

Weekly Legal Current Affairs

17–23 August 2026

This week at a glance

- Nine judges reopen the decades-old 'what is an industry?' riddle — and, after all that, leave the 1978 Triple Test standing.
- The U.P. Gangsters Act defines a gangster but never creates an offence; the Supreme Court calls the penal statute stillborn.
- Court softens the 2025 rule making three years' Bar practice a bar to even sitting the Civil Judge (Junior Division) exam.
- A quashed bribery FIR from a Bellary raid turns into a full charter of directions to keep black money out of elections.

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Judgments of the week

1. State of Uttar Pradesh v. Jai Bir Singh Service / Admin

2026 INSC 897 · Surya Kant, CJI, B.V. Nagarathna, Pamidighantam Sri Narasimha, Dipankar Datta, Satish Chandra Sharma, Alok Aradhe, Ujjal Bhuyan, Vipul M. Pancholi and Joymalya Bagchi, JJ. · 20 August 2026

Facts. The tangle began when a five-Judge Bench in State of U.P. v. Jai Bir Singh (2005) 5 SCC 1 doubted the seven-Judge ruling in Bangalore Water Supply and Sewerage Board v A Rajappa on the meaning of 'industry'. A perceived conflict between Jagannath Kondhare and Pratamsingh Parmar over whether State Social Forestry schemes are 'industry' fed that doubt. The matter travelled through a seven-Judge Bench to this nine-Judge Bench, which reframed four questions on Section 2(j).

Issue. What is the correct meaning of 'industry' under Section 2(j) of the Industrial Disputes Act 1947, whether the Triple Test in Bangalore Water Supply holds good, and whether Government welfare schemes and sovereign functions fall within or outside it.

Held. Surya Kant, CJI (for himself, Satish Chandra Sharma, Alok Aradhe and Vipul M. Pancholi, JJ.) held the reference validly made under Dawoodi Bohra, and observed that some elements of the Triple Test could have been articulated differently, offering a hypothetical reformulation — but declared it 'no more than our considered opinion', operating prospectively and not displacing Bangalore Water Supply for pending or concluded matters. Separate opinions by Nagarathna, J., Joymalya Bagchi, J. and Dipankar Datta, J. (for himself and Ujjal Bhuyan, J.) held that Bangalore Water Supply calls for no interference or modification. The net effect is that the Triple Test in paragraphs 140-144 of Krishna Iyer, J.'s opinion continues to govern the definition of 'industry' under Section 2(j).

Why it matters. Classic link: nearly fifty years on, Bangalore Water Supply v A Rajappa (1978) survives, its Triple Test still deciding what

counts as an 'industry'.

Provisions: Industrial Disputes Act 1947, s.2(j); Industrial Relations Code 2020, s.2(p); Industrial Disputes (Amendment) Act 1982

2. Shiv Pratap Singh Alias Chinu v. State of U.P & Ors. Criminal Law

2026 INSC 894 · J.B. Pardiwala & K. Vinod Chandran, JJ. · 20 August 2026

Facts. Two advocates were proceeded against under the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986, on the strength of Gang Charts prepared under the 2021 Rules, one arising from a Bar Association election dispute. Their Section 482 CrPC petitions to quash the chargesheets were rejected by the Allahabad High Court. Since the facts differed but the legal challenge to the U.P. Act was identical, the appeals were heard and disposed of together.

Issue. Whether the U.P. Act creates any punishable offence, or merely defines the status of a 'gangster' and then punishes that status via a Gang Chart prepared by the executive under the Rules.

Held. The Court held that a penal statute must create a crime, applying *nulla poena sine lege* and the definition of 'offence' in the General Clauses Act as an act or omission made punishable by law, as read in *S.A. Venkataraman v. Union of India*. Section 2 is only a definition clause and the anti-social activities in sub-clauses (i) to (xxv) are already offences under other penal laws, so the U.P. Act punishes the same act twice while creating no distinct offence; the Rules under Section 23 could not supply the missing offence, and unlike the Maharashtra and Gujarat Acts (*Mahipal Singh v. CBI*) the U.P. Act has no offence-creating provision. Distinguishing it from preventive detention statutes stripped of their safeguards, the Court declared the Act stillborn, quashed Charge Sheet No.1 of 2025 (FIR No.41 of 2024) and the proceedings in Sessions Case No.73 of 2024 (FIR No.740 of 2022) under Sections 2/3 of the U.P. Act, and left constitutional validity open.

Why it matters. *No punishment without a defined offence; contrast the offence-creating scheme of MCOCA, which the Court expressly declined to endorse.*

Provisions: Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act 1986, s.2; Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act 1986, s.3; Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act 1986, s.23; Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Rules 2021, r.3; Constitution of India, art.20; Code of Criminal Procedure 1973, s.482; Maharashtra Control of Organised Crime Act 1999, s.3

3. Bhumika Trust v. Union of India Service / Admin

2026 INSC 904 · Surya Kant, CJI and Augustine George Masih, J. (majority); K. Vinod Chandran, J. (dissenting) · 21 August 2026

Facts. Bhumika Trust and review petitioners challenged directions (vii) and (viii) of the 20.05.2025 judgment in Writ Petition (Civil) No. 1022/1989, which restored a minimum of three years' practice at the Bar as eligibility for the Civil Judge (Junior Division) examination. They argued the requirement delayed entry, disparately burdened women, persons with disabilities and economically weaker candidates, and changed the rules midway for graduates who had prepared to compete straight out of college. High Courts, Law Universities and the Amicus placed varied suggestions on record.

Issue. Whether the restored three-year practice requirement should be recalled, and whether the exposure it seeks must be gained only through conventional Bar practice before the examination rather than through a mix of practice, institutional training and clerkship.

Held. The majority declined to reconsider the finding that prior exposure to court working is desirable, holding the reasoning in the judgment under review retained considerable force, but found that time at the Bar need not be the sole route and that experience and training are complementary. For notifications issued after the judgment under review up to 31.03.2027, all law graduates may apply, are deemed to have completed one year of practice, and on appointment serve as Trainee Judicial Officers undergoing one year of intensive State Judicial Academy training plus one year of structured Law Clerkship (six months under a Principal District/Sessions Judge, six months under a sitting High Court Judge), each treated as one year of practice. For notifications on or after 01.04.2027, candidates must possess at least one year of actual practice certified per directions (vii) and (viii) of the judgment under review, followed by the same training and clerkship. The scheme remains in force for five years, and the I.A.s seeking to count time in higher legal education towards practice were dismissed. Vinod Chandran, J. dissented, finding no error apparent on the record to justify review of the three-Judge-bench-shaped continuing mandamus and rejecting the two-year structured training model.

Why it matters. *Read alongside the ALJA line, especially the 2nd ALJA case (1993) 4 SCC 288 which introduced the three-year rule and the 3rd ALJA case (2002) 4 SCC 247 which undid it.*

Provisions: Constitution of India, art. 233(2); Constitution of India, art. 217(2)(b); Constitution of India, art. 124(3)(b)

4. The State of Karnataka v. Prathik Parasrampuria Constitution

2026 INSC 868 · Sanjay Karol, Nongmeikapam Kotiswar Singh · 17 August 2026

Facts. During the 2014 Lok Sabha bye-elections for Bellary, an EC flying squad raided the respondent's residence and business complex, seizing Rs. 20,48,355 in cash, a laptop, cheque books and a pen drive; an FIR (Crime No. 0107 of 2014) followed under Sections 171E and 188 IPC. The High Court quashed the FIR on 12.02.2015 for want of any averment on whom the accused meant to bribe and by what mode. The State's appeal

became the vehicle for the Court to frame directions curbing the use of black money in elections.

Issue. What safeguards should govern seizure of cash, investigation, prosecution and withdrawal of election-offence cases so that free and fair elections under Article 324 are protected from the influence of black money.

Held. Anchoring the exercise in Article 324, which vests superintendence, direction and control of elections in the Election Commission (Union of India v. Assn. for Democratic Reforms, (2002) 5 SCC 294; A.C. Jose v. Sivan Pillai, (1984) 2 SCC 656), the Court treated black money as a corrupting force on democracy, rule of law and the electoral process. Applying State of Kerala v. K. Ajith, (2021) 17 SCC 318 and Ashwini Kumar Upadhyay v. Union of India, (2021) 20 SCC 599, it directed that withdrawal of cases against candidates in an election cycle is subject to mandatory High Court approval. It further directed that seizures be reported to the competent authority within 24 hours with written reasons of prima facie nexus, investigations endeavour completion within one year with quarterly reports to the EC, sums above Rs. 10 lakh found by Static Surveillance Teams be forwarded to income-tax authorities, and High Courts designate courts for prompt disposal; a compliance report was called for by November 18, 2026.

Why it matters. Read alongside *Union of India v. Assn. for Democratic Reforms* on Article 324 being a reservoir of power to fill legislative gaps for free and fair elections.

Provisions: Constitution of India, art.324; Penal Code 1860, s.171E; Penal Code 1860, s.188; Criminal Procedure Code 1973, s.321; Representation of the People Act 1951

In brief — also on the docket this week

5 Rishi Malhotra v. Union of India Criminal Procedure

2026 INSC 873 · Vikram Nath, Sandeep Mehta JJ (judgment by Mehta, J.) · 18 August 2026

Issue. Whether hanging as the only prescribed method of execution under Section 354(5) CrPC/Section 393(5) BNSS violates Articles 14 and 21, and whether the three-Judge Bench decision in Deena upholding it should be reconsidered by a larger Bench.

Held. The Court held that the constitutionality of hanging under Section 354(5) CrPC stands settled by the three-Judge Bench in Deena v. Union of India (1983) 4 SCC 645, approved by a Constitution Bench in Shashi Nayar v. Union of India (1992) 1 SCC 96, so stare decisis barred a two-Judge Bench from departing absent a significant constitutional development, legislative amendment or cogent scientific evidence. It found no such material: the physical-suffering argument lacked unimpeachable scientific proof, lethal injection was shown to carry its own uncertainties and botched-execution risks, and the military-statute comparison (Army Act 1950, Air Force Act 1950, Navy Act 1957) was irrelevant as those govern a distinct class. Noting Parliament had consciously retained hanging in the BNSS despite the Law Commission's 187th Report, the Court declined to refer Deena to a larger Bench and dismissed the petition, clarifying that future scrutiny remains open if compelling evidence emerges and that the Executive may review the method as a policy matter.

6 Union of India v. Chidiebere Kingsley Nawchara Criminal Procedure

2026 INSC 870 · Sanjay Karol, J. · 17 August 2026

Issue. Whether bail under Section 37 NDPS was validly granted without a finding on both twin conditions, and what safeguards should govern bail for foreign nationals accused of commercial-quantity NDPS offences where sureties turn out to be fake.

Held. The Court held the impugned order failed Section 37 NDPS, which requires both that the Public Prosecutor be heard and that the Court find reasonable grounds the accused is not guilty and unlikely to reoffend, neither condition can substitute the other, and the High Court recorded no such satisfaction while ignoring the prior conviction attracting Section 31A. Since the accused violated bail conditions and absconded, the proceeding became one for cancellation and the bail stood cancelled. Invoking Article 142, and confining its directions to foreign nationals in commercial-quantity NDPS cases, the Court mandated deposit of passport, FRRO registration, two sureties, three-day physical re-verification of sureties, intimation to the accused's Embassy, a centralised surety database, departmental inquiry against officials who clear fake sureties, and insertion of Form 47A after Form 47 of the BNSS 2023.

7 Shailendra Kumar Patel v. State of Chhattisgarh Service / Admin

2026 INSC 902 · Sanjay Karol, Nongmeikapam Kotiswar Singh · 20 August 2026

Issue. Whether selection and recommendation by the Commission conferred an indefeasible right to appointment, and whether the State could independently reassess a candidate's eligibility after the Commission had found him eligible under Rule 10 of the Chhattisgarh State Universities Service Rules, 1983.

Held. The Court held that while a recommended candidate has no indefeasible right to appointment and the Appointing Authority retains ultimate discretion, that discretion is circumscribed by statute and must rest on lawful, non-arbitrary reasons, the burden lying on the State per Tej Prakash Pathak v. Rajasthan High Court, (2025) 2 SCC 1. Rule 10 of the Service Rules, 1983 attaches finality to the Commission's decision on eligibility, so the State could only verify genuineness of documents or a patent, demonstrable deficiency, not embark on an exhaustive de novo reassessment. The committee's report dated 28.06.2023 rested on materials already examined by the Commission, involved subjective grade-pay

comparisons with no indisputable criterion, and had no force of law. The Court set aside the impugned judgment, declared the Appellant eligible, and directed his appointment as Registrar with service benefits from the date others were appointed, save arrears till the provisional appointment of 10.04.2023.

8 Pramod Kumar Shukla v. State of Uttar Pradesh Criminal Procedure

2026 INSC 887 · Prashant Kumar Mishra, J.; N.V. Anjaria, J. · 19 August 2026

Issue. Whether rejection of an application under Section 156(3) of the Cr.PC operates as a final adjudication attracting res judicata so as to bar a subsequent FIR founded on the same or substantially similar allegations.

Held. An order under Section 156(3) of the Cr.PC merely directs, or declines to direct, investigation under Chapter XII and determines no right or liability, so its rejection lacks the character of a final adjudication on the merits and cannot attract res judicata. Relying on S.C. Garg v. State of Uttar Pradesh, the Court held res judicata applies in criminal matters only where the earlier proceeding culminated in a final adjudication (as in Pritam Singh, Bhagat Ram and Tarachand Jain), not in threshold or Section 482 proceedings (Devendra, Muskan Enterprises). Following Mahendri v. State of U.P. and the Constitution Bench in Lalita Kumari v. Government of Uttar Pradesh, the independent Section 154 duty to register an FIR disclosing a cognizable offence survives such rejection. Finding the FIR prima facie disclosed cognizable offences under the Bhajan Lal and Neeharika Infrastructure standard, the Court dismissed the appeal.

9 New India Assurance Co. Ltd. v. Louis Dreyfus Commodities India Pvt. Ltd. General

2026 INSC 876 · Sanjay Karol, J. and Nongmeikapam Kotiswar Singh, J. · 18 August 2026

Issue. Whether the insurer, in view of Section 64VB of the Insurance Act, 1938, was liable for a loss occurring when turnover had exceeded the insured amount and the additional premium was paid only after the incident, and whether a Divisional Manager's email could bind the insurer to extended cover.

Held. The Court held that Section 64VB of the Insurance Act, 1938 imposes a statutory embargo on assuming risk before premium is received, and permits no post facto regularisation, so the loss on 07.11.2010 was uncovered as additional premium was paid only on 17.12.2010, from which date the endorsement took effect. The Divisional Manager's email dated 17.05.2010 could not bind the appellants because company guidelines of 16.10.2006 restricted premium adjustment to downward only, and, applying Harshad J. Shah v. LIC of India (1997) 5 SCC 64, no actual or ostensible authority arose to enlarge cover against a clear directive. Estoppel could not operate against a statute (Shyam Telelink Ltd. v. Union of India (2010) 10 SCC 165), and in his concurrence Kotiswar Singh, J. examined Sections 182, 186-188, 226, 227, 237 and 196 of the Indian Contract Act, 1872 with Basanti Devi and Dilawari Exporters v. Alitalia Cargo (2010) 5 SCC 754 to hold ratification cannot defeat a mandatory statutory precondition. Both appeals were allowed.

10 Reena v. The Managing Director, Karnataka State Road Transport Corporation & Others General

2026 INSC 889 · S.V.N. Bhatti, J. & N.V. Anjaria, J. · 19 August 2026

Issue. Whether the High Court could infer 50% contributory negligence against the deceased Santro driver by discounting the FIR and chargesheet and reading the scene sketch in isolation, and whether the additional income evidence and enhanced compensation ought to be allowed.

Held. The Court held that FIR and chargesheet are valid, admissible prima facie evidence of rash and negligent driving in MACT proceedings and that a subsequent criminal acquittal, here only on benefit of doubt and not honourable, does not affect tortious liability under the MV Act, relying on ICICI Lombard General Insurance Co. Ltd. v. Rajani Sahoo & Ors. (2025) 2 SCC 599 and Mathew Alexander v. Mohd. Shafi & Anr. (2023) 13 SCC 510. It held that a scene sketch showing post-impact vehicle positions cannot alone establish contributory negligence, since the contact point rather than the drag marks is determinative, following Mangla Ram v. Oriental Insurance Co. Ltd. & Ors. (2018) 5 SCC 656 and Sunita & Ors. v. Rajasthan SRTC & Ors. (2020) 13 SCC 486. Invoking Order XLI Rule 27(1)(b) CPC and the beneficial character of the MV Act, it received the claimant's additional evidence, treated the deceased's realistic monthly income as Rs 70,000, applied a multiplier of 17 with 40% future prospects, and awarded Rs 50,81,876 with 6% interest, holding KSRTC exclusively liable.

11 Singapogu Babu Rao v. Special Deputy Collector (Land Acquisition) Civil / CPC

2026 INSC 888 · J.B. Pardiwala, J. & Manoj Misra, J. · 19 August 2026

Issue. Whether an apportionment dispute referred under Section 30 of the Act, 1894 could be resolved through a Lok Adalat, and whether Order I Rule 8 of the CPC or its principles applied to such proceedings.

Held. The Court held that apportionment among persons interested can be resolved only two ways: a Section 29 agreement requiring concurrence of all persons interested, or adjudication on a Section 30 reference to the civil court; a partial consensus excluding some claimants is no agreement, and Regulation 17(2) of the NALSA Lok Adalat Regulations, 2009 requires the parties in dispute to sign the award. Relying on G.H. Grant (Dr) v. State of Bihar, 1965 SCC OnLine SC 51 and Sharda Devi v. State of Bihar, (2003) 3 SCC 128, it held the Collector cannot finally adjudicate conflicting title to compensation, and an enjoyment survey captures only physical occupation, not legal title, following Gudala

Pentamma v. State of Telangana, 2026 SCC OnLine TS 6654 and Kottamula Mallaiah v. State of Telangana. Order I Rule 8 CPC presupposes a community of interest, so it cannot apply where the subject matter is contested between the claimants themselves; the impugned judgment was set aside and the reference remitted to the Principal District Judge, Khammam for de novo hearing within six months.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Taxation and Other Laws (Amendment) Act, 2026 receives Presidential assent.** Notified as Act No. 21 of 2026 in the Gazette of India (Extraordinary, Part II, Section 1) after the President assented on 17 August 2026. It replaces the 5 June 2026 ordinance, extends the income-tax exemption for foreign companies using contract manufacturers for electronics goods up to 2040-41, eases conditions for relocating fund managers to India, and exempts FPI interest/capital gains on G-Secs; deemed in force from 1 April 2026 except where a provision states otherwise. — [17 August 2026 · business-standard.com](#)
- **Payment and Settlement Systems (Amendment) Act, 2026 receives Presidential assent.** Assented on 17 August 2026 alongside the taxation amendment. It gives the Centre statutory power to redraw the zero-MDR (Merchant Discount Rate) framework on UPI and RuPay transactions, empowering the government to notify which payment modes or merchant categories fall outside MDR. Consumer-side UPI payments are to remain free, with any future MDR applying only to specified merchant categories decided by the NPCI-headed UPI and Services Steering Committee. — [17 August 2026 · econiti.org](#)

APPOINTMENTS & INSTITUTIONS

- **Supreme Court Collegium resolution (High Court judges):** 9 candidates recommended for three High Courts — In its meeting on 18 August 2026, the CJI-led Collegium resolved to recommend four advocates for the Orissa High Court, three judicial officers for the Chhattisgarh High Court, and two candidates (one advocate, one judicial officer) for the Gauhati High Court, totalling four judicial officers and five advocates. — [18 August 2026 · verdictum.in](#)

POLICY & JUSTICE ADMINISTRATION

- **Supreme Court's SAMADHAN SAMAROH 2026 Special Lok Adalat resolves 1,712 cases.** The three-day Special Lok Adalat held on 21, 22 and 23 August 2026 culminated the SAMADHAN (Supreme Court Action for Mediated Adjudication and Disputes Harmonization Across Nation) initiative launched by CJI Surya Kant on 21 April 2026. Of 3,285 listed matters, 1,664 were settled through Lok Adalat and 48 through mediation (1,712 total), with settlements worth about Rs 240.9 crore, promoting consensual, mediated dispute resolution. — [21-23 August 2026 · livelaw.in](#)

Clear Concepts — textbook revision of two core concepts**Staffing the District Judiciary: Articles 233 to 237**

Constitution

Articles 233–237, Constitution of India

Articles 233 to 237 are a self-contained code for staffing the district and subordinate judiciary, drafted to keep it clear of executive control. District judges are appointed by the Governor in consultation with the High Court (Art. 233); posts below them are filled under Art. 234 in consultation with the State Public Service Commission and the High Court; and Art. 235 vests full control over subordinate courts in the High Court.

Appointment of district judges (Art. 233).

- The Governor appoints, posts and promotes district judges in consultation with the High Court, and that consultation must be real, not an empty formality.
- Two channels feed the post: promotion of serving judicial officers, and direct recruitment from the Bar of advocates of at least seven years' standing recommended by the High Court.
- The seven years mean practice immediately preceding the application, not any stray spell in the past.
- Since Art. 236 reads 'district judge' to include Additional and Joint District Judges, their initial promotion also falls under Art. 233, not Art. 235.

Recruitment below, and control (Arts. 234–235).

- Art. 234: the Governor recruits other judicial officers under rules framed after consulting the State PSC and the High Court, whose view carries primacy.
- Art. 235: complete control over subordinate courts vests in the High Court, covering superintendence, transfers, posting, promotion and discipline.
- The High Court may inquire and impose minor penalties, but dismissal, removal or reduction rests with the Governor acting on the High Court's binding recommendation.
- A State legislature cannot bypass this scheme by ordinary statute or a reservation law (Bal Mukund Sah).

Definitions and the separation backbone (Arts. 236–237, 50).

- Art. 236 defines 'district judge' (sessions, city civil, additional and allied judges) and 'judicial service' as posts filled only by judicial officers up to district judge.
- Art. 237 lets the Governor extend Chapter VI to classes of magistrates, folding them into the judicial service under the High Court.
- The whole scheme puts into effect Art. 50's directive to separate the judiciary from the executive.
- This week's Bhumika Trust ruling reworks the minimum-practice bar for Civil Judge (Jr. Divn.) direct recruits, with a transitional regime and a permanent one-year-practice rule.

Leading cases.

- Chandra Mohan v. State of U.P. (1966) — object of Arts. 233–235 is judicial independence; appointing a district judge without consulting the High Court is void.
- High Court of Punjab & Haryana v. State of Haryana (1975) — consultation is real because the High Court alone knows the candidate's performance; confirmation is not 'appointment' under Art. 233.
- State of West Bengal v. Nripendra Nath Bagchi (1966) — 'control' in Art. 235 is exclusive and includes the sole power of disciplinary inquiry, to secure independence.
- State of Bihar v. Bal Mukund Sah (2000) — a State legislature cannot frame recruitment rules that override the Arts. 233–234 scheme.
- All India Judges Assn. v. Union of India (1992; rev. 2002) — raised retirement age to 60 and set a three-year Bar requirement, later withdrawn in 2002.

Exam tip. Fix the split clearly: Governor appoints and promotes district judges under Art. 233, but Art. 235 hands the High Court exclusive control over everyone below, with dismissal reserved to the Governor.

Withdrawal from Prosecution: Section 321 CrPC / Section 360 BNSS

Criminal Procedure (CrPC / BNSS)

Section 321 CrPC 1973 = Section 360 BNSS 2023

The provision lets the Public Prosecutor or Assistant Public Prosecutor in charge of a case withdraw from the prosecution of any person, but only with the consent of the court and at any time before judgment is pronounced. It is not a private favour to the accused: the prosecutor must apply an independent mind, and the court must satisfy itself that the withdrawal advances public justice rather than stifles a genuine case.

Who, when & the effect.

- Only the PP or Assistant PP actually in charge of the case may move to withdraw; there is no general power to withdraw any case at large.
- Withdrawal needs the court's consent and may be sought at any stage before judgment; a person appointed as PP solely to move the withdrawal is still competent (Sheonandan Paswan).
- If made before a charge is framed the accused is discharged; if made after charge (or where no charge is required) he is acquitted.
- BNSS Section 360 adds a proviso: no court shall allow withdrawal without first giving the victim an opportunity of being heard.

The twin duties: prosecutor and court.

- The PP must apply an independent mind and act as a limb of the justice process, not as a post office carrying out the Government's dictate, even at the cost of official displeasure.
- The Government may decide on and communicate a withdrawal, but the PP must independently scrutinise the grounds before applying.
- The court's function is supervisory, not a formal rubber stamp; consent is given only if public justice in the larger sense is promoted, not to throttle a legitimate prosecution.
- Consent cannot be granted on mere asking, and an order granting or refusing it is a revisable, non-interlocutory order.

Cases against legislators.

- A criminal case against an MLA or MP should ordinarily be allowed to continue on its own merits (Y. Rajaram Chander).
- Successive Government orders to shield a legislator from prosecution can amount to malice in law and in fact, and the court is right to refuse withdrawal.
- State of Karnataka v. Prathik Parasrampur (SC, 2026) reiterates this public-interest test and cautions against routine withdrawal of cases against public representatives.

Leading cases.

- State of Bihar v. Ram Naresh Pandey (1957) - Section 321 is an enabling provision; the stage of withdrawal fixes whether the result is discharge or acquittal.
- Subhash Chander v. State (1980) - the PP must exercise his own independent discretion as part of the judicial process, not as an extension of the executive.
- Rajender Kumar Jain v. State (1980) - a special power exercisable at any stage before judgment, independent of the court's power to try the accused.
- Abdul Karim v. State of Karnataka (2000) - the court's power is supervisory, yet consent must not be given on mere asking (Veerappan associates' cases set aside).
- Y. Rajaram Chander v. State of A.P. (2009) - withdrawal to protect an MLA charged with misappropriation rightly refused; the case must go on merits.

Exam tip. Fix the effect split in memory: withdrawal before charge means discharge (prosecution can revive), after charge means acquittal (bars retrial); and under BNSS Section 360 the victim's hearing is now mandatory.

Revision capsule — one-line recap of every ruling

- **State of Uttar Pradesh:** A nine-Judge Bench declined to overrule Bangalore Water Supply; the Triple Test for 'industry' under Section 2(j) of the Industrial Disputes Act 1947 remains the governing law, the plurality's reformulation being a prospective, non-binding opinion that leaves pending and concluded matters untouched.
- **Rishi Malhotra:** Two-Judge Bench declines to unsettle the three-Judge decision in Deena, approved by a Constitution Bench in Shashi Nayar; no cogent constitutional, scientific or empirical development shown; writ petition dismissed with no reference to a larger Bench.
- **Shiv Pratap Singh Alias Chinu:** The State Act creates no offence; it defines 'gang' and 'gangster' and punishes a status fixed by an executive Gang Chart under the Rules, so the penal statute is stillborn and the proceedings are quashed.

- **Bhumika Trust:** The 20.05.2025 restoration of three years' Bar practice for Civil Judge (Junior Division) eligibility is not recalled but modified on implementation; during the transitional period the three years may be made up of one year of deemed practice, one year of State Judicial Academy training and one year of supervised Law Clerkship, each counted as a year of practice.
- **Union of India:** Bail granted without recording satisfaction on both twin conditions of Section 37 NDPS is unsustainable; where the accused has absconded on fake sureties the grant stands cancelled and binding safeguards for foreign-national NDPS bail are laid down under Article 142.
- **The State of Karnataka:** Withdrawal of election-offence cases against candidates in an election cycle needs mandatory approval of the concerned High Court; seizures must be reported within 24 hours with written reasons showing prima facie nexus, and investigations should endeavour to conclude within a year.
- **Shailendra Kumar Patel:** Selection confers no infeasible right to appointment, but Rule 10 makes the Commission's eligibility decision final; the Appointing Authority may verify document genuineness or a patent deficiency yet cannot conduct a de novo eligibility inquiry and must refer any doubt back to the Commission.
- **Pramod Kumar Shukla:** Rejection of a Section 156(3) Cr.PC application is not an adjudication on the merits; it attracts no res judicata and cannot bar a later FIR disclosing a cognizable offence, the police duty under Section 154 surviving under Lalita Kumari.
- **New India Assurance Co. Ltd.:** Section 64VB bars post facto regularisation of insurance risk; premium paid weeks after the fire cannot revive coverage, and an agent's email against express company directives does not bind the insurer.
- **Reena:** High Court's 50 per cent contributory negligence finding is set aside and the Tribunal's finding of RW1's sole rash and negligent driving restored; a benefit-of-doubt acquittal does not displace the prima facie negligence shown by FIR and chargesheet, and additional evidence is received to fix just compensation at Rs 50,81,876.
- **Singapogu Babu Rao:** Lok Adalat awards apportioning compensation are void where all rival claimants were neither parties nor signatories; an enjoyment survey records only physical occupation and cannot fix entitlement to compensation; Order I Rule 8 CPC needs a common interest and cannot govern adverse rival claims.

Prelims Q&A — real past questions, with old→new code mapping

Q1. Which Article of the Constitution of India relates to appointment of district judges by the Governor of the State in consultation with the High Court:

- A. Article 233.
- B. Article 234.
- C. Article 235
- D. Article 236.

Ans: A. Article 233(1) provides that appointments of persons to be, and the posting and promotion of, district judges in any State shall be made by the Governor of the State in consultation with the High Court exercising jurisdiction in relation to that State. Article 234 covers recruitment of persons other than district judges; Article 235 gives the High Court control over subordinate courts. The Constitution is unchanged, so no old/new code mapping applies. [\[Karnataka Judiciary Prelims 2019\]](#)

Q2. The provisions regarding 'Recruitment of persons other than district judges to the judicial service' is found in which of these Articles of the Constitution of India?

- A. Article 233
- B. Article 233 A
- C. Article 234
- D. Article 237

Ans: C. Article 234 governs the recruitment of persons other than district judges to the judicial service of a State — such appointments are made by the Governor in accordance with rules made after consultation with the State Public Service Commission and the High Court. Article 233 deals with district judges; Article 233A validates certain appointments; Article 237 permits extension of these provisions to certain magistrates. Constitution unchanged; no code mapping. [\[Gujarat Judiciary Prelims 2022\]](#)

Q3. Consent to withdraw from the prosecution can be granted -

- A. only prior to the framing of the charges.
- B. only after the framing of the charges.
- C. only after the examination of witnesses.
- D. at any time before the judgement is pronounced.

Ans: D. The Public Prosecutor, with the court's consent, may withdraw from the prosecution of any person at any time before the judgment is pronounced. Old: s.321 CrPC, 1973 -> New: s.360 BNSS, 2023 (the provision is retained substantially unchanged). Withdrawal is therefore possible at any stage before pronouncement of judgment, not merely before or after framing of charge. [\[Kerala Judiciary Prelims 2016\]](#)

Q4. If the prosecution withdraws the prosecution against the accused in a case where a charge has already been framed,_____.

- A. accused shall be discharged.
- B. accused shall be acquitted.
- C. further proceedings shall be stopped.
- D. any one of the above.

Ans: B. On withdrawal from prosecution, if it is made before a charge is framed the accused is discharged; if it is made after the charge has been framed (or where no charge is required), the accused is acquitted. Since the charge here was already framed, the accused shall be acquitted. Old: s.321(b) CrPC, 1973 -> New: s.360(b) BNSS, 2023. [\[Karnataka Judiciary Prelims 2021\]](#)

Q5. The judgement of the supreme Court in Rattan Lal v. State of Punjab by the application of clause (1) of Article 20 of the Constitution of India holds that the said clause prevents retrospective operation of :

- A. Civil laws
- B. Civil as well as criminal laws
- C. Only those civil and criminal laws which provide undue advantage
- D. Only those criminal laws which are against the interest of the accused.

Ans: D. Article 20(1) embodies the rule against ex post facto criminal law (nullum crimen sine lege) — no person shall be convicted except for violation of a law in force at the time of the act, nor subjected to a greater penalty than was applicable then. In Rattan Lal v. State of Punjab (1965), the Supreme Court held that the bar operates only against criminal laws that are to the detriment of the accused; a beneficial/ameliorative ex post facto criminal law (there, the Probation of Offenders Act) can be applied retrospectively. Constitution unchanged; no code mapping. [\[Assam Judiciary Prelims 2023\]](#)

Q6. Under which section preliminary notification is issued for land acquisition under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013?

- A. Section 10
- B. Section 11
- C. Section 12
- D. Section 13

Ans: B. Section 11 of the RFCTLARR Act, 2013 provides for publication of the preliminary notification (and the Social Impact Assessment study) whenever land is proposed to be acquired — the counterpart of the old Section 4 notification under the repealed Land Acquisition Act, 1894. Under the 2013 Act the market value is determined under s.26, the parameters for the Collector's award under s.28, and solatium of 100% is added under s.30. The 2013 Act is current; no BNSS mapping applies. [\[Assam Judiciary Prelims 2022\]](#)

Q7. As per Schedule for compensation for third party fatal accidents under Section 163A of the Motor Vehicles Act, 1988 the amount of compensation arrived at, in consideration of the expenses, which a victim would have incurred, towards maintaining himself, had he been alive, shall be reduced

- A. 1/2
- B. 1/3
- C. 1/4
- D. 1/8

Ans: B. Under the Second Schedule to the Motor Vehicles Act, 1988 (structured-formula compensation under s.163A), the annual income of the deceased is reduced by one-third towards the personal and living expenses the victim would have incurred on himself had he been alive, before applying the multiplier. (Note: s.163A and its Second Schedule were omitted by the Motor Vehicles (Amendment) Act, 2019, which substituted a fixed-sum scheme under s.164; the 1/3rd deduction principle survives in fault-liability computations under s.166.) The correct answer as printed is 1/3. [\[Rajasthan Judiciary Prelims 2017\]](#)

Q8. is a general pardon

- A. Remission
- B. Reprieve
- C. Amnesty
- D. Suspension

Ans: C. Amnesty is a general pardon extended to a class or group of offenders, wiping out the offence itself. Remission reduces the quantum of sentence without changing its character; reprieve is a temporary stay of execution of a sentence (typically of death); suspension merely postpones execution of the sentence. The clemency powers are exercised by the President under Article 72 and the Governor under Article 161. Constitution unchanged; no code mapping. [\[Assam Judiciary Prelims 2015\]](#)

Q9. In *Pramod Kumar Shukla v. State of Uttar Pradesh* (2026), the Supreme Court held that the rejection of an earlier application under Section 156(3) CrPC does not bar the subsequent registration of an FIR disclosing a cognizable offence, principally because:

- A. the principle of res judicata has no application to criminal proceedings, and the police's statutory duty to register an FIR on information of a cognizable offence continues to operate.
- B. an order under Section 156(3) CrPC can only be reviewed by the High Court under Article 226.
- C. a second FIR on the same facts is always maintainable without any limitation.
- D. the rejection order automatically results in quashing of any later FIR under Section 482 CrPC.

Ans: A. The Court held that rejection of a Section 156(3) application does not extinguish the police's Lalita Kumari duty to register an FIR when information disclosing a cognizable offence is subsequently furnished, and that res judicata has no application in criminal proceedings; the FIR was therefore rightly not quashed under s.482. Old: s.156(3) CrPC, 1973 -> New: s.175(3) BNSS, 2023; Old: s.482 CrPC -> New: s.528 BNSS, 2023. **[This week's ruling: *Pramod Kumar Shukla v. State of U.P.* (2026 INSC 887)]**

Q10. In *State of Karnataka v. Prathik Parasrampur* (2026), the Supreme Court reaffirmed that Article 324 of the Constitution, in relation to the Election Commission of India, operates as:

- A. a 'reservoir of power' enabling the Commission to issue directions and fill the vacuum where the enacted law is silent, so as to ensure free and fair elections.
- B. a purely administrative provision conferring no independent power on the Commission.
- C. a power exercisable by the Commission only after Parliament first legislates on the subject.
- D. a provision confined solely to the delimitation of constituencies.

Ans: A. Following Mohinder Singh Gill and Kanhiya Lal Omar, the Court reiterated that the superintendence, direction and control of elections under Article 324(1) is a reservoir of residuary power that the Election Commission may draw upon, by issuing appropriate directions, wherever the law is silent — here, to curb the use of black money and unaccounted election expenditure and secure free and fair elections. Constitution unchanged; no code mapping. **[This week's ruling: *State of Karnataka v. Prathik Parasrampur* (2026 INSC 868)]**

Mains Q&A — real state mains questions, with model answers

Mains Q1. — Jharkhand Civil Judge Mains, 2015 · Criminal Law — Offences Against Property: Robbery and Dacoity

"In all robbery, there is either theft or extortion" explain and distinguish between robbery and dacoity. [10 Marks]

Section 390 of the Indian Penal Code, 1860 (now s.309 of the Bharatiya Nyaya Sanhita, 2023) opens with the very words the question quotes: "In all robbery there is either theft or extortion." The provision creates no wholly new offence; it marks robbery as an aggravated species of the two property offences that precede it, the aggravating feature being the presence of imminent violence or the fear of it. As the Supreme Court restated in *Venu v State of Karnataka* (2008), robbery is only an aggravated form of theft or extortion, and where there is no theft there can, as a natural corollary, be no robbery.

Theft (s.378, BNS s.303) becomes robbery when, for the end of committing the theft, or in committing it, or in carrying away the property, the offender voluntarily causes or attempts to cause death, hurt or wrongful restraint, or the fear of instant death, hurt or restraint. The words "for that end" are decisive, for the violence must be employed to accomplish or facilitate the theft; where an accused causes hurt merely to avoid capture after the taking is complete, the offence remains theft (*Kalio Kerio*). Extortion (s.383, BNS s.308) ripens into robbery only where the offender is present before the victim and, by putting him in fear of instant death, hurt or restraint, induces him then and there to part with the property. Illustration (d) draws the line finely: a demand of ransom for a child held by a distant gang is extortion, becoming robbery only if the victim is put in fear of instant harm. In *State of Maharashtra v Joseph Mingel Koli* (1997) the Court held that the several limbs of the section must be read conjointly, the violence being tied to one of the specified ends.

The unifying thread is thus the instant and present character of the force. This is why, in *State of Karnataka v Basavegowda*, a husband who dragged his wife to a forest and obtained her ornaments under a threat to kill was convicted of extortion and not robbery, the element of instant fear in his presence being the crucial ingredient of the graver offence.

Dacoity (s.391, punishable under s.395; BNS s.310) stands apart from robbery only in the number of offenders. When five or more persons conjointly commit or attempt to commit a robbery, or the persons committing together with those present and aiding number five or more, each commits dacoity. The gravity lies in the terror generated by numbers, which is why the law punishes it at four stages, from assembling (s.402) and preparation (s.399) to attempt and actual commission, an attempted dacoity being itself dacoity (*Shyam Behari*). The numerical floor is jurisdictional: where fewer than five are found to have participated the conviction for dacoity fails (*Debi*), though the presence of unidentified participants making up the five will sustain it (*Ghamandi*). Robbery, in the settled position, is theft or extortion sharpened by instant force, and dacoity is that same robbery multiplied into a collective menace.

Mains Q2. — Kerala Judicial Service Mains, 2020 · Evidence — Estoppel (Section 115, Evidence Act)

'A' intentionally and falsely leads 'B' to believe that certain land belongs to 'A' and thereby induces 'B' to buy the land. The land afterwards becomes the property of 'A' and 'A' seeks to set aside the sale on the ground that, at the time of the sale, he had no title. Explain the application of S.115 of the Evidence Act in deciding the issue?

The problem is nothing but Illustration (a) to Section 115 of the Indian Evidence Act, 1872 (now Section 121 of the Bharatiya Sakshya Adhiniyam, 2023), which codifies estoppel by representation, or estoppel in pais. The provision rests on the equitable principle, traceable to *Pickard v Sears* and settled for India by the Privy Council in *Sarat Chunder Dey v Gopal Chunder Laha*, that where a person by his declaration, act or omission has intentionally caused or permitted another to believe a thing to be true and to act on that belief, he shall not afterwards be allowed to deny its truth in a proceeding between them. A, having falsely asserted ownership and thereby induced B to buy and pay, is squarely within this rule.

The conditions for estoppel are satisfied. As explained in *Dhiyan Singh v Jugal Kishore* and *Gyarsi Bai v Dhansukh Lal*, there must be a representation of an existing fact by one party to another, the other must have believed it and been induced to act on it, and he must have altered his position to his detriment. A's assertion of title was a representation of present fact, not a promise of future intention; B, ignorant of the true state of affairs, believed it and parted with his money. B's want of knowledge of the real position is itself an ingredient of the plea.

Estoppel is a rule of evidence and not a cause of action or a source of title (*Low v Bouverie*). Its operation here is simply to shut A's mouth: he is disabled from proving his own want of title, which is precisely the ground on which he now seeks to escape the sale. That plea is therefore not open to him.

The added feature that the land afterwards became A's engages Section 43 of the Transfer of Property Act, the doctrine of feeding the grant by estoppel: where a transferor who has represented authority subsequently acquires the interest, the transfer operates on that after-acquired title at the transferee's option. Though estoppel by itself creates no interest in property, this is the recognised exception (*Banwari Lal v Sukhdarshan Dayal*), and B may hold A to the sale.

A is estopped; the sale stands and cannot be set aside.

Mains Q3. — Andhra Pradesh Judicial Service Mains, 2021 · Civil Procedure — Suits by Minors and Indigent Persons

(a) How is a suit to be filed with regard to a minor's property or rights? If it is not properly presented can it be returned? If not how can it be rejected? (b) Who is an indigent person as per CPC? How and when can such a person present a suit? (c) When can a Court reject an application to sue as an indigent person? (d) How can costs be recovered if a suit filed by an indigent person is decreed with costs? (4 x 2 1/2 = 10 Marks)

A minor cannot form the volition needed to prosecute litigation, so Order XXXII of the Code requires his interests to be watched by an adult. Rule 1 commands that every suit by a minor be instituted in his name through a person called his next friend, while a minor defendant is represented by a guardian ad litem appointed by the court under Rule 3; neither is himself a party to the suit. If a plaint is presented without a next friend the defect is not fatal but a mere irregularity, and Rule 2 lets the defendant apply to have the plaint taken off the file, with costs falling on the pleader who presented it, so that the minor may cure the defect and continue (*GL Kapoor v Ramesh Chander*). The minor is never non-suited at the threshold.

A curable formal defect, or presentation to a court lacking jurisdiction, attracts return of the plaint under Order VII Rule 10 for amendment or presentation to the proper forum; thus where a plaintiff is wrongly described as a minor the plaint is returned for amendment rather than dismissed (*Wali Mahamed v Ishakali*). Rejection, by contrast, is reserved for the graver defects catalogued in Order VII Rule 11, namely absence of a cause of action, undervaluation, insufficient stamping, or the suit being barred by law, and such rejection operates as a deemed decree.

Turning to indigency, Explanation I to Order XXXIII Rule 1 defines an indigent person as one not possessed of sufficient means, leaving out property exempt from attachment and the subject-matter of the suit itself, to pay the court-fee prescribed for the plaint, or, where no such fee is prescribed, one not entitled to property worth a thousand rupees. The settled test is capacity to raise money by lawful means, not bare possession. Such a person presents an application under Rule 2 carrying the particulars of a plaint with a schedule of property, duly verified; after inquiry into his means under Rule 1A and notice to the opposite party, and on permission being granted under Rule 8, the application is registered and deemed the plaint, and the suit proceeds without payment of court-fee.

The court shall reject the application under Rule 5 where it is not framed and presented as required, where the applicant is not indigent, where within two months he has fraudulently disposed of property, where there is no cause of action, where the subject-matter is subject to an agreement conferring an interest on another, or where the suit is barred by any law; refusal after a full inquiry with the opposite party present falls instead under Rule 7. Indigency, however, only postpones the fee. Where the suit is decreed with costs, the court-fee that would have been payable is computed under Rule 10, becomes a first charge on the subject-matter, and is recoverable by the State Government from the party directed by the decree to pay, the Collector realising it as an arrear of land revenue under Rule 14.

Mains Q4. — Assam Judicial Service Mains, 2023 · Contract — Lawful consideration and its exceptions (ss. 2(d), 10, 23, 25)

What is Lawful Consideration? Also explain its exemptions.

Consideration is the price for which the promise of the other is bought, and an agreement without it is, as a rule, a bare pact the law will not enforce. Section 2(d) of the Indian Contract Act, 1872 defines it as some act, abstinence or promise done at the desire of the promisor by the promisee or any other person. But mere consideration does not suffice; Section 10 insists that it be lawful, and Section 23 tells us when it is

not: a consideration is unlawful where it is forbidden by law, would defeat the provisions of any law, is fraudulent, involves injury to person or property, or is regarded by the court as immoral or opposed to public policy. Lawful consideration, therefore, is real value that the law is willing to countenance.

Its essentials repay attention. The act must move at the desire of the promisor, so that a benefit conferred at a stranger's instance founds no contract, as *Durga Prasad v. Baldeo* held where a market was raised at the Collector's, not the shopkeepers', request. Under Indian law consideration may proceed from the promisee or any other person, so that a stranger to the consideration may still sue, the point settled in *Chinnaya v. Ramayya*. It may be past, present or future, and by Explanation 2 to Section 25 need not be adequate, the courts insisting only that consideration exist and not weighing whether it is sufficient, echoing *Thomas v. Thomas* that motive must not be confounded with consideration.

The general rule is captured in Section 25, that an agreement made without consideration is void. The exemptions to which the question points are the exceptions carved by that section and elsewhere. Section 25(1) saves a written and registered promise made out of natural love and affection between parties standing in near relation; Section 25(2) upholds a promise to compensate for past voluntary service already rendered to the promisor; and Section 25(3) validates a written promise to pay a time-barred debt. To these the Act adds that no consideration is needed to create an agency under Section 185, while a completed gift, by Explanation 1 to Section 25, is not undone for want of consideration.

The settled position is thus twofold. A valid contract ordinarily demands consideration that is both present and lawful within Sections 2(d), 10 and 23; yet the law, recognising that natural affection, gratitude and honour also merit enforcement, exempts the defined categories under Section 25 from that requirement.

Prelims answer key: 1-A 2-C 3-D 4-B 5-D 6-B 7-B 8-C 9-A 10-A

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