

DECEMBER 2025

R. Selvaraj (Dead), through LRs. versus K.J. Prakash Kumar and others: 2025 INSC 1353-

Whether a judgment-debtor can challenge an auction sale, after it has been completed, on grounds, which could have been raised before the proclamation of sale under Order XXI?- HELD

Core Ruling

The Court held that under **Order XXI Rule 90(3)** of the [Code of Civil Procedure \(CPC\)](#), a judgment-debtor cannot challenge an auction sale after its completion on grounds they could have raised before the sale proclamation was drawn up.

Key Facts

- **The Dispute:** A property in Chennai was auctioned in 2002 to satisfy a money decree.
- **Procedural History:** The judgment-debtors had notice of the proceedings and even participated initially but failed to object to the progressive reduction of the "upset price" or the sale of the entire property instead of a portion.
- **High Court Intervention:** The Madras High Court had set aside the sale in 2009, ruling that the executing court failed its mandatory duty under [Order XXI Rule 66\(2\)\(a\)](#) to see if selling only a part of the property would suffice.

Supreme Court Findings

- **Statutory Bar:** The Court ruled that the mandatory bar in [Order XXI Rule 90\(3\)](#) is absolute. If a party has notice and remains silent, they are precluded from raising objections later.
- **Vigilance Required:** The law aids the vigilant, not those who sleep over their rights. Since the debtors were aware of the process and chose not to contest the sale terms at the appropriate stage, they could not invalidate the auction years later.

Outcome: Hon'ble Supreme Court allowed the appeal of the decree-holder (appellant) and set aside the High Court's order which had cancelled the auction sale. The judgmentdebtor's belated challenge to the sale was held to be barred under Order XXI Rule 90(3) CPC, since the ground could have been raised before proclamation.

Mohammad Hanif Mohammad Ibrahim Patel & Ors. Versus Pallaviben Rajendra Kumar Patel & Ors: 2025 INSC 1347-

Whether dismissal of a suit precludes the appellate court from granting interim relief pending appeal?- HELD

Facts of the Case: Appellants challenged two consent decrees alleging fraud. One suit was allowed, the other was dismissed. Against dismissal, appellants filed Regular Civil Appeal alongwith an application

seeking status quo. The appellate court rejected relief, holding dismissal barred interim protection, relying on Order XLI Rule 5 CPC. The Hon'ble High Court affirmed.

Key Rulings

- **Interim Relief Post-Dismissal:** The Court held it is legally incorrect to assume that once a suit is dismissed, no interim relief can be granted during a pending appeal.
- **Co-extensive Powers:** An appeal is considered a continuation of the original suit. Therefore, the appellate court's powers are co-extensive with the trial court's, including the discretion to protect a party's rights.
- **Misuse of Order XLI Rule 5:** The Supreme Court noted that lower courts wrongly relied on **Order XLI Rule 5 of the CPC**. This rule applies only to staying the execution of a decree, which is not applicable when a suit has been dismissed (as there is no decree to execute).
- **Discretionary Factors:** Appellate courts must independently assess the request for interim protection based on a **prima facie case, irreparable injury, and the balance of convenience**.

Outcome: Hon'ble Supreme Court allowed the appeal and the appellate court's refusal of interim relief was set aside.

Moideenkutty Versus Abraham George: 2025 INSC 1428-

Whether the seller's concealment of a material encumbrance (bank loan) on the property constituted fraud or misrepresentation justifying refund of the advance amount?-HELD

Facts: The dispute arose out of a contract to sell immovable property between Moideen kutty (appellant) and Abraham George (respondent). The plaintiff (Moideen kutty) had entered into an agreement and paid advance money for the sale. Later, it was discovered that the property was encumbered with a bank liability/loan, which had not been disclosed by the seller. This concealment of the bank encumbrance was the primary grievance raised by the buyer (appellant) in the civil suit.

Ratio Decidendi: Hon'ble Supreme Court held and observed that non-disclosure of material encumbrances on a property by a seller amounts to fraudulent concealment, justifying the plaintiff's right to rescind the contract or recover the advance. When a seller conceals a bank encumbrance that materially affects title/possession, the buyer is not at fault for not insisting upon original deeds in advance because the duty lies with the seller to disclose such encumbrances.

Outcome: Hon'ble Supreme Court allowed the plaintiff's appeal. The judgment and decree of the trial court directing the seller to refund amounts paid was restored.

K. S. Dinachandran Versus Shyla Joseph & Ors. : 2025 INSC 1451-

1. Whether the Will dated 26.3.1988, was duly executed and attested in compliance with section 63 of the Indian Succession Act and section 68 of the Indian Evidence Act?
2. Whether the discrepancies in the testimony of the sole available attesting witness (DW-2) vitiated the proof of the Will?
3. Whether the exclusion of one child from the bequest constituted a suspicious circumstance warranting a higher standard of proof?-HELD

Facts of the Case: A registered Will (Exhibit B2) has been executed on March 26, 1988, by N.S. Sreedharan, a bequeathing his properties to eight of his nine children. The plaintiff, Shyla Joseph (one daughter), was excluded. In 1990, the other siblings (defendants) filed an injunction suit against the plaintiff, producing a copy of the Will, which was decreed ex-parte. In 2011, the plaintiff filed a suit for partition, challenging the Will. The trial court and the High Court disbelieved the Will, primarily on grounds of inadequate attestation proof.

Key Rulings & Legal Principles

- **Curing Omissions in Testimony:** The Court ruled that material omissions made during the **examination-in-chief** (initial questioning) can be cured during **cross-examination**.
- **Probative Value of Leading Questions:** The Court held that answers elicited through **leading questions** in cross-examination do not lose their "probative value" just because of the nature of the question. If a witness affirms a positive suggestion during cross-examination, that evidence is valid for proving a document like a Will.
- **Testator's Wish is Supreme:** The Court emphasized that the "wish of the testator assumes pre-eminence". It stated that courts should not substitute their own views of "equity" for the clear intentions expressed by the person making the Will.
- **Standard of Proof:** The Court noted that the standard of proof for a Will that merely excludes one legal heir (in this case, a daughter who married outside the community) is less stringent than for a Will that divests all legal heirs.

Outcome

The Supreme Court **set aside** the concurrent findings of the Trial Court and the Kerala High Court, which had previously invalidated the 1988 Will due to perceived gaps in the attesting witness's testimony. The Court upheld the Will, thereby dismissing the daughter's suit for partition.

Danesh Singh & Ors. Versus Har Pyari (Dead) Thr. Lrs. & Ors.: 2025 INSC 1434-

1. Whether a separate civil suit is maintainable to challenge a confirmed auction sale under execution proceedings?

2. Whether the doctrine of lis pendens (Section 52, Transfer of Property Act) applies to transferees who purchase property during pendency of a suit for money recovery backed by mortgage?-HELD

Key Rulings

- **Expansion of Lis Pendens:** The Court held that the doctrine under [Section 52 of the Transfer of Property Act, 1882](#) applies not only to property title suits but also to **money recovery suits where the debt is secured by a mortgage**.
- **Ex Parte Proceedings:** The bar on property transfer during litigation operates even if the proceedings are **ex parte** (in the absence of one party).
- **Bar on Separate Suits:** A separate civil suit challenging a confirmed auction sale is barred under [Order XXI Rule 92\(3\) of the CPC](#); the appropriate remedy for third parties or transferees lies under [Section 47 of the CPC](#).
- **Rights of Pendente Lite Purchasers:** Individuals who purchase mortgaged property during the pendency of a suit are considered "representatives" of the judgment debtor and are bound by the eventual decree and execution.

Case Background

The dispute originated from a 1970 tractor loan mortgage. After the bank obtained a recovery decree, the property was auctioned in 1988. The respondents, who had purchased portions of the land while the suit was pending (pendente lite), filed a separate suit to challenge the auction. The Supreme Court ultimately ruled that their purchase was hit by lis pendens and their separate suit was not maintainable.

Outcome: Hon'ble Supreme Court allowed the appeal of the appellants and set aside the High Court's judgment. It held the separate suit was non-maintainable and auction sale valid as respondents were pendente lite transferees bound by the decree.

LATEST CASES: CRIMINAL

Jai Balaji Industries Ltd. v. M/s HEG Ltd.: 2025 INSC –HELD

Brief Facts The complainant, M/s HEG Ltd., received a cheque from Jai Balaji Industries Ltd. drawn on a bank in Kolkata. The complaint was earlier filed in Kolkata but was returned by the Magistrate Court to be presented at Bhopal, where the payee's bank account was maintained. The accused challenged the jurisdiction of the Bhopal court, arguing that the Kolkata court should have jurisdiction as the drawee bank was located there.

Ratio of Judgment The Supreme Court held that after the 2015 amendment, the Explanation to Section 142(2)(a) of the Negotiable Instruments Act provides a deeming fiction: jurisdiction lies with the court within whose local limits the payee's home branch is situated, not the drawee bank's location. The Court rejected the "place of presentation" theory and upheld the "payee's account branch" theory, emphasizing legislative intent for a single, certain forum to prevent forum shopping and inconvenience to the accused.

The Apex Court transferred the complaint from Bhopal, to Kolkata as the complaint had already advanced to evidence recording stage in Kolkata in a peculiar case.

Yogendra Pal Singh v. Raghvendra Singh Alias Prince : 2025 INSC 1367- HELD

Brief Facts The deceased, Aastha @ Saarika, died within four months of marriage due to Aluminium Phosphide poisoning. The dying declarations were made to her father and sister, and relatives consistently testified about dowry-related cruelty. The post-mortem report noted an abrasion suggestive of restraint, and the FSL confirmed poisoning. The High Court granted bail, which was challenged by the father of deceased before the Supreme Court.

Key Findings & Legal Principles

- **Mandatory Presumption:** The Court emphasized that when an unnatural death occurs within seven years of marriage following dowry-related cruelty, the [statutory presumption under Section 113B of the Evidence Act](#) (now Section 118 of the Bharatiya Sakshya Adhinyam) must be strictly applied.
- **Judicial Duty:** It ruled that [granting bail mechanically](#) in such "heinous crimes" without considering the gravity and prima facie evidence (like dying declarations or forensic reports) undermines public confidence in justice.
- **"Commercial Transaction":** The bench observed that marriage is a "sacred institution" and should not be [reduced to a commercial bargain](#) driven by greed.
- **Locus Standi:** The judgment reaffirmed that the [complainant-father is an "aggrieved person"](#) competent to seek the cancellation of a legally flawed bail order.

Case Context

The deceased, Aastha (alias Saarika), died in June 2023 under suspicious circumstances. Forensic reports later confirmed **aluminium phosphide poisoning**, corroborating allegations that she was harassed for dowry (specifically a luxury car) and forced to consume a "smelly substance". The Supreme Court directed the husband to [surrender forthwith](#) to custody

Sagar v. State of UP:2025 INSC 1370 – HELD

Facts The appellant complainant and his parents were, for matters unrelated to the accused, on their way to the land of one Ravindra, then allegedly, the accused persons namely Suresh Pal, Rajveer, Saurav, Aditya, Prince, and Bijendra, armed with pistols came forward to block their way and prevent them from proceeding further. The respondent accused Rajveer came forward and threatened them to the effect that they would all, particularly Sonveer, be taught a lesson for opposing them. Suresh Pal, then instigated the accused Aditya to shoot Sonveer, which he did, and the bullet hit him on the chest below the shoulder, making him fall to the ground and meet his end. The High Court granted bail to Rajveer, relying solely on the ground of parity as another coaccused, Suresh Pal, had earlier been granted bail. The Supreme Court set aside the order and noted that Rajveer's alleged role as an instigator was materially different from that of Suresh Pal.

Core Principles Established

- **Assessment of Individual Role:** Courts must evaluate the specific role, nature of involvement, and culpability of each accused individually, rather than applying a blanket rule for everyone named in the same FIR.
- **The "Position" Clincher:** The Court defined "parity" as equality of position. It noted that "position" in a crime is not just being part of the same offence but refers to the actual acts performed (e.g., an instigator vs. a bystander).
- **Reasoned Orders are Mandatory:** The Supreme Court set aside orders from the Allahabad High Court for being "non-speaking" (lacking reasoning). It emphasized that even if reasons are brief, they must reflect an application of mind regarding the gravity of the offence and the evidence.
- **Bail vs. Jail Balance:** While reiterating that "bail is the rule and jail is the exception," the Court cautioned that this principle does not allow for the disregard of circumstances in serious crimes like murder.

Case Context

The case involved a murder (Sections 302, 147, 148, 149 of the IPC) where the High Court had granted bail to multiple accused (Rajveer and Prince) primarily because a co-accused (Suresh Pal) had already been granted bail. The Supreme Court **cancelled these bail orders** and directed the accused to surrender, remanding the matter back to the High Court for a fresh, reasoned consideration.

Suresh Sahu v. State of Bihar (Now Jharkhand): 2025 INSC 1382-HELD

Brief Facts The appellants were accused of murder, and the trial and High Court had convicted them under Section 302/34 IPC. The prosecution relied on certain circumstances, but the statements recorded under Section 313 CrPC were found to be defective, merely reproducing the charge and not conveying the specific incriminating circumstances to the accused. Additionally, the prosecution failed to examine material witnesses named in the FIR, and the courts below disregarded testimony that could have helped the defense.

Key Rulings & Legal Principles

The judgment, delivered by a Bench of **Justice Vikram Nath** and **Justice Sandeep Mehta**, emphasized three critical aspects of criminal trial fairness:

- **Defective Examination Under Section 313 CrPC:** The Court ruled that the trial court failed to put specific incriminating circumstances to the accused. Such mechanical questioning violates a substantive right of the accused and can vitiate the entire trial.
- **Unreliable Oral Dying Declaration:** The prosecution's claim of an oral dying declaration was rejected. Medical evidence showed the deceased had suffered grave cranial injuries, making it impossible for him to have spoken.

- **Evidentiary Value of Defence Witnesses:** The Court reiterated that testimony from defence witnesses carries the same evidentiary weight as that of prosecution witnesses. In this case, defence witnesses (originally named by the prosecution but not examined by them) provided testimony that undermined the prosecution's version.
- **Suppression of First Information:** The Court noted that the initial [Fardbeyan](#) (recorded immediately after the incident) did not name the accused, and a subsequent report with embellishments was used instead. The non-examination of the Investigating Officer who recorded these reports was deemed fatal to the prosecution's case.

Case Outcome

The Supreme Court set aside the judgments of the trial court and the Jharkhand High Court, granting the appellants the **benefit of doubt** and ordering their immediate acquittal.

K.P. Kirankumar @ Kiran v. State by Peenya Police: 2025 INSC 1473-HELD

Brief Facts The appellant and his wife were accused of running a prostitution racket using a minor girl (aged 16 years and 6 months). An FIR was lodged after a decoy operation, and cash and incriminating articles were recovered from the premises. The prosecution proved that the appellant received money for permitting sexual intercourse with the minor. Both the Trial Court and High Court convicted the appellants, and the appeal was filed before the Supreme Court.

Core Legal Principles

The judgment established crucial, victim-centric guidelines for handling trafficking cases:

- **Victim Testimony:** Minor victims of sex trafficking are recognized as "injured witnesses," allowing their testimony alone to support a conviction without needing independent corroboration.
- **Sensitive Evaluation:** Courts are directed to evaluate evidence with sensitivity, recognizing the trauma of victims, rather than rejecting testimony over minor inconsistencies.
- **Age Proof:** School records are reaffirmed as the primary, conclusive evidence of age, taking precedence over medical or ossification tests.
- **Procedural Fairness:** Minor, non-prejudicial irregularities in procedures, such as those under ITPA section 15(2), do not automatically invalidate the case.

Case Background

Following a 2010 police raid in Bengaluru, a minor girl was rescued, leading to charges against the accused under the IPC and ITPA. After the trial court convicted the accused in 2013 and the Karnataka High Court upheld the decision in early 2025, the Supreme Court confirmed the conviction, concluding the legal process.

Kiran v. State of Karnataka: 2025 INSC 1453 –HELD

Key Findings & Legal Principles

- **Sentencing Authority:** The Court ruled that **Sessions Courts (trial courts) lack the power** to direct that a life sentence be served for the "remainder of natural life" without the possibility of remission.
- **Constitutional Limits:** Only **Constitutional Courts** (the Supreme Court and High Courts) have the authority to impose special categories of sentences that bypass statutory remission to bridge the gap between a 14-year life term and the death penalty.
- **Statutory Set-off:** The Court held that a trial court cannot deny an accused the **benefit of set-off** under **Section 428 of the CrPC** (or Section 468 of the BNSS) for the period of detention undergone during the investigation or trial.

Case Background & Outcome

- **The Crime:** The appellant, Kiran, was convicted of murdering a widow (a relative by marriage) by setting her ablaze after she resisted his sexual advances on January 1, 2014.
- **Evidence:** Despite key witnesses turning hostile, the conviction was upheld based on **reliable and medically certified dying declarations**.
- **Modified Sentence:** While the Supreme Court confirmed the murder conviction, it **modified the sentence**. It set aside the trial court's order of "life till natural death" and restored the appellant's right to seek **remission or commutation** in accordance with government policy and law.

Bharat Mittal v. State of Rajasthan: 2025 INSC 1459-HELD

The Supreme Court of India addressed the controversial issue of whether a **convicted director** or authorised signatory of a company can be ordered to make a pre-deposit under **Section 148** of the [Negotiable Instruments Act, 1881](#) (NI Act).

Key Takeaways

- **The Issue:** The central question was whether the term "**drawer**" in Section 148 is limited to the company itself or includes directors who are held vicariously liable under Section 141 for the dishonour of a cheque.
- **Court's Reasoning:** The Court favoured a "**purposive construction**" of the statute. It noted that the 2018 Amendment aimed to prevent dilatory tactics by appellants and ensure restitution for complainants. Restricting the deposit requirement only to the company (which might be in liquidation) would create an "illogical gap" allowing convicted individuals to avoid accountability.
- **Ruling on Mandatory Deposit:** The Court held that Section 148 is generally mandatory. Appellate courts can direct a convicted director to deposit **at least 20% of the compensation** even if the company is not before the court (e.g., due to liquidation).
- **Limited Discretion:** While mandatory, appellate courts retain a narrow discretion to grant exemptions in "exceptional circumstances," but these reasons must be explicitly recorded.

- **Reference to Larger Bench:** Due to conflicting interpretations in earlier jurisprudence (notably whether a director strictly fits the technical definition of "drawer"), the Supreme Court [referred this specific legal question to a Larger Bench](#) for a final, authoritative determination.

Case Background

- The appellant, **Bharat Mittal**, was a director of **M/s Shiv Mahima Ispat Pvt. Ltd.**
- He was convicted under Section 138 of the NI Act, sentenced to two years in prison, and ordered to pay **₹8.10 crore** in compensation.
- The appellate court stayed his sentence on the condition of a **20% deposit**, which he challenged on the grounds that the company had been wound up and he was not the "drawer"

Shaik Shabuddin v. State of Telangana: 2025 INSC 1449-HELD

The Supreme Court of India clarified critical procedural and substantive requirements regarding evidence and sentencing in cases involving gang rape, murder, and the SC/ST Act.

Key Rulings

- **Section 27 Evidence Act (Recoveries):** The Court held that items found on the body of an accused at the time of arrest or voluntarily handed over during a police check cannot be treated as valid "recoveries" under [Section 27 of the Evidence Act](#). For this section to apply, the discovery must lead to hidden or concealed objects based on information provided by the accused.
- **SC/ST Act & Mens Rea:** The Court [set aside](#) convictions under the [SC/ST \(Prevention of Atrocities\) Act](#), ruling that mere proof of the victim's caste is insufficient. The prosecution must establish that the accused had actual knowledge of the victim's caste and committed the offence based on that knowledge.
- **Modification of Sentence:** While upholding the convictions for rape ([Section 376D IPC](#)) and murder (Section 302 IPC) based on circumstantial evidence like DNA and bloodstains, the Court modified the [sentence](#) from life imprisonment for the remainder of natural life to a **fixed term of 25 years without remission**.
- **Legal Aid Direction:** Noticing that two other co-accused had not filed appeals, the Supreme Court directed the **Telangana Legal Services Authority** to provide them with legal assistance to approach the Court.

Case Background

The case involved the 2019 gang rape and murder of a female utensil hawker near Yellapatar Village. The Trial Court had originally awarded the death penalty, which was later commuted to life imprisonment without remission by the High Court of Telangana

Jothi @ Nagajothi v. State: 2025 INSC1417-HELD

Key Findings & Legal Principles

- **Procedural Lapses Not Always Fatal:** The Court ruled that minor procedural irregularities, such as sampling at the site of seizure rather than before a Magistrate (as per Section 52-A), do not automatically invalidate a case if the **chain of custody** remains intact and the evidence is reliable.
- **Independent Witnesses:** The absence of independent witnesses during the search and seizure is not a ground to discard prosecution evidence if the testimony of official witnesses is consistent and inspires confidence.
- **Mandatory Minimum Sentence:** The Court clarified that it has no discretion to reduce a sentence below the **statutory minimum** (10 years for commercial quantities) based on humanitarian grounds like the appellant's age or family responsibilities.
- **Remission:** While the Court cannot reduce the sentence, the appellant was granted liberty to seek **executive remission** through appropriate authorities.

Conclusion

The Supreme Court [dismissed the appeal](#), affirming the concurrent findings of the Trial Court and the Madras High Court that the prosecution had proved the case of conscious possession of 23.5 kg of ganja beyond reasonable doubt.

Neeraj Kumar @ Neeraj Yadav v. State of U.P.: 2025 INSC 1386 –HELD

The Supreme Court of India set aside orders from the Trial Court and Allahabad High Court, clarifying critical standards for [summoning additional accused](#) under **Section 319 of the CrPC** and the admissibility of [dying declarations](#).

Key Rulings & Principles

- **Imminence of Death Not Required:** The Court ruled that for a statement to be a valid "dying declaration" under Section 32(1) of the Evidence Act, the maker does **not** need to be under the immediate expectation or "shadow of death" at the time of recording.
- **Section 161 Statements as Evidence:** Statements recorded by the police under Section 161 CrPC can be treated as [dying declarations](#) once the declarant dies, provided they relate to the cause or circumstances of death.
- **No "Mini-Trial" at Summoning Stage:** The Court emphasized that under Section 319 CrPC, judges should not conduct a ["mini-trial"](#) by meticulously weighing evidence or testing witness credibility. The standard is whether a **prima facie case** exists that is stronger than mere probability but lower than what is required for conviction.
- **Procedural Formalities:** The absence of a Magistrate or a doctor's fitness certification does not automatically render a dying declaration inadmissible; these factors only go to the weight of the evidence during the final trial.

Case Background

The case involved the shooting of a woman, Smt. Nishi, allegedly by her husband at the instigation of her in-laws.

- **The Statements:** Before her death two months later, the victim gave two video-recorded statements to the police. In the second, she specifically named her mother-in-law, brother-in-law, and another relative as [instigators](#).
- **The Lower Courts:** Both the Trial Court and the High Court had refused to summon these relatives, arguing the statements weren't dying declarations due to the time lapse and discrediting a minor witness's testimony.
- **Final Order:** The Supreme Court [allowed the appeal](#), directed the in-laws to be summoned as additional accused, and ordered the trial to be expedited, with a scheduled appearance on **January 8, 2026**

Bal Kumar Patel @ Raj Kumar v. State of U.P: 2025 INSC 1378 –HELD

Brief Facts The appellant, a former MP, faced criminal charges. The State Government decided to withdraw the prosecution and directed the Public Prosecutor to file an application under Section 321 CrPC before the Trial Court. However, the State did not seek prior permission from the High Court as mandated by Ashwini Kumar Upadhyay's case. The Trial Court refused to allow withdrawal and gave the State 30 days to comply, but the permission was not sought. The appellant then filed a petition under Section 482 CrPC for quashing the proceedings, which was rejected by the High Court.

Ratio of Judgment The Supreme Court held that prior High Court permission is an indispensable prerequisite for withdrawal of prosecution against MPs/MLAs, as established in Ashwini Kumar Upadhyay's case. The Court emphasized that this is not a mere technicality but a substantive procedural safeguard to prevent arbitrary or politically motivated withdrawals. Since the mandatory step was not taken, the appeals were dismissed, and the High Court's refusal to quash the proceedings was upheld. The Court clarified that the appellant could still raise legal defences during trial or in a discharge application, but the procedural requirement could not be bypassed.

The State of West Bengal v. Anil Kumar Dey: 2025 INSC 1413-HELD

Brief Facts The respondent, was under investigation for corruption. The police froze his bank accounts under Section 102 CrPC. The respondent challenged the freezing, arguing that only judicial attachment under Section 18A PC Act was valid. The Calcutta High Court set aside the freezing order, relying on Ratan Babulal Lath v. State of Karnataka, which held that only Section 18A PC Act procedures apply. The State appealed to the Supreme Court.

Ratio of Judgment The Supreme Court held that Section 102 CrPC (investigative seizure) and Section 18A PC Act (judicial attachment) are distinct powers, neither mutually exclusive nor inconsistent. The Court reasoned that Section 102 CrPC allows police to freeze property as part of investigation, while Section 18A PC Act governs later judicial attachment and confiscation. The Court distinguished between

passing observations and binding ratio in earlier judgments, holding that Ratan Babulal Lath did not lay down a binding principle against using Section 102 CrPC in PC Act cases. The Supreme Court allowed the State's appeal, upheld the freezing order, the Court clarified that investigative authorities (the police) are duly authorized to seize or freeze bank accounts when proceedings are initiated under the corruption act.

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