

27th January, 2026

## **Bihar Industrial Area Development Authority vs Scope Sales Pvt. Ltd. 2026 INSC 89 - Writ Jurisdiction - Intra Court Appeal**

**Constitution of India - Article 226** - The remedy of a writ is discretionary in nature. Even where a writ petition raises a substantial point of law, the High Court may decline to entertain it for a variety of reasons. *Inter alia*, relief may be denied to the suitor notwithstanding the existence of a strong legal case should grant of such relief not serve or advance public interest. If interfering with an impugned order/decision etc. would result in more harm to society, the writ courts may decline to exercise its jurisdiction. The high courts, being the custodian of the Constitution, carry the responsibility to maintain social balance by its interference when justice of the case so demands and in not interfering when such an interference would affect public interest. (Para 11)

**Constitution of India - Article 226 - Writ Appeal - Intra Court Appeal** - The exercise of intra-court appellate jurisdiction is warranted only where the judgment or order under challenge is demonstrably

erroneous or suffers from perversity. Such jurisdiction ought not to be invoked merely because another view is possible on the same set of facts, particularly where the view adopted by the Single Judge is a plausible and reasonable one- An intra-court appellate Bench ought not to substitute its own view, merely because such Bench considers its view to be better than the one taken by the Single Bench; so long as the view taken by the Single Bench is a plausible one, interference should stay at a distance. (Para 13)

**Education - IITs** - Institutes such as the IITs not only cater to a large number of students but also play a critical role in the development of individuals, society, and the nation at large. Their importance cannot be measured merely in quantitative terms. For their effective functioning and sustained growth, the availability of adequate resources, including land, is indispensable. (Para 16)

**Individual Rights vs Public Good** - While individual rights merit due respect and consideration, it cannot be placed on a pedestal higher than the collective public interest. Where the two come into conflict, individual interest must necessarily yield to the larger public good. (Para 17)

## **XXX v. State of Kerala 2026 INSC 88 - S.175(4) BNSS - Complaint Against Public Servant Accused**

### **Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS)**

**- Section 175(4)-** The opening words in sub-section (4) which reads “Any Magistrate empowered under Section 210, may, upon receiving a complaint against a public servant .....” have to be purposively read as ‘Any Magistrate empowered under Section 210, may, upon receiving a complaint in writing against a public servant of commission of offence arising in course of the discharge of his official duties, supported by an affidavit, order investigation, subject to ... ’ (Para 39)– Upon receiving a complaint under sub-section (4) of Section 175, BNSS alleging commission of an offence by a public servant arising in course of the discharge of his official duties, the magistrate may do either of the following- (1) Reading the complaint, if the judicial magistrate is prima facie satisfied that commission of the alleged act giving rise to an offence arose in course of discharge of official duties by the public servant, such magistrate may not have any option other than following the procedure prescribed under sub-section (4) of Section 175 of calling for reports from the superior officer and the accused public servant. Or (2) on a consideration of the complaint, where the judicial magistrate entertains a prima facie doubt depending upon the circumstances as to whether the offence alleged to

have been committed by the public servant arose in course of discharge of his official duties, such magistrate might err on the side of caution and proceed to follow the procedure prescribed in sub-section (4) of Section 175 Or (3) where the judicial magistrate is satisfied that the alleged act of offence was not committed in the discharge of official duties and/or it bears no reasonable nexus thereto, and also that the rigours of sub-section (4) of Section 175 are not attracted, the complaint may be dealt with in accordance with the general procedure prescribed under sub-section (3) of Section 175. The judicial magistrate would continue to retain the authority to reject an application under sub-section (3) of Section 175, lodged against a public servant, where such magistrate finds that the allegations made therein are wholly untenable, manifestly absurd, or so inherently improbable that no reasonable person could conclude that any offence is disclosed. However, it is needless to observe, such an order of rejection ought not to be based on whims and fancy but must have the support of valid reasons- in an appropriate case, the judicial magistrate has called for a report from the concerned superior officer under clause (a) of sub-section (4) of Section 175, but such officer fails to comply with the direction or does not submit the report within a reasonable period of time- the judicial magistrate is not obliged to wait indefinitely for compliance and 43 may proceed further in accordance with sub-section (3) of

Section 175 after considering the version of the accused public servant under clause (b) of sub-section (4) of Section 175, if on record. What would constitute ‘reasonable time’ cannot be determined in rigid or inflexible terms and must necessarily depend upon the facts and circumstances of each case before the judicial magistrate who has to take the call. (Para 42-48)

### **Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS)**

**- Section 175 (3) , 333 -** An affidavit, such as the one referred to in subsection (3) of Section 175, must fulfil the conditions provided in Section 333, BNSS. (Para 41)

### **Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS)**

**- Section Section 218 -** Section 218 operates at the stage of taking cognizance when the “previous sanction” of the concerned Government is required. (Para 40)

**Interpretation of Statutes - Proviso -** A proviso is an internal aid to construction. It is appended to a section of an enactment or any sub-section of a section. A proviso to a particular provision of a statute only embraces the field which is covered by the main provision. It carves out an exception to the main provision to which it has been enacted as a proviso and to no other. A test one may apply to determine whether a provision is a proviso rather than a separate provision is to ask whether if the “main”

provision is removed, would the concerned provision still be capable of being applied. If yes, then the provision cannot normally be considered a proviso. (Para 32-36)

**Sub-Section** - Ordinarily, sub-sections of a section of an Act usually deal with related, parallel aspects with one sub-section dealing with a general principle and the other providing for a specific aspect, on its own terms. (Para 37.2)

**Constitution of India - Article 226** - The writ court will, normally, grant relief that is prayed; and, though discretion to grant relief under Article 226 is wide, the writ court cannot, ignoring and keeping aside the norms and principles governing grant of relief, proceed to grant a relief not even prayed by the petitioner. (Para 51)

**Constitution of India - Article 226** - Seeking a declaratory relief that the acts of offence committed by the accused public servants did not arise in the discharge of official duties by them without the order of the JMFC (calling for a report) being challenged would have necessarily required the writ court to embark on a fact-finding exercise in that behalf, as if it were a court of a magistrate. A writ court is a court exercising high prerogative writ jurisdiction; such court could not have been urged by the appellant to convert itself into a court for conducting sort of a magisterial inquiry. (Para 56)

**Constitution of India - Article 226** - A judicial order in a civil matter cannot be challenged in a writ petition under Article 226 of the Constitution- the principle has been extended to judicial orders passed in criminal matters. (Para 52)

## Premium Transmission Private Limited v. State of Maharashtra 2026 INSC 87 - S. 10 Industrial Disputes Act

**Industrial Disputes Act - Section 10** - If a case falls within the second limb or Section 10(1) of the ID Act, the appropriate Government is within its jurisdiction to refer an apprehended dispute to the Labour Court. By applying the same rule of interpretation, it can be construed that the appropriate Government may refer an Industrial Dispute apprehended to the Board, Labour Court and Tribunal. (Para 34) Even if an unfair labour practice is alleged, the applicable statute is the ID Act and the forum, the labour court. In the case of sham and nominal contracts, adjudicatory reliefs of the status of workman vis-à-vis the principal employer are a sine qua non for any other relief. (Para 36)

**Legal Maxims** - Ubi jus ibi remedium- Where there is a right, there is a remedy in law. (Para 35)

## **Bernard Lyngdoh Phawa v. State of Meghalaya 2026 INSC 85 - Evidence Act - Confession - Last Seen Together**

**Indian Evidence Act 1872 - Section 24**- A confession can form a legal basis of a conviction if the Court is satisfied that it was true and was voluntarily made- However, a Court shall not base a conviction on such a confession without corroboration - A confession has to be a direct acknowledgment of guilt of the offence in question and such as would be sufficient by itself for conviction. If it falls short of such a plenary acknowledgment of guilt it would not be a confession even though the same is of some incriminating fact which taken with other evidence tends to prove his guilt. (Para 29) The exculpatory statements made by one accused to absolve himself from the liability and accuse co-accused of having caused the death, cannot at all be relied on against co-accused. (Para 28)

**Indian Evidence Act 1872 - Section 106** - The last seen together theory projected by the prosecution should be proximate to the death of the victim. (Para 13)

**Summary:** The Supreme Court set aside the Meghalaya High Court's conviction of the accused for murder and Section 201 IPC, and restored the trial court's acquittal. It held that the prosecution's circumstantial case completely failed: the "last seen" theory was not proved, the alleged recoveries (body, rope, belongings, mobile) were unreliable or unconnected to the crime, the medical evidence was inconclusive as to homicide, and the confessional statements were procedurally suspect, largely exculpatory, and uncorroborated.

## **Sri Mukund Maheswar v. Axis Bank Ltd 2026 INSC 84 - Writ Petition - Registry Objection**

**Constitution of India - Article 226 ; Code of Civil Procedure 1908 - Order I Rule 10 - Practice and Procedure - Registry** - It is for petitioner to decide who is to be joined as a party and who is not to be joined. Registry cannot make inroads into areas within the exclusive domain of the judiciary and seek clarification as to why a particular party has been joined as a respondent. Unnecessary parties could be deleted by the High Court referring to principles flowing from Order I Rule 10, CPC. If any party has been mischievously joined with an intention to harass him or with some hidden ill-motive, it

is open to the High Court to unearth the truth and deal with the situation appropriately on the judicial side. (Para 11) [Context: In this case, the High Court had upheld the registry objections relating to the form of the prayer and the array of parties in the writ petition - Supreme Court set aside the HC order]

**Constitution of India - Article 226 ; Code of Civil Procedure 1908 - Order VII Rule 7, 11- Order VI Rule 17** When a suitor claims a larger or wider relief than what he is entitled to, his claim (be it a writ petition or a suit) cannot be dismissed by the court on that ground. Should the court find the suitor entitled to a lesser relief than the larger or wider relief claimed, there is no bar in granting such lesser relief -A court cannot grant a larger or wider relief to the suitor than that claimed by him - The grounds on the existence of which rejection of a plaint is permissible are traceable to Order VII Rule 11, CPC whereas dismissal of a writ petition at the threshold is permissible on several grounds raised as objections to maintainability - rejection of a writ petition on the ground that multiple relief has been claimed in a single prayer is, perhaps, unprecedented. Even, moulding of relief without insisting on amendment of the prayer clause, should a case be set up therefor, is not unknown to writ jurisprudence. (Para 10)



**Legal maxim** -“Fraus omnia corrumpit” - Fraud unravels everything. (Para 7)