2018 (2) RCR (Criminal) 131 : 2018 (1) RLW 591 : 2018 (2) Scale 285 : (2018) 3 SCC 22 : 2018 (1) SCC (Cri) 675 : 2018 (1) SLT 772 [Crl.A. No. 227 of 2018 06-02-2018](#)

**Bail Application** - High Court, unfortunately, passed the impugned order in a casual way granting bail to the accused without assigning any valid and proper reason. Bail Cancelled. *Manoj Kumar v. State of Uttar Pradesh*, JT 2018 (11) SC 258 : 2018 (15) Scale 4 [Crl.A. No. 1383 of 2018 13-11-2018](#)

**CBI Investigation** - Jat Agitation. *Dilawar v. State of Haryana*, AIR 2018 SC 2269 : 2018 All.M.R. (Cri.) 2678 : 2018 (7) Scale 457 : 2018 (4) SLT 90 [M.A. No. 267 of 2017 01-05-2018](#)

**CBI Investigation** - Power of Court. *Union of India v. Sunil Tripathi*, AIR 2018 SC 3570 : 2018 (9) Scale 305 : (2018) 8 SCC 463 [C.A. No. 5987 of 2018 31-07-2018](#)

**CBI Investigation** can be entrusted for instilling confidence in the minds of Victims as well as Public at Large. *E. Sivakumar v. Union of India*, AIR 2018 SC 2486 : 2018 (5) ALD 97 : 2018 (4) Bom.C.R. 436 : 2018 (3) Crimes 37 : 2018 (3) CTC 568 : JT 2018 (6) SC 39 : 2018 (3) RCR (Criminal) 111 : 2018 (7) Scale 656 : (2018) 7 SCC 365 [bit.ly/2JayLOQ](http://bit.ly/2JayLOQ) 18-05-2018

**Conservation of Foreign Exchange and Prevention of Smuggling Activity Act, 1974.** *Secretary to Government of Tamil Nadu v. Kamala*, 2018 (103) AllCC 647 : 2018 All.M.R. (Cri.) 2686 : 2018 (2) GLH 15 : JT 2018 (4) SC 164 : 2018 (5) Scale 492 : (2018) 5 SCC 322 [Crl.A. No. 507 of 2018 10-04-2018](#)

**Contempt of Court** - Criminal Contempt Reference - High Court ought to have conducted an inquiry. That having not been done and the punishment having been imposed solely on the basis of the reference made by the District Judge and the affidavit in response - the principles of natural justice have not been complied with

fully - appellant had tendered unconditional apology - the apology tendered by the appellant is taken on record - set aside the conviction and sentence imposed upon the appellant and the appeal is allowed. *Kuldeep Mansukhani v. Court On its Own Motion, High Court of Delhi at New Delhi, JT 2018 (7) SC 462 : 2018 (4) RCR (Civil) 131 : 2018 (9) Scale 431 : 2018 (6) SLT 405* [Crl.A. No. 920 of 2006 01-08-2018](#)

**Contempt of Court** - Seal - Tampering - Veterinary Services Department. *M.C. Mehta v. Union of India, JT 2018 (11) SC 439 : 2018 (15) Scale 109* [W.P. \(C\) No. 4677 of 1985 22-11-2018](#)

**Contempt of Courts Act, 1971** - Criminal Contempt - Lawyer - Sentence of simple imprisonment for six months - direction to the Bar Council of India to take appropriate action against the appellant - It was made clear that until the appellant purged with the contempt, he would not be entitled to practise under the jurisdiction of the respondent-High Court, except for the chamber practice - As per the interim Order dated 3rd December, 2007 while admitting the appeal, the sentence of imprisonment awarded to the appellant was stayed by this Court. Bar Council of India that they had dropped the proceedings against the appellant on account of his serious ill-health, having met with an accident - Court had also taken note of the 2 adverse health condition of the appellant - High Court, submits that the appellant has not been practising in the jurisdiction of the Jharkhand High Court - interest of justice would be met and complete justice done in case the Interim Order dated 3 rd December, 2007 is made absolute and the appeal is disposed of, thereby vacating that part of the impugned order on sentence of imprisonment. Ordered accordingly. In view of above, the appeal is party allowed. *K.K. Jha "Kamal" v. Jharkhand High Court, 2018 (9) Scale 46* [Crl.A. No. 1673 of 2007 10-07-2018](#)

**Court Martial** - Naval officer with Indian Navy - Sexually explicit calls were received by the wives of the three officers. *Union of India v. Cdr. Ravindra V. Desai, AIR 2018 SC 2754 : 2018 CriLJ 3663 : JT 2018 (4) SC 354 : 2018 (6) Scale 184* [Crl.A. No. 579 of 2016 18-04-2018](#)

**Criminal Appeal** - No discussion on the defence evidence - Appellant cannot blame the High Court, since he failed to appear before the High Court when the matter was taken up for hearing. *K.S. Kalinga Rayan @ Kalingaraju v. State Rep. By The Inspector of Police, 2018 (8) Scale 632* [Crl.A. No. 787 of 2018 18-05-2018](#)

**Criminal Conspiracy** - How a case u/s. 120A r/w. 120B IPC is required to be made out by the prosecution with the aid of evidence ?*Bilal Hajar @ Abdul Hameed v. State Rep. By The Inspector of Police, AIR 2018 SC 4780 : 2018 (4) Crimes 103 : JT 2018 (10) SC 251 : 2018 (14) Scale 11* [Crl.A. No. 1305 of 2008 10-10-2018](#)

**Criminal Law** - a dismissal of a SLP in limine, would neither mean that the lower court judgment stands affirmed nor the principle res judicata would be applicable.*Kusal Toppo v. State of Jharkhand, 2018 (10) Scale 651* [Crl.A. No. 1691 of 2010 07-08-2018](#)

**Criminal Law** - Investigating Officer filed a closure report - objections filed by the defacto complainant - Magistrate has issued process under Section 204 Cr.P.C. - Appellant to surrender before the Magistrate. *Sandip Pandey @ Sandeep Kumar Pandey v. M/s. Shivam Builders and Developers, Crl.A. No. 1216 of 2018 24-09-2018*

**Criminal Law** - Murder - Culpable Homicide - 'Motive' is an emotion which compels the person to do a particular act. *Khurshid Ahmed v. State of Jammu and Kashmir, AIR 2018 SC 2457 : 2018 (103) AllCC 957 : 2018 CriLJ 4442 : 2016 (2) JKJ 91 : JT 2018 (5) SC 145*[bit.ly/CrlA872of2015](#) 15-05-2018

**Criminal Law** - Police force need to develop and recognize the concept of 'democratic policing', wherein crime control is not the only end, but the means to achieve this order is also equally important. *Yashwant v. State of Maharashtra, AIR 2018 SC 4067 : 2018 (4) Bom.C.R. (Cri.) 20 : 2018 (3) Crimes 491 : 2018 (3) JLJ 242 : JT 2018 (8) SC 405 : 2018 (4) MLJ(Cri) 10 : 2018 (10) Scale 658 : 2018 (7) SLT 434* [bit.ly/CrlA385of2008](#) 04-09-2018

**Criminal Law** - Suspension of Sentence - Grant of Bail - there are cases involving the appellants prior to the incident and the accused are otherwise facing trial in those cases - one of the accused arising out of the same FIR has been released on bail - the appellants should be released on bail during the pendency of the appeals before the High Court. *Pinku v. State of Uttar Pradesh, JT 2018 (10) SC 250* [Crl.A. No. 1277 of 2018 11-10-2018](#)

**Criminal Law** - there is no prohibition in law to file the second FIR and once it is filed, such FIR is capable of being taken note of and tried on merits in accordance with law. *P. Sreekumar v. State of Kerala, AIR 2018 SC 1482 : 2018 (1) ALD (Cri) 999 : 2018 (2) Bom.C.R. (Cri.) 523 : 2018 (2) Crimes 164 : 2018 CriLJ 2749 : 2018 (2) JCC 1077 : 2018 (1) JKJ 120 : JT 2018 (3) SC 459 : 2018 (2) RCR (Criminal) 542 : (2018)*

4 SCC 579 : 2018 (2) SCC (Cri) 578 : 2018 (1) UC 523 [Crl.A. No. 408 of 2018 19-03-2018](#)

**Criminal P. C. 1973** - S. 407 - Transfer of case within the State when permissible. *Sarasamma @ Saraswathiyamma v. State*, AIR 2018 SC 2287 : JT 2018 (5) SC 125 : 2018 (7) SCALE 304 : (2018) 7 SCC 339 [Crl.A. No. 713 of 2018 09-05-2018](#)

**Criminal P. C. 1973** - S. 439 - Bail - there is little reference to/or discussion on the merits of the bail applications - the fact that the deceased belonged to a certain community cannot be a justification for any assault much less a murder - a Court fully conscious of the plural composition of the Country while called upon to deal with rights of various communities, cannot make such observations which may appear to be coloured with a bias for or against a community. *Mubin Shaikh v. State of Maharashtra*, AIR 2018 SC 947 : 2018 (103) AllCC 612 : 2018 All.M.R.(Cri.) 1363 : 2018 (1) ALT (Cri) 309 : 2018 (2) Bom.C.R. (Cri.) 460 : 2018 (2) Crimes 293 : JT 2018 (2) SC 275 : (2018) 4 SCC 312 : 2018 (3) Supreme 448 : 2018 (1) UC 463 [Crl.A. No. 245 of 2018 08-02-2018](#)

**Criminal P.C. 1973** - Abuse of process caused by FIR stands aggravated if the FIR has taken the form of a charge sheet after investigation. *Anand Kumar Mohatta v. State (Govt. of NCT of Delhi) Department of Home*, JT 2018 (11) SC 227 : 2018 (14) Scale 756 <http://bit.ly/CrlA1395of2018> 15-11-2018

**Criminal P.C. 1973** - In any case, the protection under Section 438, Cr.P.C. is available to the accused only till the court summons the accused based on the charge sheet (report under Section 173(2), Cr.P.C.). On such appearance, the accused has to seek regular bail under Section 439 Cr.P.C. and that application has to be considered by the court on its own merits. Merely because an accused was under the protection of anticipatory bail granted under Section 438 Cr.P.C. that does not mean that he is automatically entitled to regular bail under Section 439 Cr.P.C. The satisfaction of the court for granting protection under Section 438 Cr.P.C. is different from the one under Section 439 Cr.P.C. while considering regular bail. *Satpal Singh v. State of Punjab*, AIR 2018 SC 2011 : 2018 (2) CGLJ 218 : 2018 CriLJ 2843 : 2018 (360) ELT 791 : 2018 (1) JKJ 150 [Crl.A. No. 462 of 2018 27-03-2018](#)

**Criminal P.C. 1973** - Non framing of charge - A conviction for the substantive offence without a charge can be set aside only if the accused shows that prejudice has been caused to him and that "failure of justice" has occasioned thereby. *Kamil v. State of*

*Uttar Pradesh, JT 2018 (11) SC 260 : 2018 (14) Scale 517* [Crl.A. No. 1568 of 2015 31-10-2018](#)

**Criminal P.C. 1973** - Only upon rejection of prayer for extension of time sought for filing charge-sheet, right in favour of accused for grant of statutory bail could have ignited. *Rambeer Shokeen v. State of NCT of Delhi, AIR 2018 SC 688 : 2018 (103) AllCC 621 : 2018 (1) Bom. C.R. (Cri.) 630 : 2018 (125) CLT 1110 : 2018 (1) Crimes 170 : JT 2018 (2) SC 229 : 2018 (2) MLJ (Cri) 282 : 2018 (2) PLJR 111 : 2018 (2) RCR (Criminal) 109 : 2018 (1) Scale 590 : (2018) 4 SCC 405 : 2018 (1) SLT 785 : 2018 (2) RCR (Criminal) 109 : 2018 (1) Supreme 613 : [bit.ly/CrlA2181of2017](http://bit.ly/CrlA2181of2017) 31-01-2018*

**Criminal P.C. 1973** - Power of the Magistrate to consider the application of accused for their exemption from personal appearance. *Rameshwar Yadav v. State of Bihar, AIR 2018 SC 1435 : 2018 (1) ALD (Cri) 735 : 2018 (2) Bom.C.R. (Cri.) 505 : 2018 (2) Crimes 24 : 2018 (1) JKJ 115 : JT 2018 (3) SC 401 : 2018 (2) MLJ (Cri) 471 : 2018 (1) MPWN 360 : 2018 (2) RCR (Criminal) 461 : (2018) 4 SCC 608 : 2018 (2) Supreme 631* [Crl.A. No. 387 of 2018 16-03-2018](#)

**Criminal P.C. 1973** - Remand - the Single Judge has not mentioned the bare facts of the case with a view to appreciate the factual controversy, such as, what is the nature of the complaint/FIR filed against the appellants, the allegations on which it is filed, the offences under which appellants prosecution is sought, who filed the complaint/FIR/proceedings, whether it pertains to a cognizable offence or not, the grounds on which the complaint/FIR/ proceedings is challenged, why such grounds are not made out under Section 482 of the Code etc. The case is remanded to the High Court for its decision on merits. *Geeta v. State of Uttar Pradesh* [Crl.A. No. 1544 of 2018 03-12-2018](#)

**Criminal P.C. 1973** - S. 125 - Grant of Maintenance - DNA Test - appellant failed to prove that she was the wife of respondent - the respondent had fathered three children in her though the same was denied by the respondent - DNA report shows that the respondent is the father of the three children born to the appellant - Cancellation of maintenance is set aside. *Pratima Das @ Arati Das v. Subudh Das, JT 2018 (3) SC 67 : 2018 (2) RCR (Criminal) 129 : (2018) 4 SCC 528* [Crl.A. No 213 of 2018 01-02-2018](#)

**Criminal P.C. 1973** - S. 125 - Whether the quantum of maintenance amount determined by the High Court is just and proper - Discussed. *Reema Salkan v. Sumer*

*Singh Salkan*, AIR 2018 SC 4606 : JT 2018 (9) SC 390 : 2018 (4) RCR (Criminal) 395 : 2018 (13) Scale 33 [Crl.A. No. 1220 of 2018 25-09-2018](#)

**Criminal P.C. 1973** - S. 154 - First Information Report (FIR) - The value to be attached to the FIR depends upon facts and circumstances of each case. *Latesh @ Dadu Baburao Karlekar v. State of Maharashtra Home Department*; AIR 2018 SC 659 : (2018) 3 SCC 66 : 2018 (1) Crimes 95 : JT 2018 (2) SC 27 : 2018 (1) Scale 626 : 2018 (1) SLT 619 : 2018 (1) Supreme 524 : 2018 (1) Bom.C.R. (Cri.) 594 : 2018 CriLJ 1812 : 2018 (1) JLR 321 : 2018 (2) MLJ (Cri) 168 : 2018 (2) SCC (Cri) 235 : 2018 (1) ACR 843 : 2018 (1) ALD (Cri) 542 [bit.ly/CrlA1301of2015](http://bit.ly/CrlA1301of2015) 30-01-2018

**Criminal P.C. 1973** - S. 195(1)(b)(ii) - The High Court having taken into consideration entire facts and circumstances have rightly come to the conclusion that present is not a case where any complaint could have been proceeded under Section 195(1)(b)(ii) *Cr.P.C. Vishnu Chandru Gaonkar v. N.M. Dessai*, 2018 (1) ALD (Cri) 883 : 2018 (103) AllCC 335 : 2018 All.M.R. (Cri.) 1818 : 2018 (2) ALT (Cri) 78 : 2018 (2) Bom.C.R.(Cri.) 491 : 2018 (2) CGLJ 152 : 2018 (1) Crimes 131 : 2018 (2) JCC 719 : 2018 (3) Scale 632 : (2018) 5 SCC 422 : 2018 (2) SCC (Cri) 770 : 2018 (2) Supreme 499 : 2018 (1) UC 472 [Crl.A. No. 359 of 2018 06-03-2018](#)

**Criminal P.C. 1973** - S. 204 - Order issuing process summons against accused cannot be interfered with by Supreme Court in its appellate jurisdiction under Art. 136. *Leena Vivek Masal v. State of Maharashtra*, AIR 2018 SC 320 : (2018) 1 SCC 781 : JT 2018 (1) SC 84 : 2018 (1) Scale 88 : 2018 (1) Bom.C.R.(Cri.) 303 : 2018 (1) Crimes 6 : 2018 (1) SLT 455 : 2018 (1) Supreme 423 : 2018 All.M.R.(Cri.) 904 : 2018 (1) UC 132 : 2018 (127) ALR 236 [Crl.A. No. 9 of 2018 05-01-2018](#)

**Criminal P.C. 1973** - S. 321 - Withdrawal from prosecution - Public Prosecutor or an Assistant Public Prosecutor, as the case may be, has an important role under the statutory scheme and is expected to act as an independent person. He/she has to apply his/her own mind and consider the effect of withdrawal on the society in the event such permission is granted. *Abdul Wahab K. v. State of Kerala*, AIR 2018 SC 4265 : 2018 (3) Crimes 420 : 2018 (3) GLH 272 : 2018 (11) Scale 99 : 2018 (7) SLT 343 [Crl.A. No. 1047 of 2018 13-09-2018](#)

**Criminal P.C. 1973** - S. 362 - The High Court should not have exercised the power under Section 362 Cr.P.C. for a correction on merits. However patently erroneous the earlier order be, it can only be corrected in the process known to law and not under Section

362 Cr.P.C. The whole purpose of Section 362 Cr.P.C. is only to correct a clerical or arithmetical error. What the High Court sought to do in the impugned order is not to correct a clerical or arithmetical error; it sought to rehear the matter on merits, since, according to the learned Judge, the earlier order was patently erroneous. That is impermissible under law. *Mohammed Zakir v. Shabana*, 2018 (9) Scale 374 : 2018 (3) KLJ 816 [Crl.A. No. 926 of 2018 23-07-2018](#)

**Criminal P.C. 1973** - S. 378 (3) - Victim can file an appeal in the High Court without seeking leave to appeal. *Mallikarjun Kodagali v. State of Karnataka*, AIR 2018 SC 5206 : 2018 (4) Crimes 123 : 2018 (4) KLT 682 : 2018 (4) RCR (Criminal) 781 : 2018 (14) Scale 32 [Crl.A. No. 1281-1282 of 2018 12-10-2018](#)

**Criminal P.C. 1973** - S. 378 (4) - Ownership Flats Act, 1963 (Maharashtra) - Violations of the Provisions of the Act - Metropolitan Magistrate dismissed the Complaint - High Court declined to grant leave to file appeal - Matter remanded to High Court. *Dahisar Saraswati Coop. Housing Society Ltd. v. State of Maharashtra*, AIR 2018 SC 4805 : 2018 (4) Crimes 121 : JT 2018 (10) SC 14 : 2018 (14) Scale 106 [Crl.A. No. 1550 of 2010 12-10-2018](#)

**Criminal P.C. 1973** - S. 406 – Transfer Petitions - The apprehension of not getting a fair and impartial enquiry or trial is required to be reasonable and not imaginary, based upon conjectures and surmises. No universal or hard and fast rule can be prescribed for deciding a transfer petition, which will always have to be decided on the facts of each case. Convenience of a party may be one of the relevant considerations but cannot override all other considerations such as the availability of witnesses exclusively at the original place, making it virtually impossible to continue with the trial at the place of transfer, and progress of which would naturally be impeded for that reason at the transferred place of trial. The convenience of the parties does not mean the convenience of the petitioner alone who approaches the court on misconceived notions of apprehension. Convenience for the purposes of transfer means the convenience of the prosecution, other accused, the witnesses and the larger interest of the society. *Harita Sunil Parab v. State of NCT of Delhi*, AIR 2018 SC 1624 : 2018 (1) ALD (Cri) 771 : 2018 All.M.R. (Cri.) 1766 : 2018 (2) Bom.C.R. (Cri.) 549 : 2018 CriLJ 3659 : 2018 (249) DLT 112 : 2018 (2) JCC 961 : 2018 (5) Scale 242 : (2018) 6 SCC 358 T.P. [\(Crl.\) No. 254 of 2017 28-03-2018](#)



**Criminal P.C. 1973** - S. 438 - Whether the Trial Court could have granted regular bail solely based on the protection granted by Apex Court - Since the matter is referred to a larger Bench, do not propose to deal with the issue any further. *Prakash Chand Meena v. State of Rajasthan, 2018 (4) Crimes 92 : 2018 (14) Scale 236* [Crl.A. No. 1268 of 2018 09-10-2018](#)

**Criminal P.C. 1973** - S. 438 r/w Ss. 420 & 409 - Anticipatory Bail - "Bank Guarantee" - "defalcated sum" - If on account of failure to submit and to keep it alive in respect of the "defalcated sum", any benefit of bail/anticipatory bail was withdrawn and orders of non-bailable warrants were issued, such orders stand cancelled and recalled. However the concerned millers ought to have furnished and kept alive bank guarantees as contemplated in terms of the agreement. If there be any failure on this count the cancellation of bail/anticipatory bail was perfectly justified. *Arvind Tiwary v. State of Bihar, 2018 (9) Scale 563 : (2018) 8 SCC 475 : JT 2018 (8) SC 1 : 2018 (6) SLT 645* [Crl.A. No. 998 of 2018 13-08-2018](#)

**Criminal P.C. 1973** - S. 439 - Bail - Accused is a citizen of different country - In the eyes of the law every accused is the same irrespective of their nationality. *Lachhman Dass v. Resham Chand Kaler, AIR 2018 SC 599 : 2018 (1) ALD (Cri) 535 : 2018 All.M.R. (Cri.) 1379 : 2018 (1) Bom.C.R. (Cri.) 800 : 2018 (1) Crimes 91 : 2018 (1) JCC 256 : JT 2018 (1) SC 451 : 2018 (2) JCC 901 : 2018 (1) JKJ 167 : 2018 (1) RCR (Criminal) 967 : 2018 (1) Scale 431 : (2018) 3 SCC 187 : 2018 (2) SCC(Cri) 10 : 2018 (1) Supreme 486* [Crl.A. No. 161 of 2018 23-01-2018](#)

**Criminal P.C. 1973** - S. 482 - High Court cannot act like an Investigating Agency while exercising Inherent Powers. *Dineshbhai Chandubhai Patel v. State of Gujarat; AIR 2018 SC 314 : (2018) 3 SCC 104 : JT 2018 (1) SC 141 : 2018 (1) Scale 97 : (2018) 1 SCC (Cri) 683 ; 2018 (1) Crimes 43 : 2018 (1) BCR (Cri) 314 : 2018 (1) GLH 186 : 2018 (1) JCC 190, 2018 (1) RCR (Criminal) 617, 2018 (1) SLT 436, 2018 (1) Supreme 66, 2018 (1) JLJR 150, 2018 (1) PLJR 326* [bit.ly/CrlA12of2018](http://bit.ly/CrlA12of2018) 05-01-2018

**Criminal P.C. 1973** - S. 482 - Penal Code, 160 - Ss. 406 r/w. 420 - amount deposited - the de facto complainant submits that the amount may be directed to be released to him - since he is getting his money, he has no intention to proceed with the prosecution - offences are compoundable with permission of the court - All the coercive steps taken against the appellant, including freezing of the account, shall stand withdrawn. *Raj Sharma @ Raj Kumar Sharma v. State of Uttar Pradesh, 2018 (3) RCR (Criminal) 792 : 2018 (9) Scale 47* [Crl.A. No. 844 of 2018 09-07-2018](#)

**Criminal P.C. 1973** - S. 482 - Penal Code, 1860 - Ss. 420, 406 & 504 - Whether the High Court was justified in dismissing the appellants' application filed under Section 482 of the Code. *Lajpat v. State of Uttar Pradesh*, [Crl.A. No. 1569 of 2018 06-12-2018](#)

**Criminal P.C. 1973** - S. 482 - Penal Code, 1860 - Ss. 498A & 323 - Dowry Prohibition Act, 1961 - Ss. 3 & 4 - Whether the High Court was justified in dismissing the appellants' applications filed under Section 482 of the Code. *Dr. Jagdish Prasad v. State of Uttar Pradesh* 03-12-2018

**Criminal P.C. 1973** - S. 482 - Quashment of FIR - Abetment of Suicide - allegations that due to continuous humiliation and suffering inflicted upon by the wife and her family members, the Husband committed suicide - High Court erred in quashing the FIR. *Munshiram v. State of Rajasthan*, AIR 2018 SC 1923 : 2018 (103) AllCC 608 : 2018 (1) ALD (Cri) 896 : 2018 (2) Bom.C.R. (Cri.) 765 : 2018 (2) CGLJ 284 : 2018 CriLJ 2412 : 2018 (2) Crimes 58 : 2018 (2) DMC 803 : 2018 (2) JCC 837 : 2018 (2) MLJ (Cri) 562 : 2018 (2) MPWN 49 : 2018 (2) RCR (Civil) 917 : (2018) 5 SCC 678 : 2018 (2) SCC (Cri) 838 [bit.ly/CrlA515of2018](http://bit.ly/CrlA515of2018) 09-04-2018

**Criminal P.C. 1973** - S. 482 - Quashment of Proceedings - Assessment made by High Court at a stage when investigation was yet to be completed, completely incorrect and uncalled for. *State of Tamil Nadu v. S. Martin*, AIR 2018 SC 1647 : 2018 All.M.R. (Cri.) 1770 : 2018 (2) ALT (Cri) 167 : 2018 (2) Crimes 252 : 2018 (2) JCC 834 : JT 2018 (3) SC 605 : 2018 (5) Scale 240 : 2018 (2) SCC (Cri) 845 : 2018 (3) Supreme 190 [Crl.A. No. 423 of 2018 28-03-2018](#)

**Criminal P.C. 1973** - S.125 - Unlike matrimonial proceedings where strict proof of marriage is essential, in the proceedings under Section 125 Cr.P.C., such strict standard of proof is not necessary as it is summary in nature meant to prevent vagrancy. *Kamala v. M.R. Mohan Kumar*, AIR 2018 SC 5128 : 2018 (3) DMC 694 : JT 2018 (10) SC 409 : 2018 (4) KLT 864 : 2018 (2) OLR 994 : 2018 (14) Scale 257 [Crl.A. No. 2368 of 2009 24-10-2018](#)

**Criminal P.C. 1973** - S.167(2) - On the expiry of the period stipulated, an indefeasible right accrues in favour of the accused for being released on bail on account of default by the investigating agency in the completion of the investigation within the period stipulated and the accused is entitled to be released on bail, if he is prepared to and furnishes the bail as directed by the Magistrate. *Achpal @ Ramswaroop v. State of*

*Rajasthan, JT 2018 (9) SC 315 : 2018 (4) KLT 664 : 2018 (4) RCR (Criminal) 433 : 2018 (13) Scale 5*<http://bit.ly/CrIA1218of2018> 24-09-2018

**Criminal P.C. 1973** - S.216 - Sessions Judge has ample power to alter / amend / add any charge. *State of Haryana v. Rajesh Aggarwal, 2018 (3) ACC 926 : AIR 2018 SC 3998 : 2018 (3) Crimes 501 : JT 2018 (8) SC 145 : 2018 (10) Scale 11 : 2018 (7) SLT 349*<http://bit.ly/CrIA2218of2011> 20-08-2018

**Criminal P.C. 1973** - S.300 (1) - When the accused was discharged due to lack of proper sanction, the principles of “double jeopardy” will not apply. *State of Mizoram v. C. Sangnghina, AIR 2018 SC 5342 : JT 2018 (10) SC 524 : 2018 (4) KLT 853 : 2018 (14) Scale 442*[Crl.A. No. 1322 of 2018 30-10-2018](http://bit.ly/CrIA1322of2018)

**Criminal P.C. 1973** - S.313 - a solemn duty is cast on the court in dispensation of justice to adequately consider the defence of the accused taken under Section 313 Cr.P.C. and to either accept or reject the same for reasons specified in writing. *Reena Hazarika v. State of Assam, AIR 2018 SC 5361 : JT 2018 (10) SC 595 : 2018 (14) Scale 509* [Crl.A. No. 1330 of 2018 31-10-2018](http://bit.ly/CrIA1330of2018)

**Criminal P.C. 1973** - S.378(3) - Application for grant of leave to appeal - High Court rejected it without assigning any reasons - Such casual approach of High Court, disapproved - Matter was remanded back to it for decision afresh on merits. *State of Uttar Pradesh v. Anil Kumar @ Badka, AIR 2018 SC 4006 : 2018 (4) JLR 28 : 2018 (4) PLJR 66 : 2018 (10) Scale 250 : (2018) 9 SCC 492 : 2018 (3) SCC (Cri) 766*[Crl.A. No. 1094 of 2018 29-08-2018](http://bit.ly/CrIA1094of2018)

**Criminal P.C. 1973** - S.389 - Mandatory requirement of - Suspension of sentence pending the appeal; release of appellant on bail. *Sunita Devi v. State of Bihar, 2018 (2) RCR (Criminal) 130* [Crl.A. No. 117 of 2018 18-01-2018](http://bit.ly/CrIA117of2018)

**Criminal P.C. 1973** - S.451 - Custody of Vehicle - Tata Hitachi Model EX 200 Hydraulic Excavator - Contractor engaged for the purpose of widening the National Highway - Demolished Government Building on direction from superior officers - Magistrate permitted release of the vehicle on producing a bank guarantee of the alleged loss caused to the Government building - Held, High Court was justified in holding that the bank guarantee for the alleged loss need not be insisted upon - Magistrate is directed to release the vehicle without insisting the condition regarding bank guarantee -

Appeal is dismissed. *State of Kerala v. A.A. Ali*, JT 2018 (8) SC 186 : 2018 (4) RCR (Criminal) 112 [Crl.A. No. 2100 of 2017 14-08-2018](#)

**Criminal P.C. 1973** - S.482 - Contempt of Courts Act, 1971 - S.12 - Penal Code, 1860 - S.498A. *Meenal Bhargava v. Naveen Sharma*, AIR 2018 SC 2839 : 2018 (5) ALD 20 : 2018 (7) Scale 288 : 2018 (4) SLT 155 [C.A. No. 1606 of 2018 09-05-2018](#)

**Criminal P.C. 1973** - S.482 - Penal Code, 1860 - Ss. 447, 406, 420, 120B - Prevention of Corruption Act, 1988 - S. 13(2) - Prevention of Damage to Public Property Act, 1984 - S.3 - Quashing the FIR. *Himachal Pradesh Cricket Association v. State of Himachal Pradesh*, 2018 (14) Scale 816 [Crl.A. No. 1258 of 2018 02-11-2018](#)

**Criminal P.C. 1973** - S.482 - Quashing of FIR - complainant and the accused are husband and wife - even if the parties are sent to trial, the same is only to end up in acquittal in view of the settlement - Appeal is allowed. *Wasim Anwar v. State of Nct of Delhi*, 2018 (3) Crimes 85 : 2018 (3) RCR (Criminal) 558 [Crl.A. No. 289 of 2018 19-02-2018](#)

**Criminal P.C. 1973** - S.88 - Power to release accused on bond upon his appearance in court - Said power is not mandatory - It is discretionary in nature. *Pankaj Jain v. Union of India*, 2018 (1) ALD (Cri) 752 : 2018 (103) AllCC 322 : 2018 (3) ALJ 173 : AIR 2018 SC 1155 : 2018 (2) Bom.C.R. (Cri.) 399 : 2018 (2) CTC 467 : 2018 CriLJ 1824 : 2018 (2) Crimes 5 : 2018 (2) JCC 1000 : 2018 (2) JLJR 1 : JT 2018 (3) SC 117 : 2018 (1) KLJ 851 : 2018 (1) KLT 996 : 2018 (2) PLJR 71 : 2018 (3) Scale 421 : (2018) 5 SCC 743 : 2018 (2) SCC(Cri) 867 : 2018 (2) Supreme 104 : 2018 (1) UC 439 [Crl.A. No. 321 of 2018 23-02-2018](#)

**Criminal P.C. 1973** - Second Complaint - the complainant came to know certain facts after the disposal of the first complaint - there is no bar to lodge second complaint. *Om Prakash Singh v. State of Bihar*, 2018 CriLJ 3909 : 2018 (3) PLJR 346 : 2018 (8) Scale 720 : 2018 (3) SCC (Cri) 749 [Crl.A. No. 857 of 2018 11-07-2018](#)

**Criminal P.C. 1973** - Ss. 154, 156 & 190 - Penal Code, 1860 – Ss. 420, 406, 467, 468, 471, 504, 506, 34 – Sub Divisional Magistrate directed the police to register a first information report - Whether the Sub Divisional Magistrate was competent to do so, and whether such an F.I.R. can be said to have been registered in accordance with the Code. *Naman Singh @ Naman Pratap Singh v. State of Uttar Pradesh*, <http://bit.ly/CrlA1620of2018> 13-12-2018

**Criminal P.C. 1973** - Ss. 161 & 162 - Penal Code, 1860 - S. 304 Part II - Evidence Act, 1872 - S. 32 - trial court did not commit any error in convicting the appellant. High Court while deciding the appeal has also analysed the evidence on record and has rightly dismissed the appeal. *Pradeep Bisoi @ Ranjit Bisoi v. State of Odisha*, AIR 2018 SC 4787 : 2018 (4) Crimes 110 : JT 2018 (10) SC 264 : 2018 (2) OLR 873 : 2018 (13) Scale 769 [Crl.A. No. 1192 of 2018 10-10-2018](#)

**Criminal P.C. 1973** - Ss. 24 & 25 - Assistant Public Prosecutors cannot claim parity with Public Prosecutors in respect of age of superannuation. *Kerala Assistant Public Prosecutors Association v. State of Kerala*, AIR 2018 SC 2652 : 2018 (2) KHC 983 : 2018 (2) KLT 926 : 2018 (7) Scale 516 : (2018) 7 SCC 314 [bit.ly/CA3792of2010](#) 17-05-2018

**Criminal P.C. 1973** - Ss. 245 & 482 - Penal Code, 1860 - Ss. 498A, 323, 406, 379 & 504 - Discharge - Quashing. *Nayan Prasad v. State of Bihar*, AIR 2018 SC 4031 : 2018 (9) Scale 51 [Crl.A. No. 1955 of 2009 20-07-2018](#)

**Criminal P.C. 1973** - Ss. 30, 31, 421, 427, 428 & 429 - Penal Code, 1860 - Ss. 63, 64, 364A, 395, 397 & 387 - Amount of fine - Sentence of imprisonment for non-payment of fine - Sentence of imprisonment in default of fine - Sentence in cases of conviction of several offences at one trial - Sentence on offender already sentenced for another offence - Period of detention undergone by the accused to be set off against the sentence or imprisonment - Punishment for organised crime - Discussed. *Sharad Hiru Kolambe v. State of Maharashtra*, AIR 2018 SC 4595 : 2018 (4) Crimes 159 : JT 2018 (9) SC 293 : 2018 (2) OLR 807 : 2018 (4) RCR (Criminal) 276 : 2018 (11) Scale 305 [Crl.A. No. 1209 of 2018 20-09-2018](#)

**Criminal P.C. 1973** - Ss. 374 & 386(b) - Appeal against conviction - Death by Shooting - High Court acquitted all accused - Justified. *State of Uttar Pradesh, Home Department Secretary v. Om Pal*, AIR 2018 SC 2072 : 2018 AIR (SCW) 2072 : 2018 (4) ALJ 246 : 2018 (2) Crimes 401 : 2018 (2) RCR (Criminal) 725 : 2018 (5) Scale 392 : (2018) 5 SCC 805 [Crl.A. No. 1213 of 2014 21-03-2018](#)

**Criminal P.C. 1973 - Ss. 378 & 386** - Retrial - Normally, retrial should not be ordered when there is some infirmity rendering the trial defective. A retrial may be ordered when the original trial has not been satisfactory for particular reasons like, appropriate charge not framed, evidence wrongly rejected which could have been admitted or evidence admitted which could have been rejected etc. Retrial cannot be ordered

when there is a mere irregularity or where it does not cause any prejudice, the Appellate Court may not direct retrial. The power to order retrial should be exercised only in exceptional cases. *Issac @ Kishore v. Ronald Cheriyan*, AIR 2018 SC 604 : 2018 (103) AllCC 1002 : 2018 (1) ALT (Cri) 284 : 2018 (1) Crimes 87 : 2018 (1) JCC 252 : 2018 (1) JLJR 377 : 2018 (2) PLJR 57 : 2018 (1) RCR (Criminal) 926 : 2018 (1) Scale 437 : (2018) 2 SCC 278 : 2018 (1) SCC (Cri) 703 : 2018 (1) Supreme 482 [Crl.A. No. 165 of 2018 23-01-2018](#)

**Criminal P.C. 1973** - Ss. 397 & 398 - Magistrate observes that the Sessions court has already made out a prima facie case. Such finding would be difficult to sustain as the revisional court only observed certain aspects in furtherance of remanding the matter. Such observations could not have been made by the Magistrate as he was expected to apply his independent mind while taking cognizance. *Rajendra Rajoriya v. Jagat Narain Thapak*, AIR 2018 SC 1229 : 2018 (103) AllCC 332 : 2018 (2) ALT (Cri) 69 : 2018 CriLJ 1832 : 2018 (2) Crimes 1 : 2018 (2) JLJR 38 : JT 2018 (2) SC 471 : 2018 (2) JLJ 290 : 2018 (2) PLJR 182 : 2018 (3) Scale 368 [Crl.A. No. 312 of 2018 23-02-2018](#)

**Criminal P.C. 1973** - Ss. 482 - Penal Code, 1860 - Ss. 498A, 304B - Dowry Prohibition Act, 1961 - Ss. 3 & 4 - Powers of the High Court to interfere in the cases filed under Section 482. *Sangeeta Agrawal v. State of Uttar Pradesh* 03-12-2018

**Criminal P.C. 1973** - Ss. 482 & 320 - Quashing of Criminal Proceedings - Exercise of Power by High Court - Quashing of proceedings based on Compromise / Settlement between parties. *Anita Maria Dias v. State of Maharashtra*, 2018 All.M.R. (Cri.) 1357 : 2018 (103) AllCC 593 : 2018 (2) Crimes 18 : 2018 (2) JCC 755 : JT 2018 (2) SC 261 : 2018 (1) RCR (Criminal) 983 : 2018 (2) Scale 330 : (2018) 3 SCC 290 : 2018 (2) SCC (Cri) 50 : 2018 (2) Supreme 133 : 2018 (1) UC 239 [Crl.A. No. 199 of 2018 19-01-2018](#)

**Criminal P.C. 1973** - Ss. 482, 216, 173, 200 & 202 - Offence of attacking petitioner by advocates, in courtroom in the presence of presiding officer. *Osama Aziz v. State of Uttar Pradesh*, 2018 All.M.R. (Cri.) 2681 : 2018 (3) Bom.C.R. (Cri.) 115 : 2018 (2) Crimes 392 : 2018 (2) RCR (Criminal) 928 : (2018) 5 SCC 415 : 2018 (2) SCC (Cri) 764 [Crl.A. No. 648 of 2018 27-04-2018](#)

**Criminal P.C. 1973** - Suspension of Sentence pending Appeal - Ground of Parity - High Court declined to suspend the sentence during the pendency of the criminal appeal pending before the High Court - the sentence needs to be suspended in the case of

the appellant herein also on the ground of parity. *Omprakash @ Manta v. State of Madhya Pradesh*, JT 2018 (11) SC 115 [C.A. No. 1237 of 2018 01-10-2018](#)

**Criminal P.C. 1973** - What is the purpose and object of subSection (2) of section 357 Cr.P.C.? *Satyendra Kumar Mehra @ Satendera Kumar Mehra v. State of Jharkhand*, AIR 2018 SC 1587 : 2018 (2) Bom.C.R. (Cri.) 557 : 2018 (2) Crimes 302 : 2018 CriLJ 2739 : 2018 (2) JCC 906 : 2018 (2) RCR (Criminal) 530 : 2018 (5) Scale 109 : 2018 (3) Supreme 531 : 2018 (1) UC 551 [Crl.A. No. 406 of 2018 23-03-2018](#)

**Criminal P.C. 1973** - Whether prior sanction for prosecution qua allegation of corruption in respect of a public servants is required before setting in motion even the investigative process under Section 156(3) - Matter is referred to a larger Bench; *Manju Surana v. Ratan Singh*, 2018 (2) Crimes 363 : 2018 (2) JLJ 330 : 2018 (2) KLT 315 : 2018 (2) RCR (Criminal) 673 : 2018 (5) Scale 75 : (2018) 5 SCC 557 : 2018 (2) SCC (Cri) 800 : 2018 (1) UC 534 [Crl.A. No. 457 of 2018 27-03-2018](#)

**Criminal P.C.1973** - Remission - the appellant has so far undergone more than 14 years of jail sentence and he still remains in Jail undergoing his sentence - if that were the case then the State can be directed to consider the appellant's case for his remission in terms of the relevant provisions of the Cr.P.C. read with Rules - the appellant is eligible for his release by the State in terms of the Rules in accordance with law depending upon a case made out by him. The State can always pass appropriate orders on appellant's release provided a case to that effect as provided in the Rules is made out. *Rajendra Singh v. State of Uttar Pradesh*, AIR 2018 SC 5127 : JT 2018 (10) SC 431 : 2018 (14) Scale 190 [Crl. A. No. 863 of 2012 23-10-2018](#)

**Criminal P.C.1973** - S. 199 - Defamation against Chief Minister - Statements may be defamatory but then in the absence of a nexus between the defamatory statements and the discharge of public duties of the office, the remedy under Section 199(2) and 199(4) Cr.P.C. will not be available. *K.K. Mishra v. State of Madhya Pradesh*, AIR 2018 SC 2171 : 2018 (2) ALT (Cri) 117 : 2018 (2) Bom.C.R.(Cri.) 571 : 2018 CriLJ 2925 : 2018 (2) JLJ 151 : 2018 (2) RCR (Criminal) 831 : 2018 (5) Scale 607 : (2018) 6 SCC 676 : 2018 (4) Supreme 215 [bit.ly/CrlA547of2018](#) 13-04-2018

**Criminal P.C.1973** - S. 228 - Framing of Charges - Standard which courts must apply while framing charges; *Mauvin Godinho v. State of Goa*, 2018 (1) ABR (Cri) 955 : AIR 2018 SC 749 : 2018 All.M.R. (Cri.) 1384 : 2018 (1) Bom.C.R. (Cri.) 815 : 2018 (2) Crimes 14 : 2018 CriLJ 1717 : 2018 (2) JCC 714 : 2018 (1) JLJR 365 : JT 2018 (2) SC

323 : 2018 (2) MLJ (Cri) 89 : 2018 (3) RCR (Criminal) 385 : 2018 (1) Scale 584 : (2018) 3 SCC 358 : 2018 (2) SCC (Cri) 63 : 2018 (1) SCC (L&S) 591 : 2018 (2) Supreme 122 : 2018 (1) UC 244 [bit.ly/CrIA315of2011](http://bit.ly/CrIA315of2011) 17-01-2018

**Criminal P.C.1973** - Second Complaint - Mentioning of reasons for withdrawal of an earlier complaint is also not a condition precedent for maintaining a second complaint. *V. Ravi Kumar v. State rep. by Inspector of Police* <http://bit.ly/CrIA111of2011> 14-12-2018

**Criminal P.C.1973** - Ss. 161, 162 & 164 - Evidence Act, 1872 - S. 27 - Penal Code, 1860 - 302, 364, 379 & 34. *Navaneethakrishnan v. State By Inspector of Police*, AIR 2018 SC 2027 : 2018 (1) ALD (Cri) 1020 : 2018 (2) ALT (Cri) 60 : 2018 (2) Bom.C.R. (Cri.) 583 : 2018 CriLJ 2814 : ,JT 2018 (4) SC 275 : 2018 (6) Scale 16 : 2018 (4) Supreme 652 [Crl.A. No. 1134 of 2013](http://Crl.A.No.1134of2013) 16-04-2018

**Criminal Procedure** - Application for discharge has been dismissed - charges are yet to be framed - do not find any justification to interfere with the impugned order. It will be open to the appellant to take all available contentions at the appropriate stage - appeal is dismissed. *Vishwambarrao Shankarrao Mane v. State of Maharashtra*, 2018 (9) Scale 240 [Crl.A. No. 1845 of 2008](http://Crl.A.No.1845of2008) 12-07-2018

**Criminal Procedure** - It is not a case of arrest because of mere dissenting views expressed or difference in the political ideology of the named accused, but concerning their link with the members of the banned organisation and its activities. *Romila Thapar v. Union of India*, JT 2018 (10) SC 442 : 2018 (13) Scale 278 [W.P. \(Crl.\) No. 260 of 2018](http://W.P.(Crl.)No.260of2018) 28-09-2018

**Criminal Procedure** - Order of acquittal was recorded by the trial court after a fullfledged trial - while so setting aside the acquittal the High Court should have given an opportunity of hearing. *Krishan Kumar v. State of Rajasthan*, [Crl.A. No. 1088 of 2018](http://Crl.A.No.1088of2018) 28-08-2018

**Criminal Procedure Code, 1973** - Ss. 54A & 164 - Evidence Act, 1872 - Ss. 63, 65, 65A & 65B. *Shafhi Mohammad v. State of Himachal Pradesh*, 2018 (2) JCC 936 : JT 2018 (4) SC 219 : 2018 (5) Scale 384 : (2018) 5 SCC 311 : 2018 (4) Supreme 194 [S.L.P. \(Crl.\) No. 2302 of 2017](http://S.L.P.(Crl.)No.2302of2017) 03-04-2018



**Criminal Trial** - Acquittal - Every acquittal in a criminal case has to be taken with some seriousness by the investigating and prosecuting authorities. *Suresh v. State of Haryana*, AIR 2018 SC 4046 : 2018 (3) JKJ 48 : 2018 (8) JT 383 : 2018 (6) SLT 662 [Crl.A. No. 1445 of 2012 21-08-2018](#)

**Criminal Trial** - All Legal Services Authorities / Committees in every State to extend the facility of video conferencing between the counsel on one hand and the accused or anybody in the know of the matter on the other in every criminal case wherever the accused is lodged in jail, so that the cause of justice is well served. *Imtiyaz Ramzan Khan v. State of Maharashtra*, 2018 All.M.R. (Cri.) 4469 : 2018 (4) JLJR 27 : JT 2018 (8) SC 36 : 2018 (4) PLJR 65 : 2018 (9) Scale 646 : (2018) 9 SCC 160 : 2018 (3) SCC (Cri) 721 <http://bit.ly/SLP6740of2018> 14-08-2018

**Criminal Trial** - Conduct of - Guidelines should be followed by trial courts. *State of Kerala v. Rasheed*, 2018 (4) KLT 783 : 2018 (14) Scale 461 [Crl.A. No. 1321 of 2018 30-10-2018](#)

**Criminal Trial** - Each criminal trial is but a quest for search of the truth. The duty of a judge presiding over a criminal trial is not merely to see that no innocent person is punished, but also to see that a guilty person does not escape. One is as important as the other. Both are public duties which the Judge has to perform. *Shamim v. State of Delhi*, AIR 2018 SC 4529 : 2018 (4) JLJR 122 : JT 2018 (9) SC 236 : 2018 (4) RCR (Criminal) 262 : 2018 (11) Scale 255 [bit.ly/CrIA56of2018](http://bit.ly/CrIA56of2018) 19-08-2018

**Criminal Trial** - Efficacy of the criminal justice system - Adversarial System - importance of the witness - low convictions in India - Witness Protection Scheme, 2018 - Preparation of a "Threat Analysis Report" - Vulnerable witness deposition complexes. *Mahender Chawla v. Union of India* [W.P. \(Crl. \) No. 156 of 2016 05-12-2018](#)

**Criminal Trial** - Extra judicial confession is a weak piece of evidence, which cannot form basis for conviction and unless supported by other substantive evidence. *State of Karnataka v. P. Ravikumar @ Ravi*, AIR 2018 SC 3993 : 2018 (11) Scale 5 : (2018) 9 SCC 614 : 2018 (3) SCC (Cri) 809 [Crl.A. No. 1428 of 2013 16-08-2018](#)

**Criminal Trial** - Faulty Investigation - Benefit of Doubt - Accused cannot be expected to relinquish his innocence at the hands of an inefficacious prosecution, which is ridden with investigative deficiencies - Benefit of doubt arising out of such inefficient

investigation, must be bestowed upon the accused. *State of Uttar Pradesh Home Department Secretary v. Wasif Haider* <http://bit.ly/CrIA1702of2014> 10-12-2018

**Criminal Trial** - FIR is not an encyclopaedia which is expected to contain all the minute details of the prosecution case, it may be sufficient if the broad effects of the prosecution case are stated in the FIR. *State of Madhya Pradesh v. Chhaakkilal*, [Crl.A. No. 21 of 2011](http://bit.ly/CrIA21of2011) 26-09-2018

**Criminal Trial** - Lapses in the Investigation - We cannot hazard a guess whether such lapses occurred because of the general inefficiency of the system or as a consequence of a concerted effort made to protect the accused. The law of this country is not that people are convicted of offences on the basis of doubts. *Rupinder Singh Sandhu v. State of Punjab*, AIR 2018 SC 2395 : 2018 (103) AllCC 977 : 2018 (3) Bom.C.R.(Cri) 93 : 2018 CriLJ 2935 : 2018 (2) JKJ 129 : JT 2018 (5) SC 182 <http://bit.ly/CrIA58of2007> 15-05-2018

**Criminal Trial** - Presumption of Innocence. *Bannareddy v. State of Karnataka*, AIR 2018 SC 1454 : 2018 (2) ALD (Cri) 179 : 2018 (1) ALT (Cri) 289 : 2018 (2) Crimes 94 : 2018 CriLJ 2686 : JT 2018 (3) SC 557 : 2018 (3) KarLJ 545 : 2018 (2) MLJ(Cri) 357 : 2018 (2) RCR (Criminal) 682 : 2018 (4) Scale 323 : (2018) 5 SCC 790 : 2018 (3) Supreme 720 [Crl.A. No. 382 of 2018](http://bit.ly/CrIA382of2018) 12-03-2018

**Criminal Trial** - Rape - Trial Court and the High Court have convicted the accused merely on conjectures and surmises. The Courts have come to the conclusion based on assumptions and not on legally acceptable evidence, but such assumptions were not well founded, inasmuch as such assumptions are not corroborated by any reliable evidence. Medical evidence does not support the case of the prosecution relating to offence of rape. *Sham Singh v. State of Haryana*, AIR 2018 SC 3976 : 2018 (2) ALD (Cri) 687 : JT 2018 (8) SC 258 : 2018 (10) Scale 119 : 2018 (6) SLT 607 [Crl.A. No. 544 of 2018](http://bit.ly/CrIA544of2018) 21-08-2018

**Criminal Trial** - School Certificate - In each and every case the prosecution cannot be expected to examine the person who has admitted a student in the school. The school registers are the authentic documents being maintained in the official course, entitled to credence of much weight unless proved otherwise. *State of Madhya Pradesh v. Preetam*, AIR 2018 SC 4212 : 2018 (4) JLJR 24 : 2018 (4) PLJR 62 : 2018 (11) Scale 120 [Crl.A. No. 2229 of 2011](http://bit.ly/CrIA2229of2011) 29-08-2018

**Criminal Trial** - witness did not name the accused in the FIR - Naming of the accused subsequently in the court statement for the first time is certainly an improvement over the earlier statement and a material omission. The accused is therefore held entitled to acquittal on benefit of doubt, with regard to his presence at the time of occurrence. *Amrish Rana v. State of Himachal Pradesh*, AIR 2018 SC 4604 : JT 2018 (9) SC 410 : 2018 (13) Scale 571 [Crl.A. No. 1232 of 2018 28-09-2018](#)

**Death Penalty** - If death penalty is to be affirmed even while dismissing the Special Leave Petition in limine, it should be by a reasoned order on the aspect of sentence, at least. *Babasaheb Maruti Kamble v. State of Maharashtra*, 2018 (15) Scale 235 [R.P. \(Crl.\) No. 388 of 2015 01-11-2018](#)

**Death Sentence** - Review Petition - Consideration of socio-economic factors - Public opinion or collective conscience of the society - Socio-economic factors concerning a convict must be taken into consideration while taking a decision on whether to award a sentence of death or to award a sentence of imprisonment for life. *M.A. Antony @ Antappan v. State of Kerala* <http://bit.ly/RPCr1245of2010> 12-12-2018

**Drugs and Cosmetics Act, 1940** - Ss. 27(b)(ii) & 28 - offence was committed in the year 2008, about ten years back - respondent was not having any prior conviction under the Act - in his statement, respondent had stated that he was not aware that he has to obtain a licence for sale of drugs - in the interest of justice proviso to Section 27(b)(ii) of the Act can be invoked and the sentence of imprisonment of one year imposed upon the respondent is reduced to three months. *State rep. by the Drugs Inspector v. Manimaran*, [Crl.A. No.1493 of 2018 30-11-2018](#)

**Essential Commodities Act, 1955** - Ss. 3 & 7 - Penal Code, 1860 - Ss. 420 & 409 - Criminal P.C. 1973 - S. 438 - denial of protection under - direction for deposit - accused who was running a rice mill did not return the required quantity of rice after custom milling - State is permitted to attach all the immovable properties of the accused and the bank accounts so as to cover up the deficit of the deposit. *Dwarika Das Rathi v. State of Chhattisgarh*, 2018 (4) Crimes 102 : 2018 (14) Scale 237 [Crl.A. No. 1267 of 2018 09-10-2018](#)

**Evidence Act, 1872** - Requirement of certificate under S. 65-B(4) is not always mandatory. *Shafhi Mohammad v. State of Himachal Pradesh*, AIR 2018 SC 714 : (2018) 2 SCC 801 : JT 2018 (2) SC 277 : 2018 (2) Scale 235 : 2018 (1) SLT 616 : 2018 (1) SCC (Cri) 860 : 2018 (1) SLT 616 : 2018 (2) Supreme 545 : 2018 (1) UC 254 : 2018

(2) ALD 171 : 2018 (1) ALD (Cri) 606 : 2018 (1) ALT (Cri) 235 : 2018 (2) Bom. C.R. (Cri.) 469 : 2018 (1) Crimes 125 : 2018 CriLJ 1714 : 2018 (1) CTC 777 : 2018 (1) JLJR 343 [S.L.P. \(Cri\) No. 2302 of 2017 30-01-2018](#)

**Evidence Act, 1872** - S.27 - the facts need not be self probatory and the word “fact” as contemplated in Section 27 of the Evidence Act is not limited to “actual physical material object”. The discovery of fact arises by reason of the fact that the information given by the accused exhibited the knowledge or the mental awareness of the informant as to its existence at a particular place. It includes a discovery of an object, the place from which it is produced and the knowledge of the accused as to its existence. *Asar Mohammad v. State of U.P.*, AIR 2018 5264 : JT 2018 (10) SC 533 : 2018 (14) Scale 343 [Crl.A. No. 1617 of 2011 24-10-2018](#)

**Evidence Act, 1872** - Ss. 6, 7 & 32 - Dying declaration can be sole basis for conviction if inspiring confidence. *Madan @ Madhu Patekar v. State of Maharashtra*, AIR 2018 SC 2007 : 2018 (1) ALD (Cri) 1014 : 2018 All.M.R.(Cri.) 3584 : 2018 (2) Crimes 49 : 2018 CriLJ 2880 : 2018 (2) JCC 1050 : 2018 (3) Supreme 546 [Crl.A. No. 1025 of 2011 06-02-2018](#)

**Evidence Law** - A statement of the prosecution witness which is otherwise untrustworthy cannot be corroborated by another piece of unreliable evidence of another prosecution witness. *Shanker v. State of Madhya Pradesh*, AIR 2018 SC 2687 : 2018 (2) ALD (Cri) 201 [Crl.A. No. 1785 of 2011 18-04-2018](#)

**Evidence Law** - alleged variance between the medical and ocular evidence - Oral evidence has to get primacy and the medical evidence is basically opinionative and that the medical evidence states that the injury could have been caused in the manner alleged and nothing more. The testimony of the eye witness cannot be thrown out on the ground of inconsistency. *Palani v. State of Tamil Nadu*, JT 2018 (11) SC 431 : 2018 (15) Scale 178 [Crl.A. No. 1100 of 2009 27-11-2018](#)

**Evidence Law** - Appreciation of Evidence of Related Witness. *Bhaskarrao v. State of Maharashtra*, AIR 2018 SC 2222 : 2018 (2) Bom.C.R. (Cri.) 797 : 2018 (2) Crimes 404 : (2018) 6 SCC 591 [Crl.A. No. 408 of 2014 26-04-2018](#)

**Evidence Law** - Circumstantial Evidence - All circumstances relied upon by the prosecution must be established by cogent, succinct and reliable evidence, all the proved circumstances must provide a complete chain, inasmuch as no 3 link in the

chain of circumstances should be missing, and such chain of circumstances should unequivocally point to the guilt of the accused and exclude any hypothesis consistent with his innocence. *Mukhtyar Jabbar Tadvi v. State of Maharashtra*, AIR 2018 SC 5534 : JT 2018 (11) SC 86 : 2018 (14) Scale 477 [Crl.A. No. 877 of 2011 31-10-2018](#)

**Evidence Law** - Confession - If the court is satisfied that if the confession is voluntary, the conviction can be based upon the same. Rule of Prudence does not require that each and every circumstance mentioned in the confession with regard to the participation of the accused must be separately and independently corroborated. *Ram Lal v. State of Himachal Pradesh*, AIR 2018 SC 4616 : 2018 (4) Crimes 92 : JT 2018 (9) SC 428 : 2018 (4) RCR (Criminal) 470 : 2018 (13) Scale 655 <http://bit.ly/CrlA576of2010> 03-10-2018

**Evidence Law** - Confessional Statement of a Co-accused cannot by itself be taken as a Substantive Piece of Evidence against another Co-accused. *Surinder Kumar Khanna v. Intelligence Officer Directorate of Revenue Intelligence*, 2018 (3) JKJ 39 : 2018 (3) KLJ 808 : 2018 (3) KLT 1027 [bit.ly/CrlA949of2018](http://bit.ly/CrlA949of2018) 31-07-2018

**Evidence Law** - Gunshot - Absence of bullet holes on the clothes of the deceased creates a doubt about the case of the prosecution. *State of Uttar Pradesh v. Raja*, 2018 (4) RCR (Criminal) 250 : 2018 (11) Scale 265 [Crl.A. No. 396 of 2015 30-08-2018](#)

**Evidence Law** - Question of Identification by Voice - Identification from the voice of the accused may be possible if there is evidence to show that the witness was sufficiently acquainted with the accused in order to recognize him or her by voice. *Dola @ Dolagobinda Pradhan v. State of Odisha*, AIR 2018 SC 4020 : 2018 (2) ALD (Cri) 674 : JT 2018 (8) SC 302 : 2018 (4) RCR (Criminal) 137 : 2018 (10) Scale 270 <http://bit.ly/CrlA1095of0218> 29-08-2018

**Evidence Law** - Related and Interested Witnesses - there cannot be any hard and fast rule that the evidence of interested witness cannot be taken into consideration and they cannot be termed as witnesses. But, the only burden that would be cast upon the Courts in those cases is that the Courts have to be cautious while evaluating the evidence to exclude the possibility of false implication. Relationship can never be a factor to affect the credibility of the witness as it is always not possible to get an independent witness. *Sudhakar @ Sudharasan v. State Rep. by the Inspector of Police*, AIR 2018 SC 1372 : 2018 (1) ALD (Cri) 889 : 2018 (1) ALT (Cri) 397 : 2018 (2) Crimes

157 : 2018 CriLJ 1947 : 2018 (2) RLW 990 : 2018 (4) Scale 453 : (2018) 5 SCC 435 : 2018 (2) SCC (Cri) 777 : 2018 (3) Supreme 725 [Crl.A. No. 381 of 2018 12-03-2018](#)

**Evidence Law** - Reports of the Forensic Science Laboratory - Ballistic Experts - Samples collected from the scene of the offence had bloodstains of human origin - However, since the bloodstains were disintegrated by the time the bloodstains were examined by the Forensic Science Laboratory, the blood group could not be determined. For the same, the accused cannot be unpunished, more particularly when the bloodstains were found of human origin. *Prabhu Dayal v. State of Rajasthan*, 2018 CrLJ 3901 : 2018 (3) RCR (Criminal) 700 : 2018 (8) Scale 520 : (2018) 8 SCC 127 [Crl.A. No. 2324 of 2014 04-07-2018](#)

**Evidence Law** - Some minor contradiction or inconsistency in evidence cannot affect the material evidence and such contradiction or inconsistency cannot be made basis to discard the whole evidence as unreliable. *Gorusu Nagaraju v. State of Andhra Pradesh*, AIR 2018 SC 1897 : 2018 (1) ALD (Cri) 904 : 2018 (2) Crimes 45 : 2018 (2) JLJR 182 : JT 2018 (3) SC 547 : 2018 (2) PLJR 166 : 2018 (2) RCR (Criminal) 540 : 2018 (5) Scale 8 : 2018 (2) Supreme 765 [Crl.A. No. 1032 of 2007 23-03-2018](#)

**Evidence Law** - Test Identification Parade is not a substantive evidence. Its purpose is only to help the investigating agency ascertain as to whether the investigation in the case is heading in the right direction or not. There is no provision in CrPC which obliges the investigating agency to hold or confer a right on the accused to claim a test identification parade. Absence to hold it would not make inadmissible the evidence of identification in court. *Raju Manjhi v. State of Bihar*, AIR 2018 SC 3592 : 2018 All.M.R.(Cri.) 4474 : 2018 CriLJ 4342 : 2018 (3) Crimes 477 : 2018 (3) JLJR 365 : JT 2018 (7) SC 429 : 2018 (9) Scale 360 : 2018 (6) SLT 296 [Crl.A. No. 1333 of 2009 02-08-2018](#)

**Evidence Law** - testimony of a witness cannot be discarded in toto merely due to the presence of embellishments or exaggerations. *Menoka Malik v. State of West Bengal*, AIR 2018 SC 4011 : 2018 (4) JLJR 31 : JT 2018 (8) SC 320 : 2018 (4) PLJR 69 : 2018 (10) Scale 234 <http://bit.ly/CrlA1198of2006> 28-08-2018

**Evidence Law** - The principle of 'Falsus in uno falsus in omnibus' has not been accepted in our country - Even if some accused are acquitted on the ground that the evidence of a witness is unreliable, the other accused can still be convicted by relying on the evidence of the same witness - Minor contradictions and omissions in the evidence of

a witness are to be ignored if there is a ring of truth in the testimony of a witness. *State of Andhra Pradesh v. Pullagummi Kasi Reddy Krishna Reddy @ Rama Krishna Reddy*, 2018 (2) ALD (Cri) 346 : 2018 CriLJ 4357 : 2018 (8) Scale 399 [Crl.A. No. 2089-2090 of 2009 03-07-2018](#)

**Evidence Law** - When a party relies upon any evidence, whether it is oral or documentary, in support of his case, the Court / Committee / Authority, as the case may be, and especially the original Court is under an obligation to apply its mind to the entire documentary evidence on which the party has placed reliance for proving his case and record its reasoned findings whether accepting the evidence or rejecting it. *Vilas Dinkar Bhat v. State of Maharashtra*, 2018 (6) All.M.R. 455 : AIR 2018 SC 3776 : JT 2018 (7) SC 555 : 2018 (9) Scale 521 : (2018) 9 SCC 89 : 2018 (6) SLT 747 [C.A. No. 2095 of 2007 10-08-2018](#)

**First Information Report** - Although the FIR is not an encyclopedia of the crime, absence of certain essential facts, which were conspicuously missing in the FIR, pointed towards suspicion that the crime itself may be staged. *Amar Nath Jha v. Nand Kishore Singh*, AIR 2018 SC 3597 : 2018 CriLJ 4351 : 2018 (3) Crimes 486 : 2018 (3) JLJR 361 : JT 2018 (7) SC 451 : 2018 (9) Scale 416 : (2018) 9 SCC 137 : 2018 (3) SCC (Cri) 723 [Crl.A. No. 94 of 2013 03-08-2018](#)

**Food and Safety Standards Act, 2006** - A perusal of the provisions of the FSS Act would make it clear that there is no bar for prosecution under the IPC merely because the provisions in the FSS Act prescribe penalties. *State of Maharashtra v. Sayyed Hassan Sayyed Subhan*, JT 2018 (9) SC 257 : 2018 (4) RCR (Criminal) 341 [Crl.A. No. 1195 of 2018 20-09-2018](#)

**Forest Act, 1961 (Kerala)** - Ss. 47H, 61A & 69 - Seizure of sandalwood, sandalwood oil etc. and confiscation thereon - Power of confiscation of sandalwood oil - Confiscation by Forest Officers in certain cases - Presumption that timber or forest produce belongs to Government - Whether the High Court erred in upholding the order of confiscation under Section 61-A of the Act and whether confiscation of sandalwood oil can be ordered under Section 61A or 69 of the Act - Held, The present case being related to the situation prior to the time of amendment in 2010 was made, the amended provisions do not apply. Hence, the order of confiscation of sandalwood oil is liable to be set aside. *Standard Essential Oil Industries v. Forest Range Officer Kasargod*, 2018

*(8) FLT 521 : 2018 (2) KLT 790 : 2018 (6) Scale 364* [C.A. No. 1747 of 2008 19-04-2018](#)

**Forest Act, 1963 (Karnataka)** - Ss. 62C & 87 - Penal Code, 1860 - Ss. 379 & 34 - found transporting sandalwood in their private vehicles - Noncompliance of Section 62C - officer concerned should have been authorised by the Government and should have received training for examining the forest produce - concerned forest officers have nowhere stated in their evidence that they were duly authorised by the State Government and competent to issue the certificates in question - prosecution has failed to prove that the requirements as contemplated under Section 62C of the Act - the High Court was right in setting aside the order of conviction and sentence passed by the trial Court by reaching to the conclusion that the offence under Section 87 of the Act cannot be said to have been established against the accused in accordance with law. *State of Karnataka v. Prakash, 2018 (13) Scale 666* [Crl.A. No. 466 of 2012 30-08-2018](#)

**Honour Killing** - Right to marry person of one's choice - When two adults consensually choose each other as life partners, it is a manifestation of their choice which is recognized under Arts. 19 and 21; *Shakti Vahini v. Union of India, AIR 2018 SC 1601 : 2018 (2) ALD (Cri) 144 : 2018 (4) ALD 1 : 2018 (3) All.M.R. 915, 2018 (2) Crimes 205 : 2018 (2) J LJ 1 : 2018 (5) Scale 51 : (2018) 7 SCC 192 : 2018 (3) Supreme 100* [W.P. \(C\) No. 231 of 2010 27-03-2018](#)

**Identification of Prisoners Act, 1920** - Ss. 3, 4, 5 & 8 - It is not necessary for the Police officer to obtain an order from a Magistrate for obtaining specimen of fingerprints. *Sonvir @ Somvir v. State of Delhi, 2018 CriLJ 3624 : 2018 (3) RCR (Criminal) 767 : 2018 (8) Scale 311* [Crl.A. No. 958 of 2017 02-07-2018](#)

**Juvenile Justice (Care and Protection of Children) Act, 2015** - High Court to seriously consider establishing child friendly courts and vulnerable witness courts in each district. *Sampurna Behrua v. Union of India, 2018 (2) AWC 1734 : 2018 (2) Bom.C.R. 561 : 2018 (1) Crimes 21 : 2018 (2) MLJ (Cri) 94 : 2018 (2) Scale 209 : (2018) 4 SCC 433 : 2018 (2) SLT 20 : 2018 (1) Supreme 642* [W.P. \(C\) No. 473 of 2005 09-02-2018](#)

**Life Imprisonment** - Life sentence should be with a cap of 20 years' rigorous imprisonment (RI) which would mean that the appellant shall not be entitled to make any representation for remission till he completes 20 years of RI. *Jitendra @ Jeetu v. State of Madhya Pradesh, 2018 (15) Scale 333* [R.P. \(Crl.\) No. 324 of 2015 01-11-2018](#)



**Mahatma Gandhi Assassination Case** - Reopening of long concluded matters based on hearsay evidence - Not maintainable. *Dr. Pankaj Kumudchandra Phadnis v. Union of India*, 2018 (2) Crimes 223 : JT 2018 (3) SC 601 : 2018 (5) Scale 171 : 2018 (3) Supreme 128 [bit.ly/SLP8293of2018](http://bit.ly/SLP8293of2018) 28-03-2018

**Murder Trial** - Relationship of Witness with the deceased cannot be the reason for doubting the testimony of the Witness - relationship is not a ground affecting the credibility of a witness. *Motiram Padu Joshi v. State of Maharashtra*, 2018 CriLJ 3736 : 2018 (3) PLJR 349 : 2018 (8) Scale 704 : 2018 (3) SCC (Cri) 738 [bit.ly/CrIA1479of2015](http://bit.ly/CrIA1479of2015) 10-07-2018

**Narcotic Drugs and Psychotropic Substances Act, 1985** - For proving the offence under the NDPS Act, it is necessary for the prosecution to establish that the quantity of the contraband goods allegedly seized from the possession of the accused and the best evidence would be the court records as to the production of the contraband before the Magistrate and deposit of the same before the Malkhana or the document showing destruction of the contraband. *Mohinder Singh v. State of Punjab*, AIR 2018 SC 3798 : 2018 CriLJ 4213 : 2018 (3) Crimes 227 : 2018 (3) JLJR 440 : JT 2018 (8) SC 46 : 2018 (3) MLJ (Cri) 748 : 2018 (4) PLJR 29 : 2018 (4) RCR (Criminal) 62 : 2018 (9) Scale 647 [Crl.A. No. 2182 of 2010 14-08-2018](http://Crl.A.No.2182of201014-08-2018)

**Narcotic Drugs and Psychotropic Substances Act, 1985** - It is imperative that the law the Court should follow for awarding conviction under the provisions of N.D.P.S. Act is "stringent the punishment stricter the proof." In such cases, the prosecution evidence has to be examined very zealously so as to exclude every chance of false implication. *State of Himachal Pradesh v. Trilok Chand*, AIR 2018 SC 609 : 2018 (1) ALD (Cri) 579 : 2018 (1) ALT (Cri) 280 : 2018 (2) Bom.C.R.(Cri.) 531 : 2018 (1) Crimes 79 : 2018 (1) JCC (Narcotics) 15 : 2018 (1) JKJ 138 : JT 2018 (1) SC 478 : 2018 (2) RCR (Criminal) 641 : 2018 (1) Scale 458 : (2018) 2 SCC 342 : 2018 (1) SCC (Cri) 714 : 2018 (1) Supreme 326 [Crl.A. No. 2133 of 2011 17-01-2018](http://Crl.A.No.2133of201117-01-2018)

**Narcotic Drugs and Psychotropic Substances Act, 1985** - S. 50 - It is Mandatory to prove Search & Recovery in the Presence of a Magistrate or a Gazetted Officer. *Arif Khan @ Agha Khan v. State of Uttarakhand*, AIR 2018 SC 2123 : 2018 (2) ALD (Cri) 10 : 2018 (2) Bom.C.R. (Cri.) 813 : 2018 (2) JKJ 43 : JT 2018 (4) SC 532 : 2018 (2) KLT SN 57 (C. No. 67) : 2018 (2) MPWN 193 : 2018 (2) RCR (Criminal) 931 : 2018 (6) SCALE 456 [bit.ly/CrIA273of2007](http://bit.ly/CrIA273of2007) 27-04-2018

**Narcotic Drugs and Psychotropic Substances Act, 1985** - S.18 - Informant and the investigator must not be the same person. *Mohan Lal v. State of Punjab, Mohan Lal v. State of Punjab*, 2018 (3) Crimes 218 : 2018 (3) JKJ 3 : 2018 (3) JLJR 393 : JT 2018 (8) SC 53 : 2018 (4) MLJ (Cri) 244 : 2018 (2) OLR 485 : 2018 (3) PLJR 419 : 2018 (4) RCR (Criminal) 101 [Crl.A. No. 1880 of 2011 16-08-2018](#)

**Narcotic Drugs and Psychotropic Substances Act, 1985** - Search & Seizure - alleged recovery of contraband from suitcase - the statements of the independent panch witnesses depict a different picture than the one portrayed by the official witness - not proved beyond reasonable doubt - reversal of conviction by High Court was confirmed. *Union of India v. Leen Martin*, AIR 2018 SC 991 : 2018 (103) AllCC 649 : 2018 (1) ALT (Cri) 394 : 2018 All.M.R.(Cri.) 1361 : 2018 (1) Crimes 128 : 2018 (2) JCC 102 : 2018 (3) JKJ 181 : 2018 (2) MLJ(Cri) 469 : 2018 (2) RCR (Criminal) 122 : (2018) 4 SCC 490 : 2018 (2) Supreme 505 : 2018 (1) UC 469 [Crl.A. No. 2150 of 2011 01-02-2018](#)

**Narcotic Drugs and Psychotropic Substances Act, 1985** - Search of the bag as well as trousers - Since the search of the person was also involved, Section 50 would be attracted. *Sk Raju @ Abdul Haque @ Jagga v. State of West Bengal*, AIR 2018 SC 4255 : 2018 (4) Crimes 147 : 2018 (3) JKJ 74 : JT 2018 (8) SC 425 : 2018 (10) Scale 730 : (2018) 9 SCC 708 [Crl.A. No. 459 of 2017 05-09-2018](#)

**Narcotic Drugs and Psychotropic Substances Act, 1985** - Ss. 21 & 22 - Drugs and Cosmetics Act, 1940 - the N.D.P.S Act, should not be read in exclusion to Drugs and Cosmetics Act, 1940. *State of Punjab v. Rakesh Kumar*, [Crl.A. No. 1512 of 2018 03-12-2018](#)

**Narcotics Drugs and Psychotropic substances Act, 1985** - Quantity involved in this case is only 14 Kgs. of Ganja, which is a non-commercial quantity - the appellant is not involved in any other case - the appellant should be released on bail, pending trial. *Birbal Prasad v. State of Bihar*, 2018 All.M.R. (Cri.) 2293 : 2018 (2) RCR (Criminal) 121 : (2018) 11 SCC 488 : JT 2018 (3) SC 64 : 2018 (1) Scale 642 [Crl.A. No. 175 of 2018 25-01-2018](#)

**Narcotics, Drugs and Psychotropic Substances Act 1985** - It was incumbent on the part of the prosecution to lead the evidence to show as to how and in what conditions the articles were preserved at the Police Station and how safely they were taken from there to the respective chemical examiners by its carriers. *State of Uttar Pradesh v.*

*Hansraj @ Hansu, JT 2018 (9) SC 193 : 2018 (4) RCR (Criminal) 813 : 2018 (7) SLT 417* [Crl.A. No. 997 of 2009 12-09-2018](#)

**National Security Act, 1980** - Ss. 3(4) & 8 - Power to make orders detaining certain persons - Grounds of order of detention to be disclosed to persons affected by the order - meaning and scope of the term "forthwith" used in Section 3(4) of the Act. *Hetchin Haokip v. State of Manipur*, [Crl.A. No. 911 of 2018 20-07-2018](#)

**Negotiable Instruments Act, 1881** - S.138 - accused shall pay an additional compensation amount of Rs.1,00,000/ to the complainant in lieu of simple imprisonment for 3 months. *P. Ramadas v. State of Kerala, 2018 (1) ALD (Cri) 577 : 2018 (103) AllCC 617 : 2018 (1) ALT (Cri) 403 : 2018 (2) Bom.C.R.(Cri.) 433 : 2018 (1) Crimes 143 : JT 2018 (2) SC 412 : 2018 (2) RCR (Criminal) 529 : 2018 (3) Scale 62 : (2018) 3 SCC 287 : 2018 (2) SCC(Cri) 47 : 2018 (1) Supreme 756 : 2018 (1) UC 456* [Crl.A. No. 271 of 2018 19-02-2018](#)

**Negotiable Instruments Act, 1881** - S.138 - Conviction and Sentence - the cheque amount has already been paid and it is acknowledged by the respondent - set aside the conviction and sentence imposed on the appellant and allow the appeal. *N.P. Murugesan v. C. Krishnamurthy, 2018 (9) Scale 43* [Crl.A. No. 818 of 2018 04-07-2018](#)

**Negotiable Instruments Act, 1881** - S.138 - Criminal P.C. 1973 - Ss. 397 & 401 - Scope of - Ground for exercising the revisional jurisdiction by the High Court. *Kishan Rao v. Shankargouda, 2018 (3) JCC 198 : 2018 (3) JKJ 22 : 2018 (2) DCR 401 : 2018 (2) OLR 733 : 2018 (3) PLJR 313 : 2018 (3) RCR (Criminal) 746 : (2018) 8 SCC 165 : 2018 (3) SCC (Cri) 544* [Crl. A. No. 803 of 2018 02-07-2018](#)

**Negotiable Instruments Act, 1881** - S.138 - Criminal P.C. 1973 - S.401 - High Court's Powers of revisions - Revision against Conviction - Condition of deposit of 1/4th of the cheque amount - Senior Citizen - High Court to dispose of the Revision Petition expeditiously preferably within six months - the interim direction issued by the High Court for deposit of 1/4th of the cheque amount is vacated. *M.V. Amreeth v. K. Venkata Krishna, 2018 (3) RCR (Criminal) 293 : 2018 (8) Scale 629 : (2018) 8 SCC 118* [Crl.A. No. 747 of 2018 15-05-2018](#)

**Negotiable Instruments Act, 1881** - S.138 - parties have settled their disputes and the cheque amount has been received - appeals are allowed and the conviction and

sentence imposed on the appellant(s) is set aside. *Bhangu Trading Company v. Surjit Singh*, [Crl.A. No. 808 of 2018 02-07-2018](#)

**Negotiable Instruments Act, 1881** - Ss. 138 & 139 - Two cheques were issued towards the discharge of an existing liability and legally enforceable debt - Respondent having admitted that the cheques and Pronote were signed by him, the presumption under S.139 would operate - Respondent failed to rebut the presumption by adducing any cogent or credible evidence. Hence, his defence is rejected. *T.P. Murugan (dead) Thr. Lrs. v. Bojan*, 2018 (3) JKJ 67 [Crl.A. No. 950 of 2018 31-07-2018](#)

**Nirbhaya Rape Case** - Review Petition - juvenile at the time of the commission of the offence - The trial court on being fully satisfied that petitioner is not a juvenile has rightly rejected the application for ossification test submitted by petitioner No.1. There is no substance in this submission and no ground is made out to review the judgment. *Vinay Sharma v. State of NCT of Delhi*, 2018 (8) SCC 186 [R.P.\(Crl.\) No. 671 of 2017 09-07-2018](#)

**Penal Code, 1860** - Accused had acted in self defence which is proved to have exceeded, the conviction of the appellants under Section 302 I.P.C. has to be modified. As the occurrence happened in a free fight between both the parties, conviction of the appellants under Section 302 I.P.C. is modified to Section 304 Part II I.P.C. *Manphool Singh v. State of Haryana*, AIR 2018 SC 3995 [Crl.A. No. 1817 of 2009 16-08-2018](#)

**Penal Code, 1860** - Exception 4 to Section 300 IPC. *Gurwinder Singh @ Sonu v. State of Punjab*, AIR 2018 SC 2277 : 2018 (3) Bom.C.R.(Cri.) 57 : 2018 CriLJ 2974 : 2018 (2) JKJ 162 : JT 2018 (5) SC 30 : 2018 (2) MPWN 148 : 2018 (2) RCR (Criminal) 980 : 2018 (4) SLT 73 [Crl.A. No. 2301 of 2014 08-05-2018](#)

**Penal Code, 1860** - Ingredients and applicability of Exception 4 to S. 300. *Manoj Kumar v. State of H.P.*, AIR 2018 SC 2693 : 2018 (2) JKJ 80 : JT 2018 (6) SC 107 : 2018 (7) SCALE 434 : (2018) 7 SCC 327 [Crl.A. No. 795 of 2011 15-05-2018](#)

**Penal Code, 1860** - Injuries inflicted clearly show that the intention of the appellants in inflicting the fatal injury. Upon consideration of the evidence of the eye witnesses and the nature of injuries, the Trial Court as well as the High Court recorded concurrent findings that the accused are liable to the convicted under Section 302 IPC. *Pappu @ Hans Raj v. State of Punjab*, 2018 (4) Crimes 97 : JT 2018 (10) SC 363 [Crl.A. No. 1349 of 2015 03-10-2018](#)

**Penal Code, 1860** - Right to Private Defence - absence of good faith in exercise of right of private defence - causing disproportionate harm and exceeding right to private defence is amply clear. In cases of disproportionate harm leading to death of the aggressor, sentence under Section 304 Part I is the appropriate sentence. *Jangir Singh v. State of Punjab, 2018 (15) SCALE 88* [Crl.A. No. 2499 of 2009 31-10-2018](#)

**Penal Code, 1860** - S. 201 - Causing disappearance of evidence of offence, or giving false information to screen offender - a charge under Section 201 of the IPC can be independently laid and conviction maintained also, in case the prosecution is able to establish that an offence had been committed, the person charged with the offence had the knowledge or the reason to believe that the offence had been committed, the said person has caused disappearance of evidence and such act of disappearance has been done with the intention of screening the offender from legal punishment. Mere suspicion is not sufficient, it must be proved that the accused knew or had a reason to believe that the offence has been committed and yet he caused the evidence to disappear so as to screen the offender. The offender may be either himself or any other person. *Dinesh Kumar Kalidas Patel v. State of Gujarat, 2018 (103) AllCC 597 : 2018 (1) ALD (Cri) 568 : 2018 (2) ALT(Cri) 297 : AIR 2018 SC 951 : 2018 (2) Bom.C.R. (Cri.) 319 : 2018 (2) Crimes 295 : 2018 (1) DMC 812 : 2018 (2) GujLR 1656 : 2018 (2) JCC 1054 : 2018 (2) JLJR 288 : JT 2018 (2) SC 268 : 2018 (1) OLR 766 : 2018 (2) PLJR 297 : 2018 (2) SCALE 425 : (2018) 3 SCC 313 : 2018 (2) SCC(Cri) 55 : 2018 (2) SLT 63 : 2018 (3) Supreme 472* [Crl.A. No. 265 of 2018 12-02-2018](#)

**Penal Code, 1860** - S. 302 - Charge of killing his own father - Sentenced to life imprisonment - Conduct of the appellant in absconding till he was arrested, and abstaining during the funeral rites of his father, was completely contrary to normal human conduct, and is therefore considered an additional incriminating factor against the appellant. *Basavaraj @ Basavannappa Parmeshwar Bangargir v. State of Maharashtra, JT 2018 (9) SC 427 : 2018 (13) Scale 581* [Crl.A. No. 114 of 2012 01-10-2018](#)

**Penal Code, 1860** - S. 302 - in case the appellants have completed 14 years in jail, including the remission, subject to their jail conduct being satisfactory, they shall be released on bail, subject to such conditions as may be imposed by the trial court, pending a final decision for premature release. *Mehboob v. State of Maharashtra, 2018 (4) Crimes 119 : JT 2018 (10) SC 303 : 2018 (14) Scale 476* [Crl.A. No. 277 of 2016 11-10-2018](#)

**Penal Code, 1860** - S. 302 - Life Imprisonment - exchange of hot words - inflicted injuries with wooden rod of the axe - inflicted four to five injuries - no premeditation or intention of committing the murder - conviction under Section 302 I.P.C. is modified to Section 304 Part-I I.P.C. and the sentence awarded is reduced to the period already undergone. *Subhash Gangadhar Jadhav v. State of Maharashtra*, [Crl.A. No. 1576 of 2018 07-12-2018](#)

**Penal Code, 1860** - S. 302 - Medical Evidence did not conclusively prove homicidal death - Such view, being a plausible view, needed no interference. *State of Karnataka v. Srinivasa*, AIR 2018 SC 3975 : JT 2018 (8) SC 88 : 2018 (9) Scale 674 : (2018) 9 SCC 460 : 2018 (3) SCC (Cri) 763 [Crl.A. No. 1496 of 2013 14-08-2018](#)

**Penal Code, 1860** - S. 302 - Murder was not a premeditated one - Not have any intention to kill - Conviction under Section 302 IPC is set aside - However, convicted under Section 304 (Part II) IPC and sentenced to undergo imprisonment for a period of seven years. *Hansaram v. State of Chhattisgarh*, 2018 (4) Bom.C.R.(Cri.) 31 : 2018 (3) RCR (Criminal) 689 : 2018 (8) Scale 532 [Crl.A. No. 341 of 2018 04-07-2018](#)

**Penal Code, 1860** - S. 302 - Occurrence took place in the heat of the moment - genesis of the occurrence was a single assault - duration of the entire episode was less than 2 minutes - assault was made without pre-meditation at the spur of time - it was not safe to convict the accused for murder - he had knowledge that such assault was likely to cause death - conviction of the accused was liable to be modified from S.302 to S.304 Part II. *Deepak v. State of U.P.*, AIR 2018 SC 3568 : 2018 CriLJ 4341 : 2018 (3) Crimes 473 : JT 2018 (7) SC 345 : 2018 (9) Scale 382 : (2018) 8 SCC 228 : 2018 (6) SLT 379 [Crl.A. No. 545 of 2011 01-08-2018](#)

**Penal Code, 1860** - S. 302 - victim is the real brother of the appellant - it is a case of a quarrel between two brothers and having regard to the fact that the appellant has, in any case, spent around 20 years of actual imprisonment, we direct the State to consider and take a decision on the premature release of the appellant. *Suganlal v. State of Madhya Pradesh*, 2018 (4) Crimes 119 [Crl.A. No. 1059 of 2011 10-10-2018](#)

**Penal Code, 1860** - S. 302 - victim is the real brother of the appellant - appellant has already served around 11 years in jail - direct the respondent/State, having regard to the peculiar factual circumstances available in this case, to consider the case of the appellant for premature release on completion of total sentence of 14 years including

remission, as a special case. *Raja v. State of Maharashtra*, 2018 (4) Crimes 118 : JT 2018 (11) SC 297 [Crl.A. No. 1419 of 2011 10-10-2018](#)

**Penal Code, 1860** - S. 302 & 148 - Bombay Police Act - 135(1). *Vinubhai Ranchhodbhai Patel v. Rajivbhai Dudabhai Patel*, AIR 2018 SC 2472 : 2018 (7) Scale 474 [bit.ly/CrIA1525of2009](#) 16-05-2018

**Penal Code, 1860** - S. 302, 323 & 324 - Culpable Homicide - Voluntary causing hurt by dangerous weapons or means - Acquittal. *Kumar v. State Rep. By Inspector of Police*, AIR 2018 SC 2386 : 2018 (2) JJK 48 [Crl.A. No. 409 of 2017 11-05-2018](#)

**Penal Code, 1860** - S. 304 (II) - it is not always incumbent upon the prosecution to explain the injuries of the accused persons. The prosecution is obligated to explain the injuries of the accused persons only if the injuries sustained by the accused are grievous in nature. *K. Ravichandra v. State of Karnataka*, 2018 (4) RCR (Criminal) 308 [Crl.A. No. 176 of 2009 06-09-2018](#)

**Penal Code, 1860** - S. 304B - Essential ingredients of - "soon before" occurring in Section 304-B. *Jagjit Singh v. State of Punjab*, 2018 (3) DMC 325 : JT 2018 (10) SC 416 : 2018 (4) RCR (Criminal) 568 : 2018 (14) Scale 71 [Crl.A. No. 408 of 2017 26-09-2018](#)

**Penal Code, 1860** - S. 306 - Conviction of father-in-law - the deceased was subjected to harassment at the hands of the accused - Appeal dismissed. *Kanailal Sarkar v. State of West Bengal*, JT 2018 (10) SC 262 : 2018 (15) Scale 52 [Crl.A. No. 1597 of 2009 04-10-2018](#)

**Penal Code, 1860** - S. 306 - Suicide - Having advanced the money to the deceased, the accused might have uttered some abusive words; but that by itself is not sufficient to constitute the offence under Section 306 I.P.C.M. *Arjunan v. State rep. by its Inspector of Police*, [Crl.A. No. 1550 of 2018 04-12-2018](#)

**Penal Code, 1860** - S. 306 - Suicide Note - At this juncture when the investigation was yet to be completed and charge-sheet, if any, was yet to be filed, the High Court ought not to have gone into the aspect whether there was requisite mental element or intention on part of the respondent. *Narayan Malhari Thorat v. Vinayak Deorao Bhagat*, JT 2018 (11) SC 410 : 2018 (15) Scale 296 [Crl.A. No. 1487 of 2018 28-11-2018](#)

**Penal Code, 1860** - S. 325 - In the counter case, the first accused, who had also been sentenced to one year imprisonment under Section 325 IPC, in respect of the same

incident, has been given a lighter sentence of imprisonment till the rising of the court in the National Lok Adalat - the punishment imposed on the appellant also needs to be modified to the extent that the same shall be limited to the period already undergone. *Naresh v. State of Madhya Pradesh, 2018 (3) Crimes 86* [Crl.A. No. 272 of 2018 15-02-2018](#)

**Penal Code, 1860** - S. 326 - Correctness of the conviction and the nature of the offence - Though the stick wielded by the appellant has been marked as MO1, there is no material to show that the stick that was wielded by the appellant was a dangerous weapon - In the absence of such evidence the conviction of the appellant under Section 326 may not be warranted; but the offence would fall under Section 325 IPC, "voluntarily causing grievous hurt". *C.R. Kariyappa v. State of Karnataka, AIR 2018 SC 4312 : JT 2018 (8) SC 576 : 2018 (4) RCR (Criminal) 248 : 2018 (11) Scale 40 : 2018 (7) SLT 720* [Crl.A. No. 781 of 2009 05-09-2018](#)

**Penal Code, 1860** - S. 366 - Kidnapping, abducting or inducing woman to compel her marriage, etc - Ingredients of - To constitute an offence under Section 366 IPC, it is necessary for the prosecution to prove that the accused induced the complainant woman or compelled by force to go from any place, that such inducement was by deceitful means, that such abduction took place with the intent that the complainant may be seduced to illicit intercourse and/or that the accused knew it to be likely that the complainant may be seduced to illicit intercourse as a result of her abduction. Mere abduction does not bring an accused under the ambit of this penal section. So far as charge under Section 366 IPC is concerned, mere finding that a woman was abducted is not enough, it must further be proved that the accused abducted the woman with the intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person or in order that she may be forced or seduced to illicit intercourse or knowing it to be likely that she will be forced or seduced to illicit intercourse. Unless the prosecution proves that the abduction is for the purposes mentioned in Section 366 IPC, the Court cannot hold the accused guilty and punish him under Section 366 IPC. *Kavita Chandrakant Lakhani v. State of Maharashtra, AIR 2018 SC 2099 : 2018 (2) ALD (Crl.) 4 : 2018 All.M.R. (Crl.) 2287 : 2018 (3) Bom.C.R. (Crl.) 218 : 2018 (2) JKI 60 : JT 2018 (4) SC 478 : 2018 (6) Scale 416 : (2018) 6 SCC 664* [Crl.A. No. 459 of 2016 24-04-2018](#)

**Penal Code, 1860** - S. 377 - The Constitution – an organic charter of progressive rights - Transformative constitutionalism and the rights of LGBT community - Constitutional



morality and Section 377 IPC - Perspective of human dignity - Sexual orientation - Privacy and its concomitant aspects - Doctrine of progressive realization of rights - International perspective - Other Courts / Jurisdictions - Comparative analysis of Section 375 and Section 377 IPC - The litmus test for survival of Section 377 IPC. *Navtej Singh Johar v. Union of India Thr. Secretary Ministry of Law and Justice*, AIR 2018 SC 4321 : 2018 (3) Crimes 233 : 2018 (10) Scale 386 : 2018 (10) SCC 1 : 2018 (7) SLT 89 : 2018 (6) Supreme 577 [W.P. \(Crl.\) No. 76 of 2016 06-09-2018](#)

**Penal Code, 1860** - S. 498A - Prohibition of Harassment of Women Act, 1998 (Tamil Nadu) - S.4-A(1)(2)(i). *Manoharan v. State of Tamil Nadu*, AIR 2018 SC 2322 : JT 2018 (5) SC 122 : 2018 (4) SLT 224 : 2018 (3) RCR (Criminal) 291 : 2018 (7) SCALE 310 [Crl.A. No. 1340 of 2013 09-05-2018](#)

**Penal Code, 1860** - S. 498A & 306 r/w. 34 - Reduction of Sentence - appellant, who is the sister-in-law of the deceased - appellant being a married lady and by and large has been residing only with her husband at Nasik is having two grown up children to be taken care and her family - the sentence of imprisonment of five years imposed upon the appellant for the offence under Section 306 I.P.C. is reduced to a period of two years. *Sangita @ Rekha Sambhaji Malode v. State of Maharashtra*, JT 2018 (9) SC 192 [Crl.A. No. 899 of 2009 12-09-2018](#)

**Penal Code, 1860** - S.302 - Criminal P.C. 1973 - S. 386 (b) - Murder - Remand - Powers of the Appellate Court. *Kanubhai Bhagvanbhai Nayak v. State of Gujarat*, [Crl.A. No. 1540 of 2018 03-12-2018](#)

**Penal Code, 1860** - S.302 - dying declaration - intrinsic worth and reliability of dying declaration can generally be judged from its tenor and contents themselves. *State of Rajasthan v. Ganwara*, 2018 (11) Scale 261 [Crl.A. No. 1018 of 2010 28-08-2018](#)

**Penal Code, 1860** - S.302 - dying declaration - there are inconsistencies between the statement of deceased to Doctor and dying declaration recorded by the Tehsildar - benefit of doubt to be given to the accused - When there are two reasonable views and the High Court has adopted one such view which is a plausible one, do not find any substantial ground warranting interference with the order of the acquittal. *State of Madhya Pradesh v. Shabana Bi*, 2018 (4) RCR (Criminal) 454 [Crl.A. No. 1791 of 2011 29-08-2018](#)

**Penal Code, 1860** - S.302 - For the offence of murder, minimum sentence is 'life imprisonment'. For that reason, obviously, the High Court could not have modified the sentence to the one already undergone. Therefore, modification in the aforesaid manner as done by the High Court was clearly erroneous. *Jitendra @ Kalla v. State of Govt. of NCT of Delhi*, AIR 2018 SC 5253 : JT 2018 (11) SC 355 : 2018 (14) Scale 305 [Crl.A. No. 2133 of 2017 25-10-2018](#)

**Penal Code, 1860** - S.302 - It was further submitted that when one batch of appeals preferred by one set of accused in which conviction was confirmed and appeals preferred by another set of accused similarly situated were allowed acquitting them, the Court should lean in favour of the accused - not inclined to accept the submissions since criminal appeal preferred by the similarly situated accused was already dismissed. *Subhash Mahto v. State of Bihar*, [Crl.A. No. 1690 of 2015 19-09-2018](#)

**Penal Code, 1860** - S.302 - Murder of husband and his sister, by his wife and her family members - Evidence of ocular witnesses was found consistent and inspired confidence - Conviction Confirmed; *Ganapathi v. State of Tamil Nadu*, AIR 2018 SC 1635 : 2018 (2) JKJ 113 : JT 2018 (3) SC 565 : 2018 (2) RCR (Criminal) 636 : 2018 (5) Scale 41 : (2018) 5 SCC 549 : 2018 (2) SCC (Cri) 793 : 2018 (1) UC 529 [Crl.A. No. 1312 of 2008 27-03-2018](#)

**Penal Code, 1860** - S.302 - Offence of Murder - Any punishment less than the life imprisonment, as prescribed under Section 302 IPC, if awarded by any Court is per se illegal and without authority of law. *Bharatkumar Rameshchandra Barot v. State of Gujarat*, AIR 2018 SC 1598 : 2018 (1) ALD (Cri) 768 : 2018 (2) Bom.C.R. (Cri.) 575 : 2018 CriLJ 3684 : 2018 (2) JCC 759 : JT 2018 (3) SC 553 : 2018 (2) MPWN 1 : 2018 (2) RCR (Criminal) 546 : 2018 (5) Scale 35 : 2018 (1) UC 547 [Crl.A. No. 448 of 2018 26-03-2018](#)

**Penal Code, 1860** - S.302 - Sentenced to life imprisonment for the death of his wife at home by burn injuries - appeal is dismissed - the appellant has completed approximately 15 years of custody - order be forwarded to the Maharashtra State Legal Services Authority so that necessary assistance is made available to the appellant through the concerned District Legal Services Authority with regard to the consideration for remission in accordance with law, if the appellant, so desires. *Bhagwat v. State of Maharashtra*, 2018 (15) Scale 69 [Crl.A. No. 1046 of 2011 19-09-2018](#)

**Penal Code, 1860** - S.304 (Part I) - not having intention to commit murder - act was to cause bodily injury which was likely to cause death - he would be responsible for commission of culpable homicide not amounting to murder punishable. *State of Madhya Pradesh v. Gangabishan @ Vishnu, 2018 (9) Scale 224* [Crl.A. No. 2393 of 2009 27-07-2018](#)

**Penal Code, 1860** - S.307 - Attempt to murder - Injury was dangerous to life and the patient could have died if he had not been given proper treatment - conviction under Section 307 I.P.C. is justified. *Rakesh v. State of Haryana, Crl.A. No. 1869 of 2017 10-10-2018*

**Penal Code, 1860** - S.364A - Kidnapping. *State of Haryana v. Sunder Pal, Crl.A. No. 567 of 2010 31-10-2018*

**Penal Code, 1860** - S.376 - the prosecutrix being a young girl aged about nine years, had no reason to falsely implicate the accused - the prosecutrix was reluctant to go back to the house of her aunt and complained the act of sexual intercourse committed by the accused to her teachers - High Court has not appreciated the evidence of the prosecutrix in the light of the well-settled principles and erred in reversing the conviction of the accused to the acquittal. *State of Himachal Pradesh v. Manga Singh, Crl.A. No. 1481 of 2018 28-11-2018*

**Penal Code, 1860** - S.376(2)(f) - Prosecutrix turned hostile contending that she had suffered injury in a fall - Mere fact that the victim may have turned hostile, is not relevant and does not efface the evidence with regard to the sexual assault upon her and the identification of the appellant as the perpetrator. *Hemudan Nanbha Gadhvi v. State of Gujarat, JT 2018 (9) SC 412 : 2018 (4) RCR (Criminal) 448 : 2018 (13) Scale 649* [Crl.A. No. 913 of 2016 28-09-2018](#)

**Penal Code, 1860** - S.376(2)(g) - Even assuming that the prosecutrix was of easy virtue, she has a right of refuse to submit herself to sexual intercourse to anyone. *State (Govt. of NCT of Delhi) v. Pankaj Chaudhary, AIR 2018 SC 5412 : JT 2018 (11) SC 43 : 2018 (14) Scale 423* [Crl.A. No. 2299 of 2009 30-10-2018](#)

**Penal Code, 1860** - S.497 IPC is unconstitutional and adultery should not be treated as an offence. *Joseph Shine v. Union of India, 2018 All. M.R. (Cri.) 4065 : 2018 (4) Crimes 1 : 2018 (3) J LJ 515 : JT 2018 (9) SC 467 : 2018 (4) MLJ(Cri) 369 : 2018 (4) RCR*

*(Criminal) 480 : 2018 (11) Scale 556 : 2018 (7) SLT 470* [W.P. \(Crl.\) No. 194 of 2017 27-09-2018](#)

**Penal Code, 1860** - S.498A - Directions pertaining to constitution of a Committee and conferment of power on the said Committee is erroneous. *Social Action Forum for Manav Adhikar v. Union of India Ministry of Law and Justice*, AIR 2018 SC 4273 : 2018 (3) Crimes 503, JT 2018 (9) SC 162 : 2018 (4) KHC 580 : 2018 (11) Scale 191 : 2018 (7) SLT 287 [bit.ly/WPC73of2015](#) 14-09-2018

**Penal Code, 1860** - Ss, 376, 342, 493, 506 & 354 (C) - Cancellation of Bail. *Ms. X v. State of Telangana*, AIR 2018 SC 2466 : 2018 (7) Scale 494 : 2018 (3) RCR (Criminal) 101 [bit.ly/CrlA716of2018](#) 17-05-2018

**Penal Code, 1860** - Ss. 143, 341, 323, 308 332 & 353 - Criminal P.C. 1973 - S. 438. *Prem Giri v. State of Rajasthan*, AIR 2018 SC 2145 : 2018 (2) Crimes 332 : JT 2018 (4) SC 582 : 2018 (3) RCR (Criminal) 3 : 2018 (6) Scale 577 : (2018) 6 SCC 571 : 2018 (4) SLT 147 [Crl.A. No. 662 of 2018 02-05-2018](#)

**Penal Code, 1860** - Ss. 147, 148 & 302/149 - Arms Act, 1959 - S. 25 - Appeal against Conviction and Sentence - not preferred by 1 accused - Financial Constraint - case is similar to that of other accused - suo moto cognizance by Court - Entitled to acquittal by giving him benefit of doubt. *Farida Begum v. State of Uttarakhand*, [Crl.A. No. 1560 of 2013 04-12-2018](#)

**Penal Code, 1860** - Ss. 147, 148, 323, 504, 307 r/w. 149 - Criminal P.C. 1973 - S. 374 (2) - Appeal - imprisonment for a period of three years - reducing the sentence - respondents have already undergone some period in jail - incident occurred in the year 2007 - since the parties have purchased peace - no further sentence of incarceration needs to be imposed - accused should be visited with a higher amount of fine, which shall be paid to the victim. *State of Karnataka v. Kaisarbaig*, [Crl.A. No. 215 of 2018 02-02-2018](#)

**Penal Code, 1860** - Ss. 148, 307 / 149 & 302 / 149 - ocular evidence of the two eye witnesses stands fully corroborated by the medical evidence - the accused persons have not challenged the postmortem examination reports of the victims during the cross examination wherein it is clearly stated that, the victims had an unnatural death pursuant to the injuries caused to them by means of weapons such as tangi, sword, lathis etc. - P.W. 3 and 4, were present at the site of occurrence and have expressed

awareness about the death of deceased persons - both the Courts below have rightly convicted the accused. *Sk. Khabir v. State of West Bengal*, 2018 (14) Scale 734 [Crl.A. No. 1289 of 2012 10-10-2018](#)

**Penal Code, 1860** - Ss. 149, 201 & 302 - Railway Property (Unlawful Possession) Act, 1966 - S. 3. *Kameshwar Singh v. State of Bihar*, AIR 2018 SC 1916 : 2018 (103) AllCC 602 : 2018 (2) Crimes 53 : 2018 CriLJ 2533 : 2018 (2) JCC 859 : JT 2018 (4) SC 227 : 2018 (5) Scale 412 : (2018) 6 SCC 433 : 2018 (3) Supreme 550 [Crl.A. No. 903 of 2012 09-04-2018](#)

**Penal Code, 1860** - Ss. 201, 302 & 304 - Considering the nature of offence and the trivial reason for which the appellant got enraged and assaulted H, that too by a knife and also gave multiple blows, does not warrant a light punishment. *Atul Thakur v. State of Himachal Pradesh*, AIR 2018 SC 570 : 2018 (1) ALD (Cri) 729 : 2018 All.M.R. (Cri.) 1372 : 2018 (1) Crimes 16 : 2018 (1) JKJ 189 : JT 2018 (1) SC 457 : 2018 (1) Scale 394 : (2018) 2 SCC 496 : 2018 (1) SCC (Cri) 743 : 2018 (1) SLT 776 : 2018 (1) Supreme 144 : 2018 (1) UC 228 [Crl.A. No. 522 of 2016 19-01-2018](#)

**Penal Code, 1860** - Ss. 228A, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E - Criminal P.C. 1973 - S. 327 - Protection of Children from Sexual Offences Act, 2012 - Ss. 23, 24, 33, 74 - Disclosure of identity of the victim of certain offences etc. - Victims of the Offence of Rape - No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large. *Nipun Saxena v. Union of India Ministry of Home Affairs* <http://bit.ly/WPC565of2012> 11-12-2018

**Penal Code, 1860** - Ss. 299, 302, 304. *Tularam v. State of Madhya Pradesh*, AIR 2018 SC 2146 : 2018 (1) ALD (Cri) 740 : 2018 All.M.R. (Cri.) 3161 : 2018 (3) Bom.C.R. (Cri.) 151 : 2018 (2) Crimes 330 : 2018 CriLJ 2590 : 2018 (2) JLJ 206 : JT 2018 (4) SC 579 : 2018 (6) Scale 555 : (2018) 7 SCC 777 [Crl.A. No. 663 of 2018 02-05-2018](#)

**Penal Code, 1860** - Ss. 300 Exception 4 & 304 Part I - Sudden fight implies the absence of premeditation. *Bhagirath v. State of Madhya Pradesh*, 2018 (14) Scale 470 [bit.ly/CrlA2301of2009](http://bit.ly/CrlA2301of2009) 23-10-2018

**Penal Code, 1860** - Ss. 302 - Entire occurrence had taken place not at the spur of the moment - circumstances concluding the guilt of the appellant are clearly

established. *Ramji v. State of Punjab*, JT 2018 (11) SC 385 : 2018 (15) Scale 184 [Crl.A. No. 1479 of 2011 27-11-2018](#)

**Penal Code, 1860** - Ss. 302 - when conviction is based on circumstantial evidence, there should not be any gap in the chain of circumstances; the accused is entitled to the benefit of doubt. *State of Himachal Pradesh v. Raj Kumar*, AIR 2018 SC 329 : 2018 (102) AllCC 622 : 2018 (1) ALD (Cri) 561 : 2018 (1) ALT (Cri) 405 : 2018 (1) CGLJ 393 : 2018 (1) Crimes 1 : 2018 (1) JCC 174 : 2018 (1) JKJ 160 : 2018 (1) JLJR 145 : JT 2018 (1) SC 159 : 2018 (1) MLJ (Cri) 480 : 2018 (1) PLJR 321 : 2018 (1) RCR (Criminal) 689 : 2018 (2) RLW 1229 : 2018 (1) Scale 162 : (2018) 2 SCC 69 : 2018 (1) SCC (Cri) 452 : 2018 (1) Supreme 103 : 2018 (1) UC 1 [Crl.A. No. 31 of 2018 08-01-2018](#)

**Penal Code, 1860** – Ss. 302 & 149 - Failure or nonexplanation of injuries on accused when material – Principles summarised. *Dashrath @ Jolo v. State of Chhattisgarh*, AIR 2018 SC 1133 : 2018 CriLJ 2229 : 2018 (1) JLJR 356 : 2018 (2) MPJR 1 : 2018 (1) MPWN 267 : 2018 (2) PLJR 36 : 2018 (1) RCR (Criminal) 972 : 2018 (1) Scale 580 : (2018) 4 SCC 428 [Crl.A. No. 197 of 2018 23-01-2018](#)

**Penal Code, 1860** - Ss. 302 & 201 - Protection of Children from Sexual Offences Act, 2012 - Ss. 10 & 4 - dastardly nature and manner of the crime - rarest of rare case - balancing approach of such aggravating and mitigating circumstances. *Viran Gyanlal Rajput v. State of Maharashtra* [Crl.A. No. 1558 of 2018 05-12-2018](#)

**Penal Code, 1860** - Ss. 302 & 304 Part-II - accused No.1 alone had previous enmity with the deceased and the other accused appeared to have joined accused no.1 only to help him. Considering the weapons used, namely, sticks and the nature of the injuries, the High Court thought it fit to modify the sentence of imprisonment under Section 302 I.P.C. to Section 304 Part-II I.P.C. Occurrence was of the year 1995 and at this distant point of time and also in view of the findings by the High Court in para “55”, we are not inclined to interfere with the impugned order. *State of Karnataka v. Yenkareddy*, 2018 (4) RCR (Criminal) 453 [Crl.A. No. 144 of 2009 06-09-2018](#)

**Penal Code, 1860** - Ss. 302 & 324 - Insanity - Doctrine of burden of proof in the context of the plea of insanity - Accused is entitled to the benefit of the exception under section 84 I.P.C. because of the preponderance of his medical condition at the time of occurrence, as revealed from the materials and evidence on record. *Devidas Loka*

*Rathod v. State of Maharashtra*, 2018 All.M.R. (Cri.) 3152 : 2018 (3) JCC 1668 : 2018 (3) JKJ 30 : 2018 (3) RCR (Criminal) 784 [Crl.A. No. 814 of 2017 02-07-2018](#)

**Penal Code, 1860** - Ss. 302 & 326 - High Court was justified in convicting the accused for the offence under Section 326, IPC, but was not justified in convicting the appellant for the offence under Section 302, IPC - Appeal is allowed in part. *Jayaswamy v. State of Karnataka*, AIR 2018 SC 2648 : 2018 (3) Bom.C.R. (Cri.) 1 : JT 2018 (5) SC 438 : 2018 (8) Scale 3 : (2018) 7 SCC 219 [Crl.A. No. 1022 of 2011 01-06-2018](#)

**Penal Code, 1860** - Ss. 302 & 460 - Evidence relied by the prosecution is full of contradictions - prosecution has failed to provide any independent witness to bring home, the guilt of the accused - there exists reasonable doubt for believing the case laid down by the prosecution and the guilt of the accused has not been proved beyond doubt. *State of Rajasthan v. v Madan @ Madaniya*, [Crl.A. No. 1333 of 2011 25-10-2018](#)

**Penal Code, 1860** - Ss. 302 r/w. 148 & 149 - there was no evidence to prove that appellant was the author of the gun shot which killed S - the ballistic report (ExC1) did not support the prosecution case inasmuch as it opined that cartridges fired and recovered from the spot could not have been so fired from the rifle belonging to the appellant and the third, the alleged rifle was not taken in police custody immediately after the incident but it was surrendered by the appellant in the Court. In the light of foregoing reasons, the appellant is entitled for benefit of doubt and hence deserves to be acquitted of the charges framed against him. *Ramvir v. State of Uttar Pradesh*, AIR 2018 SC 5339 : JT 2018 (11) SC 284 : 2018 (14) Scale 369 [Crl.A. No. 183 of 2013 26-10-2018](#)

**Penal Code, 1860** - Ss. 302 r/w. 201. *Satpal v. State of Haryana*, AIR 2018 SC 2142 : 2018 (1) ALD (Cri) 749 : 2018 (2) ALT (Cri) 281 : 2018 (2) Crimes 318 : JT 2018 (4) SC 622 : 2018 (2) RCR (Criminal) 935 : 2015 (6) Scale 494 : (2018) 6 SCC 610 [Crl.A. No. 1892 of 2017 01-05-2018](#)

**Penal Code, 1860** – Ss. 302 r/w. 34 - Murder - Plea of Alibi - Concurrent Findings - Murdered lady was the wife of the first accused - Second accused claimed that she was innocent and was not present at the time of the alleged occurrence - She has not discharged her burden to show that she was elsewhere - On the other hand, there is evidence of the police officials that after committing the crime, both accused came out and proclaimed that they have accomplished what they wanted - There is no motive for the police officials to falsely implicate the accused - No reason to interfere

- Appeal dismissed. *Ashwani Kumar v. State of Punjab*, JT 2018 (11) SC 377 : 2018 (15) Scale 252 <http://bit.ly/CrIA580of2010> 28-11-2018

**Penal Code, 1860** - Ss. 302 r/w. 34 - when preparation was going on to burn Holika and when they were all standing there, juvenile accused was using abusive language - there was heated arguments, scuffle and sudden fight between them - As the occurrence took place in the course of sudden fight between the deceased and the accused party the occurrence would fall under sub-section (4) of Section 300 I.P.C. *Sunny Khanna v. State of Chhattisgarh*, 2018 (4) Crimes 100 : JT 2018 (10) SC 332 : 2018 (15) Scale 54 [Crl.A. No. 1546 of 2017 04-10-2018](#)

**Penal Code, 1860** - Ss. 302 r/w. 34 & 148 - Whether the High Court was right in setting aside the acquittal of the Appellants and convicting them for an offence of murder. *Mohd. Akhtar @ Kari v. State of Bihar*, [Crl.A. No. 407 of 2009 04-12-2018](#)

**Penal Code, 1860** - Ss. 302, 201, 392 & 397 - Murder Trial - Inconsistencies and Material Contradiction - High Court reversed conviction - Acquittal confirmed. *State of Karnataka v. A.B. Mahesha*, AIR 2018 SC 4005 : JT 2018 (8) SC 584 : 2018 (4) RCR (Criminal) 111 : 2018 (11) Scale 3 : (2018) 9 SCC 612 : 2018 (3) SCC (Cri) 807 [Crl.A. No. 1133 of 2010 14-08-2018](#)

**Penal Code, 1860** - Ss. 302, 307, 326, 324 & 448 - the appeals are disposed of by commuting the death sentence to one of life imprisonment and the death sentence imposed by the trial Court and, subsequently, confirmed by the High Court, is converted into life i.e. till the natural death of the appellant. It is specifically clarified that the appellant shall not be entitled to remission. *Vijay Kumar v. State of Jammu & Kashmir*, [Crl.A. No. 1391 of 2018 14-11-2018](#)

**Penal Code, 1860** - Ss. 302, 324 & 323 r/w. 34 - Delay in filing of the FIR - not only was there a delay in filing of the FIR (which remained unexplained) which was taken as the basis of the investigation in this case, but also there was a wilful suppression of the actual first information received by the police. These factors together cast grave doubts on the credibility of the prosecution version, and lead us to the conclusion that there has been an attempt to build up a different case for the prosecution and bring in as many persons as accused as possible. *State of M.P. v. Ratan Singh*, 2018 (15) Scale 75 [Crl.A. No. 1034 of 2013 05-09-2018](#)



**Penal Code, 1860** - Ss. 302, 324, 323, 341, 148 r/w. 149 - the fact of recovery of the clutch wire is not enough to prove the culpability of the accused as, a clutch wire is a commonly available material in the market and there was no specific mark on the recovered clutch wire to associate it with the offence. *State of Himachal Pradesh v. Naveen Kumar*, 2018 (14) Scale 644 [Crl.A. No. 567 of 2017 04-10-2018](#)

**Penal Code, 1860** - Ss. 302/201 - the circumstance of recovery of the dead body allegedly based on the alleged confessional statement may raise a suspicion against the accused that he might be involved in the incident but mere suspicion itself cannot take itself the evidence of proof. *Uppala Bixam @ Bixmaiah v. State of Andhra Pradesh*, [Crl.A. No. 1548 of 2010 11-10-2018](#)

**Penal Code, 1860** - Ss. 302/34. *Chandra Bhawan Singh v. State of Uttar Pradesh*, AIR 2018 SC 2205 : 2018 (1) ALD (Cri) 1004 : 2018 (103) AllCC 945 : 2018 (2) Crimes 320 : 2018 (3) JKJ 16 : JT 2018 (5) SC 25 : 2018 (2) MLJ(Cri) 695 : 2018 (6) Scale 498 : (2018) 6 SCC 670 : 2018 (4) SLT 56 [Crl.A. No. 654 of 2018 01-05-2018](#)

**Penal Code, 1860** - Ss. 304 Part I & 307 - there was no enmity between the accused and the victims - First Information Report was lodged 13 days after the incident - there is no plausible explanation coming forth from the prosecution for this inordinate delay - the High Court has thoroughly considered all aspects of the case and rightly taken them into account. *State of Madhya Pradesh v. Nande @ Nandkishore Singh*, AIR 2018 SC 747 : 2018 (1) ALT (Cri) 242 : 2018 (1) JKJ 206 : 2018 (2) MLJ (Crl.) 198 : 2018 (2) Scale 334 : (2018) 3 SCC 196 : 2018 (2) SCC (Crl.) 18 : 2018 (1) UC 283 Crl.A. No. 624 of 2016 23-01-2018

**Penal Code, 1860** - Ss. 304, Part II - Common Intention - Absence of - Incident happened at the spur of the moment without premeditation - assault was not made on a vital part of the body - assault took place in 1980 due to straying of cattle - sentence is reduced. *Lakshmi Chand v. State of Uttar Pradesh*, AIR 2018 SC 3961 : JT 2018 (8) SC 229 : 2018 (10) Scale 183 : (2018) 9 SCC 704 [Crl.A. No. 1540 of 2017 24-08-2018](#)

**Penal Code, 1860** - Ss. 306 - Abetment of Suicide - 'Workload' or 'work stress', by itself, is not a ground to prove a charge of abetment to suicide against the employer / superior officer. *Vaijnath Kondiba Khandke v. State of Maharashtra*, AIR 2018 SC 2659 : JT 2018 (5) SC 243 : 2018 (3) RCR (Criminal) 133 [bit.ly/CrlA765of2018](#)

**Penal Code, 1860** - Ss. 306 & 498A - Bride committed suicide by consuming rat poison - High Court upheld conviction of mother-in-law and husband - Validity of the conviction and sentence. *Anusuiya @ Saraswatibai v. State of Madhya Pradesh*, AIR 2018 SC 673 : (2018) 2 SCC 272 : 2018 (1) Crimes 84 : JT 2018 (1) SC 571 : 2018 (1) Scale 487 : 2018 (1) SLT 705 : 2018 (1) Supreme 355 : 2018 (1) RCR 980 : 2018 (1) SCC (Cri) 698 : 2018 (103) AllCC 590 : 2018 (1) ALD 583 : 2018 (1) ALT 257 : 2018 (2) JCC 866 [bit.ly/CrIA1224of2008](http://bit.ly/CrIA1224of2008) 25-01-2018

**Penal Code, 1860** - Ss. 307, 323, 149 & 148 - Dispute related to watering of field from tubewell of accused - Infliction of several injuries using lethal weapons - Conviction of accused confirmed. *Suresh Singh v. State of Madhya Pradesh*, AIR 2018 SC 2383 : 2018 (103) AllCC 992 : JT 2018 (5) SC 131 : 2018 (3) RCR(Criminal) 1 : 2018 (7) SCALE 327 : (2018) 7 SCC 381 [Crl.A. No. 1586 of 2009 11-05-2018](http://Crl.A. No. 1586 of 2009 11-05-2018)

**Penal Code, 1860** - Ss. 307, 323, 324 & 504 - Whether the High Court was justified in reversing the order of acquittal passed by the Sessions Court and convicting the accused. *Naresh v. State of Uttarakhand*, AIR 2018 SC 2332 : 2018 (3) Bom.C.R. (Cri.) 78 : 2018 (2) JKJ 124 : JT 2018 (4) SC 399 : 2018 (6) Scale 402 : (2018) 6 SCC 404 [Crl.A. No. 394 of 2018 25-04-2018](http://Crl.A. No. 394 of 2018 25-04-2018)

**Penal Code, 1860** - Ss. 313 & 415 - Cheating - Causing miscarriage without woman's consent - ingredient of. *Prabhu @ Kulandaivelu v. State of Tamil Nadu*, 2018 (4) RCR (Criminal) 455 [Crl.A. No. 1178 of 2011 18-09-2018](http://Crl.A. No. 1178 of 2011 18-09-2018)

**Penal Code, 1860** - Ss. 323, 325 & 341 r/w. 34 - Conviction and sentence have been confirmed by the High Court - Parties are relatives - During the pendency of the appeal, the de facto complainant has been impleaded in the party array - the disputes in the family have been settled amicably with the intervention of the elders of the family and the normal relationship is being restored in the family. It is prayed jointly by the parties that the offences may be compounded. Held, it is only in the interest of restoring peace in the family that the offences are compounded. *Bipin Kumar v. State of Bihar*, 2018 (10) Scale 255 [Crl.A. No. 993 of 2018 13-08-2018](http://Crl.A. No. 993 of 2018 13-08-2018)

**Penal Code, 1860** - Ss. 325/34 - Acquittal by Trial Court set aside by High Court - Since 30 years have passed and one injured has expired, a different view is not warranted. *Subhash Chander Bansal v. Gian Chand*, AIR 2018 SC 655 : 2018 (1) ALD (Cri) 540 : 2018 (1) Crimes 82 : JT 2018 (1) SC 464 : 2018 (1) MLJ (Cri) 731 : 2018

(1) MPWN 337 : 2018 (1) Scale 499 : (2018) 2 SCC 291 : 2018 (1) SCC(Cri) 708 : 2018 (1) Supreme 342 : 2018 (1) UC 267 [Crl.A. No. 1676 of 2009 25-01-2018](#)

**Penal Code, 1860** - Ss. 326 & 324 - Since the occurrence was of the year 1995, way back 23 years ago, in which the appellant D allegedly wielded lathi in causing injuries to the C, having regard to the passage of time and the nature of weapon wielded by the appellant and also considering the facts and circumstances of the case, the sentence of imprisonment of the appellant D under Section 324 I.P.C. is reduced to two years. *Devi Singh v. State of Madhya Pradesh, JT 2018 (9) SC 82* [Crl.A. No. 441 of 2010 05-09-2018](#)

**Penal Code, 1860** - Ss. 326, 331, 343 & 346 - illegal detention and custodial torture by Police Officials - High Court reversed their acquittal - Occurrence was of year 1992 - attained age of superannuation - already undergone about 15 months' imprisonment - victim was also given government job and is presently working - imprisonment was reduced to period already undergone. reduction of sentence may not be treated as precedent. *Bhagwan Dass v. State of Haryana, 2018 (3) Crimes 226 : 2018 (4) RCR (Criminal) 113 : 2018 (10) Scale 253 : (2018) 9 SCC 227 : 2018 (3) SCC (Cri) 736* [Crl.A. No. 283 of 2014 14-08-2018](#)

**Penal Code, 1860** - Ss. 326A & 326B - In an acid attack, if the injury is simple, whether an offence under Section 326A IPC is attracted - if the injury is only simple, whether charge can be framed under Section 326B. *Maqbool v. State of Uttar Pradesh,* [Crl.A. No. 1143 of 2018 07-09-2018](#)

**Penal Code, 1860** - Ss. 34, 302, 498A - Victim sustained 100% burn injuries while she was in her matrimonial house - Sister-in-law pleaded alibi - She was staying in separate house and at the relevant time - Parents of deceased levelled only minor allegations against her - No specific allegation of demand for dowry or harassment was made - Hence she is entitled to benefit of doubt. *Chhaya v. State of Maharashtra, AIR 2018 SC 3604 : 2018 All.M.R. (Cri.) 4057 : 2018 (3) Crimes 484 : JT 2018 (7) SC 437 : 2018 (9) Scale 413 : 2018 (6) SLT 306* [Crl.A. No. 963 of 2018 03-08-2018](#)

**Penal Code, 1860** - Ss. 353, 294, 504 r/w. 34 - Reduction of Sentence. *Haribhau v. State of Maharashtra, 2018 (4) Bom.C.R.(Cri.) 29 : 2018 (4) Crimes 145 : JT 2018 (8) SC 402 : 2018 (10) Scale 699 : 2018 (7) SLT 690* [Crl.A. No. 1118 of 2018 04-09-2018](#)

**Penal Code, 1860** - Ss. 363 & 366 - Conviction - sentenced to undergo imprisonment for a period of seven years with a fine of Rs.1,000 - the parties have subsequently entered into a compromise, the de facto complainant was added as a party - the de facto complainant submits that she has since been married to another person and they are living happily and they have no complaint against the appellant - for doing complete justice between the parties, the sentence needs to be modified. However, the conviction is confirmed. The sentence is limited to the period already undergone. appellant shall pay a fine of Rs.2,00,000. *Sajid v. State of Uttarakhand*, JT 2018 (8) SC 14 : 2018 (9) Scale 573 : (2018) 9 SCC 159 : 2018 (3) SCC (Cri) 729 [Crl.A. No. 983 of 2018 10-08-2018](#)

**Penal Code, 1860** - Ss. 364 & 302/34. *Murugan v. State of Tamil Nadu*, AIR 2018 SC 2149 : 2018 (1) ALD (Cri) 744 : 2018 (2) Crimes 333 : 2018 (2) JKJ 119 : JT 2018 (5) SC 177 : 2018 (6) Scale 586 : 2018 (4) SLT 234 [Crl.A. No. 1498 of 2010 02-05-2018](#)

**Penal Code, 1860** - Ss. 364A, 302 & 201/34 - kidnapping for ransom and murder - crime was committed at a young age, when it is easy for people to get swayed by the lure of shortcuts to earn money - Though it is indeed a deeply condemnable act to destroy one's own family for shortterm pecuniary gain, it is a dangerous presumption that a perpetrator of such an act is incapable of reform and rehabilitation just by virtue of having committed the crime, and indeed flies in the face of the concept of reform to begin with. *Swapan Kumar Jha @ Sapan Kumar v. State of Jharkhand*, 2018 (15) Scale 244 [Crl.A. No. 1396 of 2012 15-11-2018](#)

**Penal Code, 1860** - Ss. 376 & 342 - Every attempt should be made by all the courts not to disclose the identity of the victim in terms of S.228A IPC. *Lalit Yadav v. State of Chhattisgarh*, 2018 (9) Scale 44 : (2018) 7 SCC 499 [S.L.P. \(Crl.\) No. 5631 of 2018 05-07-2018](#)

**Penal Code, 1860** - Ss. 376(2)(f), 377 & 302 - Rape & Murder of Minor Girl Child aged 3 Years - Sentenced to death - Reform, rehabilitation and re-integration into society - Prior history of the convict or criminal antecedents. *Rajendra Prahladrao Wasnik v. State of Maharashtra*, <http://bit.ly/RPCrI306of2013> 12-12-2018

**Penal Code, 1860** - Ss. 399 & 402 - Arms Act, 1959 - S. 25 - the incident is of 1980, when the appellant was a young boy and that there is no other criminal case against him, we are of the view that the sentence should be limited to the period already

undergone. *Iqbal v. State of Uttar Pradesh*, 2018 (4) Crimes 120 : JT 2018 (10) SC 335 : 2018 (15) Scale 243 [Crl.A. No. 1280 of 2018 11-10-2018](#)

**Penal Code, 1860** - Ss. 420, 409 & 120B - accused was working as a driver in the the Haryana Roadways - embezzling 85 liters of diesel - accused is now in his late sixties and no longer in service - he was not involved in any other criminal activity during his entire service tenure except the case at hand which relates to the year 1999 - it just and proper and in the interest of justice to reduce the appellant's jail sentence to "what the appellant has undergone till date and enhance the fine amount from Rs. 15,000/ to Rs. 25,000/ ". *Jan Mohamad v. State of Haryana*, [Crl.A. No. 1626 of 2018 14-12-2018](#)

**Penal Code, 1860** - Ss. 420, 423, 424, 464 & 465 - Information Technology Act, 2000 - Forgery. *Sheila Sebastian v. R. Jawaharaj*, AIR 2018 SC 2434 : 2018 (3) Bom.C.R. (Cri.) 133 : 2018 (3) MLJ(Cri) 39 : 2018 (3) RCR (Criminal) 234 : 2018 (7) Scale 362 [Crl.A. No. 359 of 2010 11-05-2018](#)

**Penal Code, 1860** - Ss. 436, 429, 323 & 506 - Set fire to the house - could let loose the cattle, two buffaloes, one she calf and one off-spring of the buffalo sustained burn injuries and subsequently they died - complainant also got burn injuries in the said incident - Since the occurrence was of the year 2000 and taking note of the subsequent development that a compensation of Rs.9,00,000/- (Rupees Nine Lakhs) has been paid to the complainant, the sentence of imprisonment of seven years imposed upon the appellant is reduced to five years. *Surender Singh v. State of Haryana*, JT 2018 (10) SC 261 : 2018 (4) RCR (Criminal) 780 [Crl.A. No. 914 of 2017 11-10-2018](#)

**Penal Code, 1860** - Ss. 457, 380 & 302/34 - Motive - recovery of stolen articles at the instance of accused persons - identification of stolen articles - discovery of weapon of crime - recovery of clothes containing human blood - discovery of lock and key of shop of the deceased - All the circumstances point the finger of guilt towards the appellants and their complicity in commission of the crime. *Surendra Singh v. State of Uttarakhand*, [Crl.A. No. 1768 of 2010 04-12-2018](#)

**Penal Code, 1860** - Ss. 457, 395, 396 & 302 r/w. 34 - Punishment for dacoity with murder - the offence under Section 396 IPC is to be viewed with seriousness, especially, when the dacoits are armed. *Shajahan v. State Rep. By Inspector of Police*, AIR 2018 SC 1070 : 2018 (1) ALD(Cri)(SC) 557 : 2018 (103) AllCC 643 : 2018 (1) ALT(Cri)(SC) 380 : 2018 (2) Crimes 22 : 2018 (2) JLJR 21 : JT 2018 (2) SC 345 : 2018

*(2) MLJ (Cri) 368 : 2018 (1) MPWN 314 : 2018 (2) PLJR 175 : 2018 (2) RCR (Criminal) 312 : 2018 (3) Scale 81 : 2018 (2) Supreme 449 : 2018 (1) UC 459* [Crl.A. No. 697 of 2012 16-02-2018](#)

**Penal Code, 1860** - Ss. 460 & 420 - Merely because the original accused might not have paid the amount due and payable under the agreement or might not have paid the amount in lieu of one month Notice before terminating the agreement by itself cannot be said to be a cheating and/or having committed offence under Sections 406 and 420 of the IPC as alleged. *Vinod Natesan v. State of Kerala* [Crl.A. No. 1593 of 2018 11-12-2018](#)

**Penal Code, 1860** - Ss. 498 A, 120 B, 420 & 365 - Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out. *K. Subba Rao v. State of Telangana rep. by its Secretary, Department of Home, AIR 2018 SC 4009 : 2018 (2) ALD (Cri) 672 : 2018 (3) DMC 277 : 2018 (4) JLJR 1 : JT 2018 (8) SC 212 : 2018 (4) PLJR 39 : 2018 (10) Scale 112 : 2018 (6) SLT 531* [Crl.A. No. 1045 of 2018 21-08-2018](#)

**Penal Code, 1860** - Ss. 498A & 306 - It cannot be said that the appellant's act of having illicit relationship with another woman would not have affected to negate the ingredients of Sections 306 I.P.C. *Siddaling v. State, through Kalagi Police Station, 2018 CriLJ 4212 : 2018 (3) JKI 1 : 2018 (3) JLJR 434 : JT 2018 (8) SC 37 : 2018 (6) KarLJ 149 : 2018 (3) PLJR 417 : (2018) 9 SCC 621 : 2018 (3) SCC (Cri) 812 : 2018 (6) SLT 485* [Crl.A. No. 1606 of 2009 09-08-2018](#)

**Penal Code, 1860** - Ss. 498A, 304B, 306 r/w. 34 - the deceased committed suicide by consuming poison at her in-laws place/matrimonial home, would not itself lead to the presumption that deceased was subjected to physical-mental cruelty, so as to force her to commit suicide. Herein, prima facie burden lies on the prosecution to prove the guilt of the accused/respondents beyond all reasonable doubts. However, there is no cogent or positive evidence on record to prove that the respondents subjected the deceased to any such mental or physical cruelty, so as to force her to commit suicide. Thus, presumption under Sec. 113-A of the Indian Evidence Act cannot be drawn against the respondents in this case. *State of Madhya Pradesh v. Shriram, 2018 (4) RCR (Criminal) 578 : 2018 (15) Scale 73* [Crl.A. No. 1177 of 2012 05-09-2018](#)

**Penal Code, 1860** - Ss. 498A, 323, 376 - Dowry Prohibition Act, 1961 - Ss. 3 & 4 - Criminal P.C. 1973 - S.482 - Single Judge ought to have first set out the brief facts of the case with a view to understand the factual matrix and then examined the challenge made to the proceedings in the light of the principles of law. *Omveer Singh v. State of Uttar Pradesh* [Crl.A. No. 1541 of 2018 03-12-2018](#)

**Penal Law** - Imposing inadequate sentences will do more harm to the justice system and may lead to a state where the victim loses confidence in the judicial system and resorts to private vengeance. *State of Rajasthan v. Mohan Lal*, AIR 2018 SC 3564 : 2018 CriLJ 4450 : 2018 (3) Crimes 474 : JT 2018 (7) SC 422 : 2018 (9) Scale 335 : 2018 (6) SLT 394 [Crl.A. No. 959 of 2018 01-08-2018](#)

**Perjury** - Prosecution should be ordered when it is considered expedient in the interest of justice to punish the delinquent and there must be *prima facie* case of deliberate falsehood on the matter of substance and the Court should be satisfied that there is reasonable foundation for the charge. *Prof. Chintamani Malviya v. High Court of Madhya Pradesh*, AIR 2018 SC 2656 : 2018 (3) Bom.C.R.(Cri.) 140 : 2018 (2) Crimes 397 : JT 2018 (4) SC 483 : 2018 (6) SCALE 437 : (2018) 6 SCC 151 [Crl.A. No. 649 of 2018 27-04-2018](#)

**Police Act, 1963 (Karnataka)** - S. 31 - Bangalore City Licensing and Controlling of Places of Public Entertainment Order, 2005 - Regulating restaurants displaying "live band music", "cabaret dance" and "discotheque" not violative of Arts. 14 and 19. *Karnataka Live Band Restaurants Association v. State of Karnataka*, AIR 2018 SC 731 : JT 2018 (2) SC 68 : 2018 (2) KarLJ 193 : 2018 (3) MLJ 561 : 2018 (1) Scale 507 : (2018) 4 SCC 372 : 2018 (1) Supreme 362 [C.A. No. 4741 of 2007 25-01-2018](#)

**Practice & Procedure** - Right to appeal is a valuable right which can be forgone with express authority and free will. *Mysore Urban Development Authority v. K.M. Chikkathayamma*, AIR 2018 SC 4247 : JT 2018 (8) SC 540 : 2018 (11) Scale 20 [C.A. No. 9182 of 2018 07-09-2018](#)

**Prevention of Corruption Act, 1988** - S. 20 - Interpretation of - Once the prosecution has established that the accused was possessing the bribe money, it is for the accused to explain that how the bribe money has been received by him and if he fails to offer any satisfactory explanation, it will be presumed that he has accepted the bribe. *State of Gujarat v. Navinbhai Chandrakant Joshi*, 2018 (2) ALD (Cri) 477 : 2018 CriLJ 3733 : 2018 (3) JLJR 341 : 2018 (2) OLR 714 : 2018 (3) PLJR 365 : 2018 (3) RCR (Criminal)

793 : 2018 (9) Scale 34 : 2018 (3) SCC (Cri) 730 : (2018) 9 SCC 242 [Crl.A. No. 895 of 2018 17-07-2018](#)

**Prevention of Corruption Act, 1988** - S.13 - Criminal P.C. 1973 - S.154. *State. by Lokayukta Police v. H. Srinivas*, AIR 2018 SC 2701 : 2018 (3) Bom.C.R. (Cri.) 274 : JT 2018 (5) SC 387 : 2018 (3) RCR (Criminal) 119 : 2018 (7) Scale 649 [Crl.A. No. 775 of 2018 18-05-2018](#)

**Prevention of Corruption Act, 1988** - S.8 - Essential - there must have been the solicitation or receipt of the gratification - such gratification must have been asked for or paid as a motive or reward for inducing a public servant to do an act or do a favour or render some service. *Babji v. State of Andhra Pradesh*, AIR 2018 SC 3831 : 2018 CriLJ 4210 : 2018 (3) JLJR 402 : JT 2018 (9) SC 12 : 2018 (3) PLJR 414 : 2018 (10) Scale 201 [Crl.A. No. 2159 of 2009 09-08-2018](#)

**Prevention of Corruption Act, 1988** - Ss. 7 & 13(2) r/w. 13(1) (d) - Based on the evidence of PW-2 and test conducted in the sodium carbonate solution the Trial Court and the High Court had found the accused guilty of the offences. Having regard to the concurrent findings of the courts below, we do not find any good ground to take a different view. *Kannan v. State rep. by Inspector of Police*, JT 2018 (9) SC 146 : 2018 (11) Scale 273 : 2018 (7) SLT 362 [Crl.A. No. 1580 of 2011 12-09-2018](#)

**Prevention of Corruption Act, 1988** - the prosecution was under a legal obligation to prove the twin requirements of “demand and acceptance of bribe money by the accused”, the proving of one alone but not the other was not sufficient. *Dashrath Singh Chauhan v. Central Bureau of Investigation*, AIR 2018 SC 4720 : JT 2018 (10) SC 8 : 2018 (13) Scale 705 [bit.ly/CrIA1276of2010](#) 09-10-2018

**Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017** - these writ petitions need to be authoritatively decided by a Constitution Bench of 5 learned Judges, as the writ petitions involve substantial questions relating to the interpretation of the Constitution of India. *Animal Welfare Board of India v. Union of India*, JT 2018 (2) SC 110 : 2018 (1) Scale 673 : (2018) 2 SCC 645 : 2018 (1) Supreme 555 [W.P. \(C\) No. 23 of 2016 02-02-2018](#)

**Prevention of Cruelty to Animals Act, 1960**- Prevention of Cow Slaughter and Cattle Preservation Act, 1964 (Karnataka) - the High Court, by impugned order, disposed of the writ petitions with certain observations giving rise to filing of the present appeals



by way of special leave by the complainant in this Court - the IO and Magistrate concerned would proceed in the matter strictly in accordance with law on the basis of evidence and would not be influenced, in any manner, by the observations made by the High Court in the impugned order. *Joshine Antony v. M/s. Barafwala Cold Storage and Agro Processor* [Crl.A. No. 1591 - 1592 of 2018 11-12-2018](#)

**Prevention of Damage to Public Property Act, 1984** - Structural and preventive measures - Remedies to minimize, if not extirpate, the impending mob violence - Liability of person causing violence - Responsibility of police officials - Compensation. *Kodungallur Film Society v. Union of India, 2018 (13) Scale 607* [W.P. \(C\) No. 330 of 2018 01-10-2018](#)

**Prevention of Food Adulteration Act, 1954** - Ss. 7 & 13 - Criminal P.C. 1973 - S. 378. *Delhi Administration v. Vidya Gupta, AIR 2018 SC 2136 : 2018 (3) Bom.C.R. (Cri.) 204 : 2018 CriLJ 2593 : 2018 (2) Crimes 436 : 2018 (249) DLT 229 : JT 2018 (4) SC 492 : 2018 (2) MPWN 170 : 2018 (2) RCR (Criminal) 888 : 2018 (6) Scale 317* [Crl.A. No. 625 of 2018 24-04-2018](#)

**Probation** - Service was terminated at the end of the period of probation which cannot be said punitive. *Director Aryabhatta Research Institute of Observational Sciences (Aries) v. Devendra Joshi, AIR 2018 SC 1493 : JT 2018 (3) SC 406 : 2018 (2) Supreme 760* [C.A. No. 2926 of 2018 19-03-2018](#)

**Protection of Children from Sexual Offences Act, 2012** - S. 35 (2) - Speedy Trial - Directions issued for speedy disposal of cases involving sexual offences against children. *Alakh Alok Srivastava v. Union of India, AIR 2018 SC 2440 : 2018 AllCJ 1461 : 2018 (2) ALD (Cri) 170 : 2018 (3) ALD 179 : 2018 (3) Bom.C.R. 746 : 2018 (2) Bom.C.R.(Cri.) 711 : 2018 (2) Crimes 324 : 2018 CriLJ 2929 : 2018 (2) JLJ 259 : JT 2018 (4) SC 625 : 2018 (2) KLT SN 57 (C.No.68) : 2018 (7) Scale 88 : (2018) 5 SCC 651 : 2018 (2) SCC (Cri) 815* [W.P. \(C\) No. 76 of 2018 01-05-2018](#)

**Protection of Children from Sexual Offences Act, 2012** - S.19(1) - Mere likelihood of suspicion cannot be the reason to charge a person for an offence. *Dr. Sr. Tessy Jose v. State of Kerala, AIR 2018 SC 4654 : 2018 (3) JLJ 1 : 2018 (3) JLJR 345 : JT 2018 (7) SC 517 : 2018 (4) MLJ(Cri) 207 : 2018 (3) PLJR 369 : 2018 (4) RCR (Criminal) 114 : 2018 (9) Scale 629 : 2018 (6) SLT 402* [Crl.A. No. 961 of 2018 01-08-2018](#)

**Protection of Children from Sexual Offences Act, 2012** - Ss. 3 & 4 - Penal Code, 1860 - S. 302 - since the offence of rape is not proved and as the offence of murder is proved beyond reasonable doubt, the accused is liable to be convicted for the offence under Section 302 IPC. the judgment of the Trial Court as well as the High Court convicting the accused for the offences under Sections 3 and 4 of the POCSO Act and imposing capital punishment on him stands set aside. However, for the offence under Section 302 IPC, the accused is sentenced to undergo imprisonment for life. Appeals are partly allowed. *Prahlad v. State of Rajasthan, JT 2018 (11) SC 338* [Crl.A. No. 1794 of 2017 14-11-2018](#)

**Protection of Children from Sexual Offences Act, 2012** - Ss. 3 & 4 - Penal Code, 1860 - Ss. 363 & 366 - Criminal P.C. 1973 - S. 319 - The High Court has not given sufficient reasons for allowing the application under Section 319 Cr.P.C. filed by prosecution. The impugned judgment of the High Court is unsustainable and is hereby set aside. *Labhuji Amratji Thakor v. State of Gujarat, JT 2018 (11) SC 404 : 2018 (15) Scale 39* [Crl.A. No. 1349 of 2018 13-11-2018](#)

**Protection of Women from Domestic Violence Act, 2005** - Ss. 12 & 29 - Criminal Procedure Code, 1973 - S. 482 - interim maintenance @ Rs.2,50,000/- per month - documents placed on record by both the sides - the veracity and evidential value of such material can be finally adjudged, more particularly, when the said material and assertions of the parties would be tested with their cross-examination - trial court had arrived at a figure of maintenance on the basis of affidavits filed by both the parties along with their respective documents - this obviously happened as the proceedings under the DV Act are of summary nature - the appropriate course of action would be to allow the petitioner to file an application for maintenance under the Hindu Adoptions and Maintenance Act, 1956 or under Section 125 of the Code of Criminal Procedure, 1973 so that in these proceedings, both the parties lead their documentary and oral evidence and on the basis of such material, appropriate view is taken by the said Court. *Shalu Ojha v. Prashant Ojha, 2018 (3) J.K.J. 93* [S.L.P. \(Crl.\) No. 3935 of 2016 23-07-2018](#)

**Public Interest Litigation (PIL)** - Maintainability - CBI investigation - Oil Adulteration by mafias - Transfer of cash subsidy to intended beneficiaries of kerosene oil - Aadhaar card or through PDS or other credible mechanism - Petitioner was given liberty to approach oil companies. *Seema Upadhyay v. Union of India Ministry of Petroleum*

*and Natural Gas*, AIR 2018 SC 2855 : JT 2018 (4) SC 52 : 2018 (5) Scale 338 : (2018) 5 SCC 325 : 2018 (3) Supreme 498 [W.P. \(C\) No. 675 of 2013 05-04-2018](http://bit.ly/WP675of2013)

**Rights of Prisoners** - Death Row Prisoner - With regard to the entitlement of a prisoner on death row to have meetings and interviews with his lawyers or members of his immediate family or even mental health professionals - such meetings and interviews should be permitted. *Re-inhuman Conditions In 1382 Prisons v. State of Assam*, <http://bit.ly/IA26542of2018> 13-12-2018

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989** - Misuse of; *Dr. Subhash Kashinath Mahajan v. State of Maharashtra*, AIR 2018 SC 1498 : 2018 (103) AllCC 908 : 2018 (1) ALD (Cri) 629 : 2018 All.M.R. (Cri.) 1773 : 2018 (1) ALT (Cri) 332 : 2018 (2) ALT 50 : 2018 (2) Bom.C.R. (Cri.) 593 : 2018 CriLJ 3422 : 2018 (2) Crimes 169 : 2018 (2) CTC 779 : 2018 (248) DLT 39 : JT 2018 (3) SC 499 : 2018 (2) KLT 33 : 2018 (2) RCR (Criminal) 552 : 2018 (1) RLW 840 : (2018) 6 SCC 454 : 2018 (3) Supreme 44 : 2018 (1) UC 479 [bit.ly/CrIA416of2018](http://bit.ly/CrIA416of2018) 20-03-2018

**Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976** - Ss. 12(4) & 7. *Amina Bi Kaskar v. Union of India*, 2018 (2) RCR (Civil) 847 : 2018 (6) Scale 170 : 2018 (4) Supreme 382 [C.A. No. 4252 of 2018 20-04-2018](http://bit.ly/CA4252of2018)

**Stay** - In all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced. *Asian Resurfacing of Road Agency v. Central Bureau of Investigation*, 2018(1) ACJ 772 : AIR 2018 SC 2039 : 2018 All SCR (Crl.) 659 : 2018 (2) Bom.C.R. (Cri.) 770 : 2018 Cri.L.R. 405 : 2018 (2) Crimes 225 : 2018 (248) DLT 244 : ILR 2018 (2) Ker. 79 : 2018 (2) JBCJ 235 : 2018 (2) JLJ 94 : 2018 (2) KarLJ 610 : 2018 (2) KLT 158 : 2018 (36) LCD 2237 : 2018 (2) RCR (Civil) 404 : 2018 (2) RCR (Criminal) 415 : 2018 (5) Scale 269 : 2018(1) SCCriR 425 <http://bit.ly/CrIA1375of2013> 28-03-2018

**Trial Court Record** - Courts may send photocopy/scanned copy of the record and retain the original. *Asian Resurfacing of Road Agency v. Central Bureau of Investigation, 2018 (2) KLT 782 : 2018 (7) Scale 256*<http://bit.ly/CrIA1376of2013> 25-04-2018