9 January 2026

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9th January, 2026

State of Uttar Pradesh v. Anurudh 2026 INSC 47 -POCSO - Bail - Medical Age Determination

Protection of Children from Sexual Offences Act, 2012 -POCSO Act - Bail ; Juvenile Justice (Care and Protection of Children) Act, 2015- JJ Act- Section 94 - Determination of age of the victim is a matter of trial and not at the stage of bail. If the age is under question, the bail Court may examine the documents produced to establish age, but it will not enter into the question of those documents being correct or not so - A medical determination of age of a victim cannot be resorted to as a matter of course, much less mandated. It can only be employed in a given circumstance when the other stipulations of Section 94 JJ Act are not/cannot be met. (Para 16-17) If the question of age is raised at the stage of bail, it is only open for the Court to, from the perusal of the documents, take a prima facie view as to the age of the victim, not one on the correctness of the documents since that would amount to a mini trial. (Para 18)

Code of Criminal Procedure 1973 - Section 439- Court's jurisdiction, i.e., either the Court of Sessions or the High Court under Section 439 CrPC is limited to adjudicating the question of the person concerned being released into society pending trial or whether they should continue to be incarcerated. (Para 11.2) Section 439 is limited to granting bail or anticipatory bail and requires the Court to consider only prima facie evidence, the risk of the accused absconding, tampering with evidence, or other relevant factors- The Court cannot undertake a mini trial at the bail stage. (Para 15.3)

POCSO Act - Romeo – Juliet clause - Misuse/misapplication of the POCSO Act to settle scores and by families in opposition to relationships between young people- Government of India, to consider initiation of steps as may be possible to curb this menace (1) the introduction of a Romeo – Juliet clause exempting genuine adolescent relationships from the

stronghold of this law; (2) enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc. (Para 19)

POCSO Act - JJ Act - Unlike an offender who can claim benefit of juvenility at any point in time, even after completion of proceedings given the beneficial nature of the JJ Act, a victim of a crime cannot claim to be a juvenile at any point in time, for the charges against which an offender is tried, are intrinsically tied to the age of the victim.(Para 14.9)

JJ Act- The object of Section 9 is to ensure that no juvenile offender is tried as an adult merely due to an initial misclassification and to safeguard the rehabilitative and welfare-oriented spirit of the juvenile justice system by ensuring that every child in conflict with law is tried by the appropriate forum, i.e., the JJB. (Para 14.6)

Constitutional powers and Statutory Powers -Constitutional powers are sovereign, foundational, and insulated from the vicissitudes of ordinary legislation; they can neither be curtailed nor expanded by parliamentary enactment. Statutory powers, by contrast, are subordinate and mutable, existing at the pleasure of the Legislature, which may at any time amend, restrict, or repeal them through the ordinary legislative process. The constitutional power cannot overshadow the statutory power, enlarging its scope beyond what has been envisaged by the statute -while both powers rest with the High Court, one power cannot usurp the ambit of another, unless otherwise permitted by law. (Para 11.3)

Summary: The Supreme Court set aside an Allahabad High Court judgment that, while granting bail in a POCSO case, mandated medical age determination at the investigation's outset and allowed bail courts to weigh age-document credibility. It held that bail jurisdiction under Section 439 CrPC is limited, age determination of the victim must follow Section 94 JJ Act during trial (medical tests only if documents are unavailable), and bail courts cannot conduct a mini-trial or fuse constitutional powers into statutory proceedings. The Court preserved existing bail orders,

prospectively nullified the High Court's directions (including in Monish and Aman), and urged consideration of reforms like a Romeo–Juliet clause to prevent misuse of POCSO in consensual adolescent relationships.

X v. State of Uttar Pradesh & Another; 2026 INSC 44 - POCSO Act - Bail

POCSO Act - Bail - Mere filing of a chargesheet does not, by itself, preclude consideration of an application for bail- However, the Court is duty-bound to have due regard to the nature and gravity of the offence and the material collected during investigation- In offences involving sexual assault against children, the likelihood of tampering with evidence or influencing witnesses constitutes a grave and legitimate concern. The safety of the victim and the need to preserve the purity of the trial process assume paramount importance. (Para 12-15)

Bail - Bail is not to be refused mechanically, it must not be granted on irrelevant considerations or by ignoring material evidence. (Para 16)

Summary: Supreme Court set aside the bail granted to accused in a POCSO case.

Yerram Vijay Kumar v. State of Telangana; 2026 INSC 42- S.212 Companies Act - Cognizance Taking

Companies Act, 2013: Section 212, 213 447,448- Where the Special Court under the Companies Act is taking cognizance of an offence under a section in the Companies Act which, if proved, would make the person(s) 'liable under Section 447' or 'liable for action under Section 447', it must also invoke Section 447 with the corresponding section and in such a case, it must comply with the bar against taking cognizance as specified in the second proviso to Section 212(6) of the Companies Act (Para 59)- The offence under Section 448 is an offence 'covered under Section 447' of the Companies Act mentioned in Section 212(6), since the offence under Section 448 is inextricably linked to the punishment for 'fraud' as

mentioned in Section 447 and as such, the second proviso to Section 212(6) of the Companies Act is attracted. (Para 33) The right recourse for a person, who makes an allegation of fraud in the affairs of a company is to file an application under Section 213 of the Companies Act before the NCLT upon satisfying the eligibility under Section 213(a) and 213(b) of the Companies Act. (Para 45)

Code of Criminal Procedure 1973 - Section 482 - Civil Nature- mere institution or pendency of civil proceedings between the parties cannot be a ground to quash the criminal proceedings instituted by filing a complaint case or to conclude that the dispute is purely civil in nature. (Para 55)

Legal Doctrines - anything that cannot be done directly, also cannot be done indirectly. (Para 43)

Summary- The Supreme Court quashed cognizance under Sections 448 and 451 of the Companies Act, holding that offences "liable under Section 447" trigger the Section 212(6) bar and cannot proceed on a private complaint without an SFIO or authorised Central Government complaint. It directed transfer of the remaining IPC offences (Sections 420, 406, 426, 468, 470, 471, 120B) to a court of proper territorial jurisdiction, clarifying that civil/NCLT proceedings do not preclude criminal trial. The Court emphasized legislative intent post-2015 amendment, aligned with High Court views, and instructed expeditious adjudication while making no findings on merits of the IPC allegations.

Roshini Devi v. State of Telangana 2026 INSC 41 - Preventive Detention - Bail Apprehension

Telangana Prevention of Dangerous Activities of BootLeggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders [Land-Grabbers, Spurious Seed Offenders, Insecticide Offenders, Fertiliser Offenders, Food Adulteration Offenders, Fake Document Offenders, Scheduled Commodities Offenders,

Forest Offenders, Gaming Offenders, Sexual Offenders, Explosive Substances Offenders, Arms Offenders, Cyber Crime Offenders and White Collar or Financial Offenders] Act, 1986 - Mere apprehension on the part of the detaining authority that in the event of the detenu being released on bail, she was likely to indulge in similar crimes that would be prejudicial to maintenance of public order would not be a sufficient ground to order her preventive detention - Mere reproduction of the expressions mentioned in Section 2(a) of the Act of 1986 in the order of detention would not be sufficient. The detention order ought to indicate the recording of subjective satisfaction by the detaining authority in that regard.- There is a fine distinction between "law and order" and "public order". Mere registration of three offences by itself would not have any bearing on the maintenance of public order unless there is material to show that the narcotic drug dealt with by the detenu was in fact dangerous to public health under the Act of 1986. (Para 9-10)

Summary: The Supreme Court allowed the appeal of Roshini Devi, quashing her mother's preventive detention under the Telangana Act of 1986 because the detaining authority failed to show how her alleged drug-related activities affected public order rather than merely law and order. The Court criticized reliance on bail apprehensions and past history without taking ordinary-law measures like bail cancellation, citing precedents that preventive detention is an extraordinary remedy requiring specific, relevant material and genuine subjective satisfaction. It set aside the High Court's dismissal, ordered the detenu's release if not wanted elsewhere, and emphasized the distinction between public order and law and order.

Sumit Bansal v. MGI Developers and Promoters 2026 INSC 40 - NI Act - Cheque Bounce -Multiple Cheques

Negotiable Instruments Act 1881- Section 138 - A separate cause of action arises upon each dishonour of a cheque provided the statutory sequence of presentation, dishonour, notice, and failure to pay is complete. The fact that multiple cheques arise from one transaction will not merge

them into a single cause of action- [**Context**: In this case, the cheques forming the subject of the two complaints were distinct instruments drawn on different accounts, presented on different dates, dishonoured separately, and followed by independent statutory notices - **SC held:** The scheme of Section 138 of the NI Act does not bar prosecution in such circumstances. Whether those cheques were issued as alternative or supplementary instruments, or represented fresh undertakings, is a disputed question of fact requiring evidence at the time of trial and cannot be resolved at the threshold.]

Code of Criminal Procedure 1973 - Section 482 ; Negotiable Instruments Act 1881- Section 139 - The statutory presumption attached to the issuance of a cheque, being one made in discharge of a legally enforceable debt or liability, is required to be accorded due weight. Therefore, in circumstances where the accused approaches the Court seeking quashing of proceedings even before the commencement of trial, the Court must exercise circumspection and refrain from prematurely stifling the prosecution at the threshold, particularly by overlooking the legal presumption that operates in favour of the complainant. (Para 43) Whether those cheques were issued as alternative or supplementary instruments, or represented fresh undertakings, is a disputed question of fact requiring evidence at the time of trial and cannot be resolved at the threshold. Questions such as whether the firm's cheques were issued in substitution of the personal cheques, whether the parties treated them as alternative securities, and whether both were intended to be simultaneously enforceable, are all mixed questions of fact. The inherent jurisdiction of the High Court under Section 482 of the Cr.PC cannot be used to decide such disputed issues. (Para 34)

Negotiable Instruments Act 1881- Section 139- The burden of proving whether there exists any debt or liability is something which must be discharged in trial. A bare perusal of Section 139 of the NI Act would indicate that once a cheque is issued in discharge of liability and dishonoured, a presumption of liability in favour of the complainant arises. The accused person is then required to rebut the presumption by raising

facts that either there was no debt or liability when the cheque was drawn, or the cheque was not drawn in discharge of liability, or notice was not served in time. (Para 42)

Code of Criminal Procedure 1973 - Section 482 - Even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Court to be more cautious and diligent. While examining any complaint or FIR, the High Court exercising its power under this provision cannot go embarking upon the genuineness of the allegations made. The Court must only consider whether there exists any sufficient material to proceed against the accused or not. (Para 28)

Summary: The Supreme Court addressed multiple Section 138 NI Act complaints arising from dishonoured cheques linked to a 2016 Agreement to Sell, where MGI Developers failed to execute sale deeds and issued both firm and personal cheques that were later returned unpaid. It held that each dishonour created a distinct cause of action, set aside the High Court's quashing of Complaint Case No. 3298/2019, and allowed that case to proceed, while upholding the refusal to quash Complaint Case Nos. 2823/2019, 13508/2019, and 743/2020. The Court emphasized that disputed factual issues and the statutory presumption under Section 139 must be tested at trial, leaving all contentions open.

C.S. Prasad vs C. Satyakumar and Others; 2026 INSC 39 - S.482 CrPC - Quashing - Civil Suit - Delay

Code of Criminal Procedure 1973 - Section 482 - Civil Nature - Civil adjudication cannot always be treated as determinative of criminal culpability at the stage of quashment- Civil liability and criminal liability may arise from the same set of facts and that the pendency or conclusion of civil proceedings does not bar prosecution where the ingredients of a criminal offence are disclosed- Adjudication of forgery, cheating or use of forged documents in relation to a settlement deed will always carry a civil element. To permit quashing on the sole ground of a civil suit would

encourage unscrupulous litigants to defeat criminal prosecution by instituting civil proceedings. (Para 26-28)

Code of Criminal Procedure 1973 - Section 482 -Delay - Delay in filing a complaint, by itself, is never a ground for quashing criminal proceedings at the threshold. Whether the delay stands satisfactorily explained or whether it impacts the credibility of the prosecution, is a matter of appreciation of evidence before the Trial Court and not for summary determination by the High Court under Section 482 of the Cr.PC.

Code of Criminal Procedure 1973 - Section 482 - Scope -Even though the powers under Section 482 of the Cr.PC are very wide, its conferment requires the High Courts to be more cautious and diligent. While examining any FIR, the High Court exercising its power under this provision cannot go embarking upon the genuineness of the allegations made. The High Court must only consider whether there exists any sufficient material to proceed against the accused or not and must not be concerned with the reliability, sufficiency, or acceptability of the evidence. (Para 24) High Court in its jurisdiction under Section 482 is bound to take the allegations (made in complaint) on its face value. Whether these allegations can ultimately be proved is a matter strictly within the province of the Trial Court (Para 25)-when a factual foundation for prosecution exists, criminal law cannot be short-circuited by invoking inherent jurisdiction under Section 482 of the Cr.PC. Where allegations require adjudication on evidence, the proper course is to permit the trial to proceed in accordance with law. (Para 31)

Summary: The Supreme Court set aside the Madras High Court's order quashing criminal proceedings against accused.

State of Uttar Pradesh v. Bhawana Mishra 2026 INSC 38 - Educational Courses - Admission -Legitimate Expectation

Educational Courses - Admission - While advertisements for private colleges explicitly state that admission does not grant a right to appointment, the absence of this specific disclaimer in government college advertisements does not mean a right to appointment is automatically implied. (Para 21)

Doctrine of Legitimate Expectation - Two tests - (1) legitimacy of the expectation and (2) being denial of legitimate expectation that led to violation of Article 14. (Para 26)

Factual Summary: Supreme Court set aside Allahabad High Court orders that had directed Uttar Pradesh to appoint Ayurvedic Staff Nurse trainees, holding that mere admission and completion of training did not confer a right to appointment. It found that post-2011 policy changes allowing private institutions and the 2014 shift to UPSSSC recruitment, followed by 2021 service rules, required a competitive selection process, making the doctrine of legitimate expectation inapplicable.

Vijay Kumar v. State of Rajasthan - Criminal Trial Pending- Interim Orders

Criminal Trials - If criminal trials in such serious offences remain pending for years together on the strength of interim orders passed by the High Courts, it would lead to nothing but mockery of justice. Justice has to be done with all the parties. Justice cannot be done only with the accused persons. Justice has to be done even with the victim and the family members of the victim. Injustice anywhere is a threat to justice everywhere- Chief Justices of all the High Courts requested to ensure that the petitions wherein interim orders are passed holding up the trials should be immediately taken up for hearing, more particularly in sensitive and serious matters like murder, dowry death, rape etc. (Para 29-30)

Context: Supreme Court of India dismissed SLP filed against High Court's rejection of their 2003 criminal revision against framing charges under IPC Sections 498A and 304B in a dowry death case. Disturbed by a 23-year

delay during which an interim stay halted the trial, the Court ordered the Rajasthan High Court's Registrar General to send the full record and provide a year-wise breakup of criminal revision filings and disposals from 2001–2026, plus details of listings in this case. It also sought the State's explanation for inaction, urged Chief Justices to promptly hear matters where interim orders stall serious trials, and listed the case for further orders on 15-01-2026.

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Jan De Nul Dredging India Pvt. Ltd. v. Tuticorin Port Trust; 2026 INSC 34 - Ss.34,37 Arbitration Act

Arbitration and Conciliation Act - Section 34,37- The scope of interference of the court with the arbitral matters is virtually prohibited, if not absolutely barred. The powers of the Appellate Court are even more restricted than the powers conferred by Section 34 of the Act. The appellate power under Section 37 of the Act is exercisable only to find out if the court exercising power under Section 34 of the Act, has acted within its limits as prescribed thereunder or has exceeded or failed to exercise the power so conferred. The Appellate Court exercising powers under Section 37 of the Act has no authority of law to consider the matter in dispute before the Arbitral Tribunal on merits so as to hold as to whether the award of the Arbitral Tribunal is right or wrong. The Appellate Court in exercise of such power cannot sit as an ordinary court of appeal and reappraise the evidence to record a contrary finding. The award of the Arbitral Tribunal cannot be touched by the court unless it is contrary to the substantive provision of law or any provision of the Act or the terms of the agreement. (Para 37)

Arbitration - The Act is a special enactment which aims to resolve contractual/commercial disputes through arbitration with the minimum intervention of the court, if not without the intervention of the court. In the event, the courts are allowed to step in at every stage and the arbitral awards are subjected to challenge before the courts in hierarchy before court of first instance, through regular appeals and finally by means of SLP/Civil Appeal before the Supreme Court, it would obviate/frustrate and defeat the very purpose of the Act. It is, therefore, necessary to accept the arbitral award if it is not patently illegal or does not fall within the scope of intervention under Section 34 of the Act. The appeal thereof has a much narrower scope of intervention particularly when the arbitral award has been upheld under Section 34 of the Act. The appellate jurisdiction acquires little significance only when the arbitral award has been erroneously upheld

or set aside by the court in exercise of its power under Section 34 of the Act. (Para 51)

The Property Company (P) Ltd. v. Rohinten Daddy Mazda; 2026 INSC 33 - Companies Act - CLB - S.5 Limitation Act - Delay Condonation Power

Companies Act 2013-Section 58(3) - Power of the CLB to extend time or condone delay - The simpliciter limitation period prescribed under Section 58(3) of the Act, 2013 must not be read to be merely directory. The presence of any additional pre-emptory language in the form of "but not thereafter" or "shall" would not always be necessary to convey that the prescribed period is mandatory.Section 433 of the Act, 2013 which empowers the NCLT and the NCLAT respectively to apply the provisions of the Act, 1963, as far as may be, to the proceedings and appeals before itself, cannot be borrowed to signify the existence of a similar power with respect to the CLB. Regulation 44 of the CLB Regulations which saves the inherent power of the CLB would not enable the CLB to extend time for the filing of the appeal or the application itself, as the case may be.(Para 100)

Limitation Act 1963 - Section 5 -The provisions of the Act, 1963 (provisions that lay down a prescribed period of limitation as well as Sections 4 to 24 of the Act, 1963 respectively) would only apply to suits, applications or appeals, as the case may be, which are made under any law to 'courts' and not to those made before quasi-judicial bodies or tribunals, unless such quasi-judicial bodies or tribunals are specifically empowered in that regard. (Para 160)The principles underlying Section 5 cannot be applied to quasi-judicial bodies (Para 65). The discretionary power to adjust the period of limitation itself, must be specifically granted to the concerned quasi-judicial body or tribunal and there must be a reasonable indication from the language of the statute that such a discretion which is otherwise vested in civil courts, is also vested in the concerned quasi-judicial body. (Para 90)The argument that the principles underlying Sections 6 or 14 of the Act, 1963 respectively, could be applied to

quasi-judicial bodies is not sufficient reason to hold the same insofar as Section 5 of the Act, 1963 is concerned. (Para 93)

Inherent Powers- Although the exercise of inherent powers are in addition to the powers specifically conferred on the concerned body or institution, yet such an exercise of power must be complementary to and not be in conflict with any express provision or be contrary to the intention of the legislature. It is only when a provision is silent as regards some procedural aspect that the inherent power can come to the aid of the parties. One must be careful in ascertaining when there is an unintentional silence and when there exists a deliberate omission. (Para 100)

Limitation Act 1963 - Section 29(2)- The question whether a certain provision in a special or a local law expressly excludes the provisions of Sections 4 to 24 of the Act, 1963 respectively arises only in pursuance of the savings provision under Section 29(2) of the Act, 1963. As a natural corollary, if Section 29(2) is, by itself, inapplicable to a particular case then there would be no need to look into or analyse whether there is any express exclusion. (Para 100)

Regenta Hotels Private Limited v. Hotel Grand Centre Point - 2026 INSC 32 - Ss.9,21 Arbitration Act

Arbitration and Conciliation Act 1996 - Section 9,11,21- The commencement of arbitral proceedings is a statutory event defined exclusively under Section 21, wherein the respondent's receipt of a request to refer the dispute to arbitration sets the arbitral proceedings in motion and no judicial application i.e. whether under Section 9 or Section 11 petition, constitutes commencement. Therefore, the statutory consequences tied to commencement, including the mandate under Section 9(2), must be assessed solely with reference to the date of receipt of request invoking arbitration under Section 21. (Para 23) **Arbitration (Proceedings Before the Courts) Rules, 2001-Rule 9(4) -** Section 9 does not provide for the consequences of non-compliance with its mandate of commencing arbitral proceedings within ninety days, however, the said

vacuum stands statutorily filled through Rule 9(4) - The expression "initiated" has necessarily to be read as "commenced" within the meaning of Section 21 -Upon failure to commence arbitral proceedings within three months, the period stipulated under Rule 9(4) attracts the consequence as provided therein, namely, the interim order shall stand vacated automatically. (Para 27)

Arbitration and Conciliation Act 1996 - Section 9- In absence of any other provision providing for the date of commencement of the arbitral proceedings, Section 21 is to be construed to apply to all the provisions of the Act unless specifically provided as not applicable. The only exception that is carved out in Section 21 pertains to the arbitral agreement itself, providing that unless otherwise agreed by the parties, the date of commencement of arbitral proceedings must be from the date when notice or request invoking arbitration is received by the respondent. (Para 24)

Words and Phrases - The term "initiation" connotes the act of causing something to begin or taking the first step towards beginning a process, whereas "commencement" denotes the actual beginning of the process itself, which is a step further than mere initiation. Thus, linguistically, initiation precedes commencement. [In this case, SC held that for the purposes of Rule 9(4), the expression "initiated" has necessarily to be read as "commenced" within the meaning of Section 21 of the Act]

Abhay Kumar Patel v. State of Bihar; 2026 INSC 24 - Public Employment - Recruitment - Retrospective Amendment Of Rules

Constitution of India: Article 309 - Bihar Engineering Services Class–II Recruitment Rules, 2019 - The issuance of the 2022 Amendment Rules, introducing Rule 8(5) with retrospective effect from 06.03.2019, attempts to rewrite the rules of the game which has already begun. By reducing the 25 weightage of the written examination to 75 marks and introducing 25 marks for contractual experience, the State has fundamentally altered the basis of selection and changed the 'eligibility criteria for being placed in the merit list' which is not permissible-While the

State undoubtedly has the power to amend rules under the proviso to Article 309 of the Constitution of India, this power is not unbridled. The power of retrospective legislation cannot be exercised to take away vested rights or to arbitrarily disrupt a selection process that has already resulted in the identification of successful candidates by publication of a provisional merit list -Once a candidate has cleared the written examination and found a place in the merit list based on the announced criteria in line with the extant Rules and the advertisement, a legitimate expectation arises that the selection will be finalized based on the criteria which was advertised at the time of initiation of the recruitment process- The State cannot rely on executive instructions to override statutory rules that were in force during the initiation of the recruitment process, especially to the detriment of candidates who had no notice of such weightage or age relaxation. (Para 39) Even assuming that the 2022 Amendment Rules are policy decisions of the State, they cannot be implemented in a manner that violates the fundamental right to equality under Article 14 and 16 of the Constitution of India by changing the selection criteria after the selection process has already begun. (Para 31-41)

Public Employment - Recruitment -Participation in a recruitment process or mere placement on the merit list does not create an indefeasible right to appointment- However, changing the eligibility criteria for placement in the merit list, after conclusion of the written examination for that purpose, contrary to the extant rules prevalent at the time of the advertisement, cannot be justified on this basis. (Para 40)

Jaswinder Singh @ Shinder Singh v. State of Punjab; 2026 INSC 23

Note - No legal aspects discussed in this judgment - Appellant acquitted- no incriminating circumstance against him but for a vague statement of the appellant having driven the vehicle and the involvement in the crime proper omitted to be stated to the police and for the first time stated before Court.

Golden Food Products India v. State of Uttar Pradesh 2026 INSC 22 - Auction - Expectation of Higher Bid

Tender -Auction - An auction process has a sanctity attached to it and only for valid reasons that the highest bid can be discarded in an auction which is otherwise held in accordance with law. If a valid bid has been made which is above the reserve price, there should be a rationale or reason for not accepting it. Therefore, the decision to discard the highest bid must have a nexus to the rationale or the reason. Merely because the authority conducting the auction expected a higher bid than what the highest bidder had bid cannot be a reason to discard the highest bid. (Para 32) Expectation of a higher bid in a subsequent auction cannot be a reason to cancel an auction held in accordance with law. (Para 28)

Dalsukbhai Bachubhai Satasia v. State of Gujarat & Others; 2026 INSC 21 - Urban Land (Ceiling and Regulation) Act

Urban Land (Ceiling and Regulation) Act, 1976- The requirement of issuance of notice under Section 10(5) is mandatory and must be issued to the person(s) actually in possession of the concerned land. (Para 18) - The land 'vesting' with the State Government does not connote the transfer of possession. Rather, what is 'deemed' to have 'vested' are the aspects that have deemed i.e., by a legal fiction to have been 'acquired', i.e., title or interests. Possession, as explained in Hari Ram vests de jure and not de facto. 'Acquisition' (of title or interests) does not necessarily involve the transfer of such de facto possession. Such transfer requires certain explicit steps to be taken fter de jure possession is vested, there are three methods by which de facto possession may be transferred: the first is voluntary transfer by the possessor under Section 10(3) of the ULC Act. If possession is not voluntarily transferred, then the second method is through delivery of notice under Section 10(5) of 29 the ULC Act to the possessor. In case possession is still not transferred, then the third method involves the Competent Authority taking possession under Section 10(6) of the ULC Act (by force, if required) and delivering it to the State Government. (Para 17)

Guru Pada Bera Vs Binod Kumar 2026 INSC 20

Note- No legal aspects discussed in this judgment - While disposing contempt petition, liberty granted to the petitioners to submit a fresh representation before the Secretary, School Education Department, within a period of six weeks from today, setting out their entire grievances/ claims/entitlements in terms of the order passed by the High Court.

Commissioner of Customs (Import) v. Welkin Foods; 2026 INSC 19 -Common Or Trade Parlance Test

Taxation Laws -The application of the common or trade parlance test while dealing with classification disputes a. The common or trade parlance test must be applied restrictively. Its function is limited to ascertaining the common or commercial meaning of a term found within a tariff heading or its defining criterion. b. The trade or common parlance test can be invoked when dealing with a classification dispute only when the following conditions are satisfied. i. The governing statute, including the relevant tariff heading, Section Notes, Chapter Notes, or HSN Explanatory Notes, does not provide any explicit definition or clear criteria for determining the meaning and scope of the tariff item in question. ii. The tariff heading does not include scientific or technical terms, or the words used in the heading are not employed in a specialised, technical context. iii. The application of the common parlance test must not contradict or run counter to the overall statutory framework and the contextual manner in which the term was used by the legislature. Thus, broadly speaking, the common or trade parlance test cannot be invoked where the statute, either explicitly or implicitly, provides definitive guidance. Explicit statutory guidance exists where the legislature provides a specific definition or a clear criterion for a term within the Act itself. Conversely, implicit guidance is found where the terms employed are scientific or technical in nature, or where the statutory context indicates that the words must be construed in a technical sense. It is only in a state of statutory silence, where the legislative intent remains unexpressed, that the tribunals or courts may resort to the common or

trade parlance test. c. In the contemporary HSN-based classification regime, the common or trade parlance test cannot serve as a measure of first resort. It should only be employed after a thorough review of all relevant material confirms the absence of statutory guidance. d. When interpreting terms in a tariff item by relying on the basis of common or trade parlance, an overly simplified approach should be avoided, and the words should be understood within their legal context. Further, when a party asserts a meaning of a term based on common or trade parlance, it must present satisfactory evidence to support that claim. e. When a tariff item is general in nature and does not indicate a particular industry or trade circle, the common parlance understanding of that term is appropriate. However, when a tariff item is specific to a particular industry, the term must be understood as it is used within that specific trade circle. f. The common or trade parlance test cannot be used to override the clear mandate of the statute. Specifically: i. The test cannot be applied in a way that results in the reclassification of a good that is clearly identifiable under a particular heading according to the statute, simply because that good is marketed or called by a different name in trade or common parlance. ii. Conversely, the test cannot be used to challenge the classification of goods under a statutory heading if those goods retain the essential characteristics defined by that heading, even if they have a unique or specialised trade name. In other words, the character and nature of the product cannot be veiled behind a charade of terminology which is used to market the product or refer to it in common or commercial circles. g. To establish a separate commercial identity, it is essential to demonstrate that the good has undergone such a substantial transformation that it can no longer be characterised as a mere sub-type or category of a broader class and thus falls outside the ambit of the common or commercial understanding associated with such a class of goods.(Para 66) [SC held that the 'mushroom growing apparatus' is not classified as 'machinery' and further, that the subject goods are 'structures' rather than 'parts' of machinery.]

IFGL Refractories Ltd. v. Orissa State Financial Corporation .; 2026 INSC 18 - Art.14 Constitution - Arbitrariness -Promissory Estoppel -Bureaucratic Lethargy-

Constitution of India - Article 14 - Arbitrariness- The State must abandon the colonial conception of itself as a sovereign dispensing benefits at its absolute discretion. Policies formulated and representations made by the State generate legitimate expectations that it will act in accordance with what it proclaims in the public domain. In the exercise of all its functions, the State is bound to act fairly and transparently, consistent with the constitutional guarantee against arbitrariness enshrined in Article 14 of the Constitution of India. Any curtailment or deprivation of the entitlements of private citizens or private business must be proportional to a requirement grounded in public interest. (Para 134)

Legal Doctrines -Promissory estoppel- The true principle of promissory estoppel seemed to be that where one party has, by his words or conduct, made to the other a clear and unequivocal promise which is intended to create legal relations or effect a legal relationship to arise in the future, knowing or intending that it would be acted upon by the other party to whom the promise is made. Where it is in fact so acted upon by the other party, the promise would be binding on the party making it, and he would not be entitled to go back upon it, if it would be inequitable to allow him to do so, having regard to the dealings which have taken place between the parties. This would be so irrespective of whether there is any pre-existing relationship between the parties or not. (Para 115)

Bureaucratic lethargy- If the object of formulating the industrial policy is to encourage investment, employment and growth, the bureaucratic lethargy of the State apparatus is clearly a factor which will discourage entrepreneurship. (Para 133)

Union of India v. G. Kiran 2026 INSC 15. Reservation - UPSC Rules

Reservation- Rules for a competitive examination to be held by the Union Public Service Commission in 2013 - Once relaxation has been taken by a reserved category candidate, they cannot be considered for

unreserved vacancies. If a reserved category candidate takes benefit of relaxation though at initial stage, it will effectively amount to taking relaxation even at the final stage of the selection process because without giving relaxation to him, he was not in a position to participate in the Main examination and to set forth his claim of cadre allocation. (Para 32) A reserved category candidate selected applying 'General Standard' has eligibility for allocation on unreserved vacancy as per his merit and preference if he is not lower in rank from other General category candidates, otherwise he shall be considered for allocation as per his merit and preference against the available vacancy of his category. In the said context, it is clear that for allocation of unreserved vacancy to a candidate of reserved category, the selection must be on 'General Standard' without availing any 'Relaxed Standard' in either eligibility or selection criteria. In case any 'Relaxed Standard' has been availed by him, his allocation of cadre would be as per his merit and preference against vacancy of his category. (Para 24)

Pratima Das v. State of Himachal Pradesh 2026 INSC 13

Summary - No legal aspects discussed in the judgment - MB University directed to issue the marksheets of 5th to 10th semester, the degree and any other relevant documents, if any, to the Appellant within four weeks from today

7 January 2026

6 January 2026

6th January, 2026

Karnataka Lokayuktha Bagalkote District, Bagalkot vs Chandrashekar 2026 INSC 31 - Criminal Case - Disciplinary Proceedings

Criminal Case - Disciplinary proceedings and criminal prosecution, even on an identical allegation, are parallel proceedings (Para 1) - Exoneration in the departmental proceeding ipso facto would not result in the quashing of the criminal prosecution. (Para 12) [While restoring criminal proceedings, SC observed: we are not convinced that this is a fit case where the criminal proceedings can be quashed on the exoneration of the delinquent employee in a departmental enquiry.]

Disciplinary Proceedings - The enquiry report in disciplinary proceedings is not conclusive of the guilt or otherwise of the delinquent employee, which finding is in the exclusive domain of the disciplinary authority. The enquiry officer is appointed only as a convenient measure to bring on record the allegations against the delinquent employee and the proof thereof and to ensure an opportunity to the delinquent employee to contest and defend the same by cross-examination of the witnesses proffered by the department and even production of further evidence, in defense. The enquiry officer, strictly speaking, merely records the evidence and the finding entered on the basis of the evidence led at the enquiry does not have any bearing on the final decision of the disciplinary authority. The disciplinary authority takes the ultimate call as to whether to concur with the findings of the enquiry authority or to differ therefrom. On a decision being taken to differ from the findings in the enquiry report as to the guilt of the delinquent employee, if it is in favour of the delinquent employee nothing more needs to be done since the enquiry stands closed exonerating the employee of the charges levelled. If the decision is to concur with the finding of guilt by the Enquiry Officer, then a show-cause is issued with the copy of the Enquiry Report. However, while differing from the finding of exoneration in the enquiry report, necessarily the disciplinary authority will

not only have to issue a show-cause against the delinquent employee, with a copy of the Enquiry Report, but the show-cause notice also has to specifically bring to attention of the delinquent, the aspects on which the disciplinary authority proposes to differ, based on the facts discovered in the enquiry so as to afford the delinquent employee an opportunity to proffer his defense to the same. (Para 14)

S. Nagesh v. Shobha S. Aradhya; 2026 INSC 27 - NI Act - Delay Condonation - Taking Cognizance

Negotiable Instruments Act 1881 - Section 138, 142 - The power conferred upon the Court to take cognisance of a belated complaint is subject to the complainant first satisfying the Court that he had sufficient cause for not making the complaint within time. The satisfaction in that regard, resulting in condonation of the delay, must therefore precede the act of taking cognizance. (Para 14) [SC held that Magistrate erred in taking cognisance of the complaint under Section 138 of the NI Act, even before the delay of two days in its presentation was condoned.]

Practice and Procedure - Limitation - Ordinarily, a proceeding instituted with limitation-linked delay before a Court of law does not actually figure as a regular matter on its file until that delay is condoned. Order XLI Rules 3A and 5(3) of the Code of Civil Procedure, 1908, make this position amply clear in the context of belated presentation of civil appeals. (Para 14)

Divjot Sekhon v. State of Punjab and Others; 2026 INSC 26 - MBBS Admission - Policy Decision- Judicial Review

Education - Admission Process - 'Rules of the game cannot be altered once the game has begun' Principle applicable to admission processes to educational courses as it would be to recruitment processes. Just as modification of recruitment norms is forbidden in law after the recruitment process has begun, it is equally illegal for an admission process to not be

fully defined in all its contours before its commencement, so as to leave room for the authorities concerned to stipulate norms later on to suit their own interests or to permit nepotism. The transparency of such a process is paramount to ensure fairness and prevent arbitrariness. (Para 18) When a thing is done in a post-haste manner, malafides would be presumed as anything done with undue haste can be termed arbitrary and would not be condonable in law. The aforestated principle would apply with equal vigour to an admission process relating to sought-after courses like MBBS/BDS. (Para 31)

Constitution of India - Article 226,32 - Judicial Review- Policy Decision - When a policy decision is riddled with arbitrariness or even provides avenues therefor, the Court would be justified in nullifying it. The fact that a policymaker is to be allowed some elbow room in formulating policy does not translate to allowing scope for arbitrariness or nepotism. (Para 37) State and its instrumentalities have a duty and responsibility to act fairly and reasonably in terms of the mandate of Article 14 of the Constitution and that any decision taken by the State must be reasoned and not arbitrary. (Para 31)

State (NCT of Delhi) v. Khimji Bhai Jadeja; 2026 INSC 25 - CrPC/BNSS - Triple Tests - Same Transaction - Consolidation Of FIRs

Code of Criminal Procedure 1973 - Section 218-223 -Section 218(1) CrPC requires a distinct and separate charge for every distinct offence and each such separate charge should be tried separately. Sections 219 to 223 CrPC constitute exceptions to this general rule and stipulate the circumstances in which deviation therefrom can be made. Under Section 219 CrPC, three such offences committed during a year can be the subject matter of a single trial [now, five such offences, under Section 242 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)]. Under Sections 220(1) CrPC and 223(a) and (d) CrPC, consolidated charges can be framed against several accused persons in relation to several offences, if such offences are

committed during the course of the same transaction. It would, therefore, turn upon the offences forming part of the 'same transaction' - Triple tests, though not to be applied cumulatively, to decide when separate actions can be treated as part of the 'same transaction' – 1) unity of purpose and design; 2) proximity of time and place; and 3) continuity of action. These tests may be applied to ascertain whether a series of acts form part of the same transaction or not - If it is opined that all the incidents partake of the same transaction, there can be one trial under Section 220(1) CrPC and Section 223(a) and (d) CrPC. If, however, it is concluded that there are several transactions and distinct offences in relation to different victims, there have to be separate trials for each offence, subject to Section 219 CrPC/ Section 242 BNSS, which allows the Trial Court to try three/five offences of the same kind committed within a year. Once all the incidents are taken to be part of the same transaction and amalgamated into one FIR, the punishment would follow accordingly as per law. (Para 19-20)

FIRs - Consolidation of FIRs is permissible in law but that would have also depended upon the conclusions to be arrived at after the investigation. (Para 21)

Kadirkhan Ahmedkhan Pathan v. Maharashtra State Warehousing Corporation 2026 INSC 16 - Maharashtra Civil Services (Pension) Rules - Disciplinary Proceedings

Maharashtra Civil Services (Pension) Rules, 1982 -Rule 27(2)(b)(i) - The requirement of sanction from the Government prior to institution of departmental enquiry is mandatory in nature for each case. Such mandatory safeguard is intended to prevent institution of unwarranted proceedings against the superannuated employees. Therefore, such mandate cannot be diluted or by-passed by the Corporation under the pretext of general sanction or general practice.

UV ARC v. Electrosteel Castings 2026 INSC 14 - Contract Act - 'See To It' Guarantee

Indian Contract Act 1872 - Section 126- 'See to it' guarantee in English Common Law refers to an obligation upon the guarantor to ensure that principal debtor itself, performs its own obligation and the guarantor, therefore, is in breach as soon as principal debtor fails to perform. However, a 'See to it' guarantee does not include an obligation to enable the principal debtor to perform its own obligation. Such an 13 arrangement would not be a guarantee under Section 126 of the Act.(Para 22)

Indian Contract Act 1872 - Section 126- For an obligation to be construed as a guarantee under Section 126 of the Act, there must be a direct and unambiguous obligation of the surety to discharge the obligation of the principal debtor to the creditor - An undertaking to infuse funds into a borrower, so that it may meet its obligations cannot, by itself be equated with the promise to discharge the borrower's liability to the creditor. A mere Covenant to ensure financial discipline or infusion of funds does not satisfy the statutory requirements of Section 126 of the Act. (Para 20)

Indian Contract Act 1872 - Section 126 - Essential ingredients of a guarantee: (a) existence of principal debt, (b) default by the principal debtor and (c) a promise by the surety to discharge the liability of the principal debtor upon such default. Thus, a guarantee is a promise to answer for the payment of some debt, or the performance of some duty, in case of failure of another party, who is in the first instance, liable to such payment or performance . A guarantee is a security in the form of right of action against a third party. In order to constitute a guarantee there has to be a specific undertaking or unambiguous affirmation to discharge the liability of a third person in case of their default. A guarantee is governed by principles of construction generally governing other documents. A guarantee being a mercantile contract, the Court does not apply to it merely technical rules but construes it so as to reflect what may fairly be inferred to have been the parties' real intention and understanding as expressed by them in writing and to give effect to it rather than not. (Para 17-18)

Pleadings - Pleadings must be read as a whole and cannot be read selectively out of context or in isolation. (Para 24)

Arvind Dham v. Directorate of Enforcement 2026 INSC 12 - PMLA - Bail - Delayed Trial

Constitution of India - Article 21 ; Prevention of Money Laundering Act, 2002 - Section 45 - If the State or any prosecuting agency including, the court, concerned has no wherewithal to provide or protect the fundamental right of an accused, to have a speedy trial as enshrined under Article 21 of the Constitution, then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime - Under the statutes such as PMLA, where maximum sentence is seven years, prolonged incarceration pending trial may warrant grant of bail by Constitutional Courts, if there is no likelihood of the trial concluding within a reasonable time. Statutory restrictions cannot be permitted to result in indefinite pretrial detention in violation of Article 21. Prolonged incarceration cannot be allowed to convert pretrial detention into punishment and that documentary evidence already seized by the prosecution eliminates the possibility of tampering with the same. The right to speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence. (Para 16-18)

Bail - Gravity of Offence - The court while dealing with the prayer for grant of bail has to consider gravity of offence, which has to be ascertained in the facts and circumstances of each case. One of the circumstances to consider the gravity of offences is also the term of sentence i.e., prescribed for the offence, the accused is alleged to have committed . The court has also to take into account the object of the special Act, the gravity of offence and the attending circumstances along with period of sentence. (Para 15)

Bail - Economic Offences- All economic offences cannot be classified into one group as it may involve various activities and may differ from one case to another. Therefore, it is not advisable on the part of the Court to

categorize all the offences into one group and deny bail on that basis . (Para 15)

5 January 2026

Subhash Aggarwal v. Mahender Pal Chhabra 2026 INSC 11 - Specific Relief Act - Equity

Specific Relief Act 1963 - There is no straitjacket formula with regard to 'readiness and willingness'. The same has to be construed with respect to the facts and circumstances of each case. (Para 6)

Legal Doctrines - Equity - Equity must operate in a manner that prevents unjust enrichment and restores the parties to their original position, as far as possible particularly where both the parties are at fault. (Para 7)

Dharmendra Sharma v. M. Arunmozhi 2026 INSC 10 - Contempt

Note: This judgment does not discuss any legal aspects

Panganti Vijaya v. United India Insurance Co. Ltd., 2026 INSC 9 - Workman's Compensation Act

Workman's Compensation Act, 1923 - No legal aspects discussed- The Supreme Court restored the Workmen's Compensation award to appellant, holding that deceased driver was employed by the vehicle owner and died in the course of employment. It set aside the High Court's reversal, noting the owner's later sworn admission and directed release of the deposited compensation with 12% interest. (Para 3.3)

NAK Engineering Company Pvt. Ltd. v. Tarun Keshrichand Shah and Ors 2026 INSC 8 - CPC - Dominus Litis - Necessary & Proper Party

Code of Civil Procedure 1908 - Plaintiffs who have instituted the suit are dominus litis and it is for them to choose their adversaries. If they do not array the proper and necessary parties to the suit, they do it at their own risk. However, they cannot be compelled to add a party to defend a suit against their wishes. The decree, if any, passed in the suit would be binding only between the parties to the suit and would not infringe upon any right of a third party - A necessary party is one without whom, no order can be made effectively, a proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision on the question involved in the proceeding. (Para 39-40)

Nirbhay Singh Suliya vs State of Madhya Pradesh 2026 INSC 7 - Judiciary - Disciplinary Proceedings - Wrong Order

Disciplinary Proceedings - Judiciary - Only because an order is wrong or there is an error of judgment, without anything more, a judicial officer is not put through the ordeal of a disciplinary proceeding or a prosecution. (Para 29) It is not the correctness of the verdict but the conduct of the

Officer in question which is determinative. (Para 34) Disciplinary Authority has to examine whether there has emerged from the record, one or more circumstances that indicate that the decision which forms the basis of the charge of misconduct was not an honest exercise of judicial power. (Para 36) That merely because a different conclusion was possible is not an indicium for misconduct. (Para 39)

Judiciary - Judges - A fearless judge is the bedrock of an independent judiciary, as much as an independent judiciary itself is the foundation on which rule of law rests. A judicial Officer is tasked with the onerous duty of deciding cases. Invariably one party to the case would lose and go back unhappy. Disgruntled elements amongst them, wanting to settle scores may raise frivolous allegations. (Para 27)

Bhadra International (India) Pvt. Ltd. vs Airports Authority of India 2026 INSC 6 - Arbitration - Ineligibility

Arbitration and Conciliation Act 1996- Section 12(5)- The ineligibility of an arbitrator can be waived only by an express agreement in writing. The requirement of the waiver to be made expressly in the form of agreement in writing ensures that parties are not divested of their right to object inadvertently or by procedural happenstance. (Para 89-90) A notice invoking the arbitration clause under Section 21, a procedural order, submission of statement of claim, the filing an application seeking interim relief, or a reply to an application under Section 33 cannot be countenanced to mean "an express agreement in writing" within the meaning of the proviso to sub-section (5) of Section 12. (Para 96) The arbitrator upon entering reference and at the very first hearing, to ensure from the parties that they are willing to participate in the proceedings and to insist upon a written agreement waiving the requirement of Section 12(5) (Para 121)

Arbitration and Conciliation Act 1996- Section 12(5)- A challenge to an arbitrator's ineligibility could be raised at any stage because an award passed in such circumstance is non-est, i.e., it carries no enforceability or recognition in law - When an arbitrator is found to be ineligible by virtue of

Section 12(5) read with the Seventh Schedule, his mandate is automatically terminated. In such circumstance, an aggrieved party may approach the court under Section 14 read with Section 15 for appointment of a substitute arbitrator. Whereas, when an award has been passed by such an arbitrator, an aggrieved party may approach the court under Section 34 for setting aside the award. (Para 123-iv)

Arbitration and Conciliation Act 1996- Section 18 - The principle of 'equal treatment of the parties' means that the parties must have the possibility of participating in the constitution of the arbitral tribunal on equal terms -Equal participation of the parties in the process of appointment of arbitrators entails that the contracting parties have an equal say in the constitution of the arbitral tribunal. Such participation eliminates the likelihood of challenges to the arbitrator at a later stage. It is needless to say that independence and impartiality in arbitral proceedings would be served only when the parties participate equally at all stages - The principle of party autonomy does not obliterate the principle of equal treatment of the parties, either in the procedure for appointment of arbitrators or in the arbitral proceedings. The exercise of party autonomy has to be in consonance with the principles of equal treatment of parties, which impliedly include the independence and impartiality of arbitrators. (Para 32-39)

Arbitration Law - In the absence of any contrary stipulation in the agreement, arbitral proceedings commence when a notice invoking arbitration is received by the respondent. (Para 49)

Arbitration Act - Section 21 - The notice under Section 21 is an expression to set the arbitration agreement into motion upon arising of disputes between the parties. The section states that the date of commencement of arbitration would be the date on which the recipient receives the notice from the claimant that the dispute be referred to arbitration. The notice acts as a communication that the sender is aggrieved and seeks to invoke the arbitration agreement. It does not, by itself, operate as consent to any appointment to be made in the future. (Para 70)

Motilal Oswal Financial Service Limited vs Santosh Cordeiro 2026 INSC 5 - Arbitration Act

Arbitration and Conciliation Act 1996 - Section 11 - In a proceeding under Section 11, the Court is to confine the examination to the existence of an Arbitration Agreement - The jurisdiction is only to inspect or scrutinize the dealings between the parties for determination about the existence of an Arbitration Agreement and not to launch a laborious or a contested inquiry. (Para 15-17)

Arbitration and Conciliation Act 1996 - Creation of a specific forum as a substitute for Civil Court or specifying the Civil Court may not be enough to accept the inference of implicit non-arbitrability. Conferment of jurisdiction on a specific court or creation of a public forum though eminently significant, may not be the decisive test to answer and decide whether arbitrability is impliedly barred. (Para 21)

Presidency Small Cause Courts Act, 1882 -Section 41- Section 41 is a provision conferring jurisdiction on the Small Causes Court for certain types of disputes and cannot be interpreted to mean that ex proprio vigore (by its own force), it neutralizes arbitration clauses in agreements (Para 21)

Bhagheeratha Engineering Ltd vs State of Kerala 2026 INSC 4 -Arbitration Act

Arbitration and Conciliation Act - Section 21- The object is only for the purpose of commencement of arbitral proceedings is also well settled. Section 21 is concerned only with determining the commencement of the dispute for the purpose of reckoning limitation. There is no mandatory prerequisite for issuance of a Section 21 notice prior to the commencement of Arbitration. Issuance of a Section 21 notice may come to the aid of parties and the arbitrator in determining the limitation for the claim.

Failure to issue a Section 21 notice would not be fatal to a party in Arbitration if the claim is otherwise valid and the disputes arbitrable. (Para 16)

Arbitration and Conciliation Act - Section 23 - Once the Arbitral Tribunal is constituted claims, defence and, counter claims are filed. Party which normally files the claim first is, for convenience, referred to as the 'claimant' and the party which responds is called the Page 40 of 41 'respondent'. The said respondent is also along with the defence statement entitled to file its counter claim. Hence, to contend that the appellant cannot be referred to as a claimant because no notice under Section 21 has been issued is completely untenable. (Para 20)

Arbitration and Conciliation Act - Section 7- Arbitration Agreement - If an arbitration agreement provides that all disputes between the parties relating to the contract shall be referred to arbitration, the reference contemplated is the act of parties to the arbitration agreement. (Para 18)

Anjani Singh v. State of Uttar Pradesh 2026 INSC 3 - IPC - Murder Case -Acquittal

Indian Penal Code 1860 - Murder Case - The Supreme Court set aside appellant conviction, extending benefit of doubt due to unreliable sole eyewitness testimony and inconsistencies in forensic and witness evidence. With other eyewitnesses turning hostile and lighting conditions disputed, the Court held the prosecution failed to prove the case beyond reasonable doubt.

Gulfisha Fatima vs State (Govt. of NCT of Delhi) 2025 INSC 2- Delhi Riots Cases -UAPA - Terrorist Acts- Bail

UAPA - Section 43D(5) - Propositions governing the application of Section 43D(5) -First, the provision embodies a deliberate legislative departure from ordinary bail jurisprudence, premised upon the distinctive nature of offences under Chapters IV and VI of the Act. Second, the expression "prima facie true" mandates a threshold judicial inquiry which is neither perfunctory nor adjudicatory, requiring the Court to examine whether the prosecution material, taken at face value, discloses the essential statutory ingredients of the alleged offence. Third, the inquiry is necessarily accused specific, directed to the role and attribution qua the individual, and does not admit of collective or undifferentiated treatment merely because allegations arise from a common transaction or conspiracy. Fourth, the bail stage under Section 43D(5) is not a forum for evaluating defences, weighing evidence, or conducting a minitrial; judicial restraint at this stage is not an abdication of duty but a fulfilment of the statutory mandate. These propositions, read together, define the contours of judicial power and responsibility under the provision.he correct application of Section 43D(5), therefore, requires the Court to undertake a structured inquiry confined to the following: i. whether the prosecution material, accepted as it stands, discloses a prima facie case satisfying the statutory ingredients of the offence alleged; ii. whether the role attributed to the accused reflects a real and meaningful nexus to the unlawful activity or terrorist activity proscribed under the Act, as distinguished from mere association or peripheral presence; and iii. whether the statutory threshold is crossed qua the individual accused, without embarking upon an assessment reserved after fullfledged trial - Where these requirements are met, the statutory restraint on the grant of bail must operate with full force; where they are not, the embargo stands lifted. This approach preserves the legislative purpose of the Act, and ensures that the exceptional nature of the bail regime under Section 43D(5) is neither diluted by overreach nor distorted by mechanical application. (Para 81-82)

UAPA - Section 15 - "Terrorist act"- The means by which such acts may be committed are not confined to the use of bombs, explosives, firearms, or other conventional weapons alone - To construe Section 15 as limited only to conventional modes of violence would be to unduly narrow the provision, contrary to its plain language - Apart from death or destruction of property, the provision expressly encompasses acts which disrupt supplies or services essential to the life of the community, as well as acts which threaten the economic security of the nation. This reflects Parliament's recognition that threats to sovereignty and security may arise through conduct that destabilises civic life or societal functioning, even in the absence of immediate physical violence - terrorist activity may involve multiple actors performing different roles towards a common unlawful objective. (Para 86-90)

Constitution of India - Article 21 ; UAPA - Section 43D - In prosecutions alleging offences which implicate the sovereignty, integrity, or security of the State, delay does not operate as a trump card that automatically displaces statutory restraint. Rather, delay serves as a trigger for heightened judicial scrutiny. The outcome of such scrutiny must be determined by a proportional and contextual balancing of legally relevant considerations, including (i) the gravity and statutory character of the offence alleged, (ii) the role attributed to the accused within the alleged design or conspiracy, (iii) the strength of the prima facie case as it emerges at the limited threshold contemplated under the special statute, and (iv) the extent to which continued incarceration, viewed cumulatively in the facts of the case, has become demonstrably disproportionate so as to offend the guarantee of personal liberty under Article 21- Thus, when the composite evaluation yields a clear conclusion that continued detention has crossed the bounds of constitutional permissibility that the Court may justifiably intervene notwithstanding statutory restrictions. (Para 56-57)

UAPA - Section 43D(5) - The law does not require the prosecution to demonstrate, at the bail stage, that the accused personally caused death or destruction, or personally stocked explosives, before Section 43D(5) can

apply. It requires the Court to see whether the material discloses a prima facie case of involvement in the unlawful activity alleged. (Para 216)

UAPA - Not every disruption of traffic, not every blockade, and not every law-and-order incident engages the statutory framework of the UAPA. The statute is attracted only where the conduct alleged, taken cumulatively, is capable of being understood as threatening the unity, integrity, security, or sovereignty of the nation, or as creating a climate of fear and paralysis transcending ordinary disorder. (Para 227)

UAPA- Gender, while not conferring immunity from criminal law, remains a relevant consideration in determining the necessity of continued pre-trial detention. - The law does not envisage incarceration as a measure of deterrence at the pre-trial stage, particularly where the individual concerned is a woman with no prior criminal antecedents and whose alleged actions stem from a ground-level facilitating role.

Factual Summary: Delhi Riots Case - Supreme Court declined bail to Sharjeel Imam and Umar Khalid for their alleged central, planning roles, but granted bail to Gulfisha Fatima, Meeran Haider, Shifa-ur-Rehman, Mohd. Saleem Khan, and Shadab Ahmed, whose roles were found operational and peripheral, subject to stringent conditions. The Court directed expedited trial, especially examination of protected witnesses, and allowed Imam and Khalid to renew bail after a year or completion of protected-witness testimony.

Adani Power Ltd. vs Union of India 2026 INSC 1 - Precedent - Delegated Legislation - Tax Levy

Law of Precedent - The discipline of precedent is not a matter of personal predilection; it is an institutional necessity - Legal Maxim - Stare decisis et non quieta movere - to stand by what is decided and not to disturb what is settled, is a working rule which secures stability, predictability and respect for judicial outcomes. The law cannot change with the change of the Bench. When a coordinate Bench of a High Court has

already determined a question of law, a subsequent Bench of equal strength is bound to follow that view; if it doubts its correctness, the only permissible course is to refer the matter to a larger Bench. (Para 78- 80)

Legal Maxim- Stare decisis et non quieta movere - to stand by what is decided and not to disturb what is settled, is a working rule which secures stability, predictability and respect for judicial outcomes. (Para 78) Interest reipublicae ut sit finis litium - It is in the public interest that there be an end to litigation would squarely apply; the State must exemplify obedience to judgments, not resistance to them. (Para 84)

Constitution of India - Article 32,226- Delegated legislation is subject to judicial review not only for substantive unreasonableness, but also for purpose. Where the dominant purpose for which a delegated power is conferred is departed from, and the power is pressed into service to achieve an end for which it was never granted, the exercise is ultra vires. The immunity of a fiscal notification from scrutiny is no greater than that of any other form of subordinate legislation. (Para 56)

Legislation - Taxation - A delegate cannot do indirectly what it has no authority to do directly. The power to exempt is not a power to tax. The two stand on opposite constitutional planes. The essential legislative function of imposing a tax or duty rests with Parliament and must be located in a charging provision. The executive cannot, by subordinate instrument, enlarge the field of taxation under the pretext of tailoring an exemption. (Para 55)

Fiscal jurisprudence: a tax or duty can only be levied where there is (i) a clear charging provision enacted by competent legislature; (ii) an identifiable taxable event; and (iii) a statutory rate-making mechanism. The machinery provisions may regulate assessment and collection. Exemption notifications may relax or remit the levy. But neither machinery provisions nor exemption notifications can substitute for the absence of a charge. (Para 59)