

Criminal Law Judgments

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Title and Case details	Case Brief
Supreme Court: Wrong legal provision in cognizance order is not enough to cancel case Chandrikaben Kishor Dafda vs. State of Gujarat & Anr. (MANU/SC/0665/2026; 2026 INSC 665)	The Supreme Court has held that a case cannot be cancelled merely because a Magistrate took cognizance under the wrong legal provision. A Bench observed that such an error is a curable defect, provided the Magistrate had the legal authority to take cognizance of the offence. The Court clarified that a mistake in citing the applicable provision does not, by itself, invalidate the cognizance order or the criminal proceedings.
Supreme Court: Revives POCSO case against headmistress, says verifying abuse claims is no excuse AAA Vs. Linda Sema & Ors. (MANU/SC/0675/2026; 2026 INSC 675)	The Supreme Court has observed that a school official cannot avoid liability under the POCSO Act by privately verifying a child's sexual abuse complaint instead of reporting it. It ruled that failure to report under Section 19 attracts criminal liability under Section 21, punishable with imprisonment, fine, or both.
Supreme Court: Prior testimony of deceased witness admissible against absconding accused The State Of West Bengal Vs. Kader Khan (MANU/SC/0712/2026; 2026 INSC 718)	The Supreme Court has held that the prior testimony of a witness who has died can be relied upon against an accused who absconded during the original trial, if the requirements of Section 299 of the Code of Criminal Procedure are fulfilled. The Court observed that Section 299 is an exception to the general rule requiring evidence to be recorded in the accused's presence and safeguards prosecution evidence where an accused deliberately evades trial by remaining absconding.

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Supreme Court: Acquits three men in 1979 murder case, finding serious flaws in the prosecution case Deo Prasad And Anr. Vs. State Of Uttar Pradesh (MANU/SC/0706/2026; 2026 INSC 707)	The Supreme Court has acquitted three men convicted in a 1977 Uttar Pradesh murder case, holding that the prosecution failed to prove guilt beyond reasonable doubt. It cited unexplained FIR delays, inconsistencies in its registration, and doubts over the presence of the alleged eyewitnesses.
Supreme Court: Children's Court cannot try child as adult without passing a reasoned order under JJ Act Sagar Vs. The State of Haryana (MANU/SC/0679/2026; 2026 INSC 692)	The Supreme Court has ruled that a Children's Court must pass a reasoned order under Section 19(1) of the Juvenile Justice Act before trying out a child as an adult. Declaring this mandatory, it set aside a murder conviction after finding the trial invalid due to non-compliance with the statutory procedure. The Court observed that “to issue a word of caution and a direction to Children’s Courts across the country that upon receipt of records pursuant to transfer/committal under Section 18(3) of the Act by the Juvenile Justice Board, the first duty of the Children’s Court, after taking cognizance of the matter, is to pass a reasoned order under Section 19(1) of the Act upon due assessment of the ‘child in conflict with law’ before it proceeds further in the matter.”
Supreme Court: Recovery of a weapon alone is insufficient to prove guilt without conscious possession The State of Jharkhand Vs. Jagdish Lakra MANU/SC/0689/2026; 2026 INSC 686)	The Supreme Court has observed that the mere recovery of arms from a person’s house is insufficient to establish guilt under the Arms Act, 1959 unless the prosecution proves that the accused was in conscious possession of the weapons and exercised dominion over them. Upholding the acquittal of a tribal man, the Court held that recovery alone cannot establish guilt in the absence of evidence demonstrating conscious possession and control over the seized arms.

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Supreme Court: Magistrate cannot order filing of chargesheet after police submit closure report Brajesh Kumar @ Birjesh Kumar Singh Vs. The State of Bihar (MANU/SC/0692/2026;2026 INSC 695)	The Supreme Court reaffirmed that a Magistrate cannot direct the police to file a charge sheet after receiving a closure report. The Court observed that the decision on whether sufficient material exists to prosecute an accused lies exclusively with the investigating officer, and a Magistrate cannot compel the investigating agency to file a charge sheet contrary to its opinion.
Supreme Court: Magistrate need not record prosecution evidence before sending Sessions cases to Trial Court Neeraj Gupta vs. Pardeep Kumar Bansal & Ors. (MANU/SC/0662/2026; 2026 INSC 660)	The Supreme Court has ruled that a Magistrate is not required to record prosecution evidence before sending a complaint case to the Court of Sessions if the alleged offence is exclusively triable by the Sessions Court. A Bench clarified that the Magistrate's duty is limited to determining whether the offence falls within the exclusive jurisdiction of the Sessions Court, after which the case must be committed without recording evidence under Section 244 of the Code of Criminal Procedure. The Court made the observation while setting aside a Punjab and Haryana High Court judgment that had required the recording of pre-charge prosecution evidence in such cases.
Supreme Court: Governor's remission policy will prevail over later criminal procedure code policy Parveen Kumar @ Parveen Chauhan vs. State of Haryana & Ors. (MANU/SC/0659/2026; 2026 INSC 667)	The Supreme Court has held that a remission policy issued under the Governor's constitutional powers will prevail over a later remission policy framed under the Code of Criminal Procedure. A Bench ruled that Haryana's 2002 remission policy remained applicable despite the State introducing a new policy in 2008. Allowing the appeal of a life convict seeking premature release, the Court held that the later statutory policy could not override the earlier policy issued under Article 161 of the Constitution.

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Supreme Court: Holds Section 50 NDPS Act inapplicable to recovery of articles carried by accused Mehboob Shah Vs. State Of Madhya Pradesh, (MANU/SC/0726/2026; 2026 INSC 729)	The Supreme Court has observed that the safeguard under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 is limited to an accused's personal search and does not apply when narcotics are recovered from a bag, container, suitcase, or any other article carried by the accused.
Supreme Court: Terror cases cannot curtail constitutional safeguards and the right to fair trial Dr. Abdul Hameed Vs. State of Rajasthan (MANU/SC/0723/2026;2026 INSC 734)	The Supreme Court has reaffirmed that constitutional safeguards & right to fair trial remain inviolable even in terrorism cases. It observed that while attacks on innocent civilians evoke fear & public outrage, such prosecutions demand stricter adherence to constitutional principles, not relaxation of legal standards.
Delhi High Court: Absence of any act endangering others under Section 336 IPC doesn't constitute any offence Anupam Shahu vs. The State MANU/DE/5004/2026 Crl. M.C. 3629/2023 and Crl. M.A. 12652/2026	The High Court of Delhi addressed the issue of whether the FIR against accused for violating COVID-19 lockdown orders and related charges should be quashed. The court found that the prosecution failed to establish essential elements such as the promulgation and knowledge of the order under Section 188 IPC, and there was no evidence that accused was infected with COVID-19 to justify charges under Sections 269 and 270 IPC. The court also noted the absence of any act endangering others under Section 336 IPC. Citing precedents like Mohd. Anwar vs. State, court concluded that allegations did not constitute any offense and quashed the FIR and all related proceedings.

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Bombay High Court: People cannot be forced to leave area just for protesting Government policies Saeed Ahmad Abdul Wahid Chaudhary vs. State of Maharashtra & Anr. (MANU/MH/5158/2026; 906-WP-1700-2026)	The Bombay High Court has held that a person cannot be forced to leave an area merely for organizing protests against government policies. The Court quashed an externment order after finding no material to show that the petitioner's activities caused alarm, danger, or harm to the public. The Court observed that organizing protests or demonstrations, even without police permission, is not by itself sufficient to justify such an order and that it would violate the constitutional right to freedom of speech and expression.
Bombay High Court orders removal of AI-made deepfakes and morphed images of Preity Zinta Preity G. Zinta Vs. Google LLC & Ors. (MANU/MH/5234/2026; 913-IAL-20703-2026.DOC)	The Bombay High Court has ordered the removal of AI-generated deepfakes, morphed images, and manipulated videos of actor Preity Zinta, finding that such content prima facie violated her privacy, personality, publicity, and moral rights while harming her public reputation.
Chhattisgarh High Court : Quashing of Criminal Proceedings should be considered in cases where prima facie case does not exist. Viru Sahu vs. State of Chhattisgarh and Ors. (MANU/CG/1382/2026; CRMP No. 1801 of 2026)	The High Court of Chhattisgarh addressed the petition seeking to quash an FIR and subsequent criminal proceedings under Section 69 of the Bharatiya Nyaya Sanhita, 2023, alleging accused established physical relations with the victim on the pretext of marriage. The court, referencing precedents like Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, emphasized that quashing should be rare and only when no prima facie case exists. Finding sufficient grounds for trial, the court dismissed the petition, allowing the trial to proceed without influence from its observations.

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J&K and Ladakh High Court: Vehicle can be released during NDPS trial as confiscation will be decided after trial Anjum Rafiq Vs. Union Territory of J&K & Anr. (MANU/JK/0520/2026; CrI. R. No. 89/2025)	The High Court of Jammu & Kashmir and Ladakh has held that a vehicle seized in a case under the Narcotic Drugs and Psychotropic Substances Act, 1985 can be released on interim custody during the trial and need not remain in police custody merely because it may eventually be confiscated. The Court clarified that confiscation is to be decided only after the trial concludes and after giving the vehicle owner an opportunity to be heard. Therefore, there is no legal bar on granting interim custody of the vehicle, subject to appropriate safeguards.
Madras High Court: Repeated intimacy alone doesn't prove consent; coercion & deception must be examined Suji @ Kasi Vs. The State (MANU/TN/2098/2026; CrI.A(MD).No.644 of 2023)	The Madras High Court has observed that “the mere fact that the victim was subjected to repeated physical intimacy with the accused does not, by itself, establish that the relationship was consensual. The surrounding circumstances in which the acts occurred, the absence of free and informed choice, and the existence of coercion, deception, or intimidation must all be carefully evaluated before concluding that there was valid consent in the eye of law.”
Meghalaya High Court: Benefits of Government Schemes should be provided to Prosecutrix even though parties later have a consensual relationship Sitting G. Momin and Ors. vs. State of Meghalaya and Ors. MANU/MG/0191/2026 2026:MLHC:739	The High Court of Meghalaya addressed the petition by Sitting G. Momin and others seeking to quash an FIR under the POCSO Act, arguing that the parties were in a consensual relationship, now married with a child. The court considered the unique social context of Meghalaya, where such relationships are common, and the informed consent of the prosecutrix. Citing the precedent of Shri Shalenbor Wahlang vs. State of Meghalaya, the court quashed the FIR and proceedings, emphasizing the need for justice over strict legal enforcement. The court directed that the prosecutrix and her child receive benefits from relevant government schemes and set a compliance date for ensuring these benefits are extended.

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J&K and Ladakh High Court: Outdated Criminal antecedents cannot be the basis of preventive detention. Mushtaq Ahmad Dar vs. Union Territory of J and K and Ors. (MANU/JK/0541/2026; HCP No. 213/2025)	The High Court of J&K addressed the legality of Mushtaq Ahmad Dar's preventive detention under the J&K Public Safety Act, 1978, challenged by his father, Mohd Subhan Dar, against the Union Territory of J&K and others. The court found that the detention was based on vague and baseless grounds, primarily relying on outdated criminal antecedents from 2012, without substantial current evidence of activities prejudicial to state security. Consequently, the court quashed the detention order No. 05-DMK/PSA of 2025 and directed the immediate release of Mushtaq Ahmad Dar from custody.
J&K and Ladakh High Court: Not forwarding petitioner's representation to the Advisory Board valid ground for Release Aqib Mushtaq Lone vs. Union Territory of J and K and Ors. (MANU/JK/0536/2026; HCP No. 111/2025)	The High Court of J&K addressed the legality of Aqib Mushtaq Lone's preventive detention under the J&K Public Safety Act, 1978, challenged by his father, Mushtaq Ahmad Lone, against the Union Territory of J&K and others. The court found a fundamental procedural flaw: the petitioner's representation was not forwarded to the Advisory Board before it issued its opinion, violating established legal requirements. Consequently, the court quashed the detention order No. 10/DMS/PSA of 2025 dated 03.05.2025 and directed the petitioner's release, restoring his personal liberty.