2025 INSC 1260

Reportable

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. ..... OF 2025
[@ SLP (Crl.) No. 6238 of 2024]

State of Kerala **… Appellant**

versus

Suni @ Sunil **… Respondent**

WITH

CRIMINAL APPEAL NOs. ..... OF 2025
[@ SLP (Crl.) Nos. 8223-8224 of 2025]

J U D G M E N T

SANJAY KUMAR, J

1. Leave granted.

2. In ***Maktool Singh vs. State of Punjab***[1], this Court had observed that precision and brevity are generally the hallmarks of legislative draftsmanship. The cases on hand, however, bear testimony to how laxity in such draftsmanship can generate and be a source of litigation.

3. The issue presently is as to how the offence under Section 195A of the erstwhile Indian Penal Code, 1860 (IPC), has to be construed and dealt with. Section 195A IPC reads as follows: -

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1 (1999) 3 SCC 321

> **'Section 195A – Threatening any person to give false evidence. -**
>
> Whoever threatens another with any injury to his person, reputation or property or to the person or reputation of any one in whom that person is interested, with intent to cause that person to give false evidence shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both;
>
> and if innocent person is convicted and sentenced in consequence of such false evidence, with death or imprisonment for more than seven years, the person who threatens shall be punished with the same punishment and sentence in the same manner and to the same extent such innocent person is punished and sentenced.**'**

4. This offence was introduced in the IPC with effect from 16.04.2006, *vide* Act No. 2 of 2006. It found place in Chapter XI, titled 'Of false evidence and offences against public justice'. Section 191 was the first provision in this chapter and was titled 'Giving false evidence'. It stated that, whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence. Section 192 IPC defined 'Fabricating false evidence' and Section 193 IPC provided the punishment therefor. It reads thus:

> **'193. Punishment for false evidence. -**
>
> Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;
>
> and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.**'**

5. The offences under paras 1 and 2 of Section 193 IPC were both non-cognizable, as reflected in the First Schedule to the erstwhile Code of Criminal Procedure, 1973 (CrPC). The offence under para 1 was triable by a Magistrate of First Class while the offence under para 2 thereof was triable by any Magistrate. Both the offences were bailable.

6. Section 194 IPC dealt with 'Giving or fabricating false evidence with intent to procure conviction of capital offence' and it reads as under: -

> **'194. Giving or fabricating false evidence with intent to procure conviction of capital offence.** - Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital by the law for the time being in force in India shall be punished with imprisonment for life, or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine;
> **if innocent person be thereby convicted and executed.** - and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.**'**

The offences under para 1 and para 2 above were also non-cognizable and they were both triable by a Court of Sessions. Further, both offences were non-bailable.

7. Section 195 IPC dealt with giving or fabricating false evidence with intent to procure conviction of offence punishable with imprisonment for life or imprisonment for a term of seven years or upwards. This offence was non-cognizable, non-bailable and was triable by a Court of Sessions.

8. Sections 196 to 200 IPC dealt with other facets of perjury, i.e., using evidence known to be false; issuing or signing a false certificate; using as

true a certificate known to be false; false statement made in declaration which is by law receivable as evidence; and using as true such declaration knowing it to be false. All these offences were punishable in the same manner as if the person convicted therefor gave/fabricated false evidence. All these offences were also non-cognizable.

9. Parallelly, Section 195 CrPC was titled 'Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence'. For the purposes of these cases, Section 195(1)(b)(i) CrPC is of relevance. It reads thus: -

> **'195. Prosecution for contempt of lawful authority of public servants, for offences against public justice and for offences relating to documents given in evidence.** –
> (1) No Court shall take cognizance -
> (a) …
> (b) (i) of any offence punishable under any of the following sections of the Indian Penal Code (45 of 1860), namely, sections 193 to 196 (both inclusive), 199, 200, 205 to 211 (both inclusive) and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, or.....
> (ii) …
> (iii) …
>
> except on the complaint in writing of that Court or by such officer of the Court as that Court may authorise in writing in this behalf, or of some other Court to which that Court is subordinate.
> (2) ……..'

10. Therefore, as per the scheme of Section 195(1)(b)(i) CrPC, an offence punishable under Sections 193 to 196 (both inclusive) could not be taken cognizance of by a Court, when such offence was alleged to have been committed in, or in relation to, any proceeding in any Court,

except on the complaint in writing of that Court or by such officer of that Court, as may be authorized by that Court in writing in that behalf, or of some other Court to which that Court is subordinate.

11. The procedure to be followed in such cases was detailed in Section 340 CrPC. This provision reads as under: -

> **'340. Procedure in cases mentioned in section 195.-**
>
> (1) When upon an application made to it in this behalf or otherwise, any Court is of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in clause (b) of Sub-Section (1) of section 195, which appears to have been committed in or in relation to a proceeding in that Court or, as the case may be, in respect of a document produced or given in evidence in a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary;-
>
> a. record a finding to that effect;
> b. make a complaint thereof in writing;
> c. send it to a Magistrate of the first class having jurisdiction;
> d. take sufficient security for the appearance for the accused before such Magistrate, or if the alleged offence is non-bailable and the Court thinks it necessary so to do, send the accused in custody to such Magistrate; and
> e. bind over any person to appear and give evidence before such Magistrate.
>
> (2) The power conferred on a Court by sub-section (1) in respect of an offence may, in any case where that Court has neither made a complaint under sub-section (1) in respect of that offence nor rejected an application for the making of such complaint, be exercised by the Court to which such former Court is subordinate within the meaning of sub-section (4) of section 195.
>
> (3) A complaint made under this section shall be signed, -
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> (a) where the Court making the complaint is a High Court, by such officer of the Court as the Court may appoint;
>
> (b) in any other case, by the presiding officer of the Court or by such officer of the Court as the Court may authorise in writing in this behalf.
>
> (4) In this section, "Court" has the same meaning as in section 195."

12. It is clear from a plain reading of the aforestated provision that if, upon receiving an application, any Court is of the opinion that an inquiry should be made into the offences referred to in Section 195(1)(b) CrPC, which appear to have been committed in, or in relation to, a proceeding in that Court or in respect of a document produced or given in evidence in a proceeding in that Court it may, after such preliminary inquiry, if any, as it thinks fit, record a finding to that effect and make a complaint thereof in writing to a jurisdictional Magistrate of First Class.

13. Now, a look at more general provisions which are also of relevance. The word 'Complaint' was defined by Section 2(d) CrPC to mean any allegation made orally or in writing to a Magistrate, with a view to his taking action under the CrPC, that some person, whether known or unknown, has committed an offence, but did not include a police report. The *Explanation* appended thereto, however, clarified that a report made by a police officer in a case which disclosed, after investigation, the commission of a non-cognizable offence shall be deemed to be a complaint; and the police officer by whom such report was made shall be deemed to be the complainant.

14. 'Cognizable offence', as defined by Section 2(c) CrPC, meant an offence for which, and 'cognizable case' meant a case in which, a police officer may, in accordance with the First Schedule thereto or under any other law for the time being in force, arrest without warrant. A

'non-cognizable offence', as defined by Section 2(l) CrPC, meant an offence for which, and 'non-cognizable case' meant a case in which, a police officer had no authority to arrest without warrant.

15. Section 154 CrPC dealt with information being given of the commission of a cognizable offence and how it was to be processed. Section 155 CrPC dealt with how information as to commission of a non-cognizable case was to be processed and investigated. Section 156 CrPC dealt with a police officer's power to investigate a cognizable case. These provisions, to the extent relevant, read as under: -

> **'154. Information in cognizable cases. -**
>
> (1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.
>
> Provided that …… :
>
> Provided further that -……
>
> (2) A copy of the information as recorded under Sub-Section (1) shall be given forthwith, free of cost, to the informant.
>
> (3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in Sub-Section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.

155. Information as to non-cognizable cases and investigation of such cases. -

(1) When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer, the informant to the Magistrate.

(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.

(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case.

(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.'

156. Police officer's power to investigate cognizable case. -

(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

(2) No proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.

16. The above provisions make it clear that the procedure to be followed apropos a cognizable offence is vastly different from the procedure relating to a non-cognizable offence - in the context of how information as to commission of such offence is to be dealt with and how it is to be investigated. When information as to commission of a non-cognizable offence is given to a jurisdictional police officer, he must record the same

in the manner prescribed and refer the informant to a Magistrate. Section 155(2) CrPC makes it clear that a non-cognizable case cannot even be investigated without the order of a Magistrate having power to try such case or commit it for trial. It is only after receipt of such order that a police officer can exercise the same powers in respect of investigation, except the power to arrest without warrant, as an officer in charge of a police station may exercise in relation to a cognizable case.

17. This being the scheme obtaining at the time that Section 195A IPC came to be inserted in the statute book, the issue is as to how the offence thereunder is to be dealt with. The conundrum arises due to the fact that Section 195(1)(b)(i) CrPC remained unchanged even after insertion of Section 195A IPC. As noted earlier, Section 195(1)(b)(i) CrPC stated that offences punishable under Sections 193 IPC to 196 IPC (both inclusive) could not be taken cognizance of until a complaint in writing was made by the Court concerned or by an officer authorized by that Court or by a superior Court. Section 195A IPC, introduced in 2006, obviously fell between Sections 193 IPC to 196 IPC but the issue is whether the same procedure would apply to the offence thereunder.

18. Notably, in ***Salib alias Shalu alias Salim vs. State of Uttar Pradesh and others***[2], this Court found, on facts, that the ingredients to constitute

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2 (2023) 20 SCC 194

an offence under Section 195A IPC were not made out and, therefore, while noting that the said offence was a cognizable one whereby a police officer would have the power to investigate it, the question as to whether Section 195 CrPC would apply to that offence was left open.

19. Pertinent to note, when Section 195A IPC was inserted in the statute book in the year 2006, an amendment was also made in the First Schedule to the CrPC, inserting Section 195A IPC therein, specifically categorizing it as a 'cognizable offence', unlike the offences under Sections 193 IPC, 194 IPC, 195 IPC and 196 IPC, which were shown as non-cognizable offences. Significantly, an amendment was also made in Section 195(1) of the CrPC by the very same Act No. 2 of 2006, with effect from 16.04.2006, whereby the phrase 'or by such officer of the Court as that Court may authorise in writing in this behalf', came to be inserted in addition to the existing 'except on the complaint in writing of that Court, or of some other Court to which that Court is subordinate'. Unfortunately, while making this amendment in Section 195(1) CrPC, the lawmakers did not deem it necessary to clarify whether the offence under Section 195A IPC was to be treated as an exception to the procedure prescribed for the other offences, referred to in Section 195(1)(b)(i) CrPC, by excluding it specifically from the ambit thereof. However, in the year 2009, Section 195A CrPC was introduced in the statute with effect from 31.12.2009, *vide* Act No. 5 of 2009. This provision reads as under: -

> **'195A. Procedure for witnesses in case of threatening, etc.-**
>
> A witness or any other person may file a complaint in relation to an offence under section 195A of the Indian Penal Code (45 of 1860).'

20. This provision made it clear that a witness or any other person could file a complaint about commission of an offence under Section 195A IPC. This procedure was demonstrably dichotomous with the procedure under Section 195(1)(b)(i) CrPC, as the offences enumerated thereunder required the complaint to be made only by the Court concerned or by an officer authorized by that Court or by a superior Court. In that scenario, there was no possibility of any other person making a complaint independently. Section 195A CrPC made it manifest that this was not the case with an offence under Section 195A IPC!

21. The ticklish issue of Section 195A IPC has troubled several High Courts resulting in contradictory and inconsistent views. In ***Rahul Yadav vs. State and another***[3], a learned Judge of the Delhi High Court observed that the offence under Section 195A IPC was a cognizable one and, therefore, it was within the power of the police officer concerned to register an FIR. The learned Judge observed that Section 195A CrPC only provided an additional remedy of filing a complaint in relation to the offence punishable under Section 195A IPC but it did not declare the offence under Section 195A IPC to be a non-cognizable offence.

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3 2018 SCC OnLine Del 8271

22. In ***Abdul Razzak vs. State of M.P. and another***[4], a learned Judge of the Madhya Pradesh High Court affirmed and followed the view taken in ***Rahul Yadav*** *(supra).* On similar lines, in ***Homnath Niroula vs. State of West Bengal***[5], a learned Judge of the Calcutta High Court observed that the restriction imposed on procedure under Section 195(1)(b)(i) CrPC was not applicable to cases arising under Section 195A IPC. Again, in ***Ramlal Dhakad and others vs. The State of Madhya Pradesh***[6], a learned Judge of the Madhya Pradesh High Court noted that the act of threatening a person with the intention of making him give false evidence constituted an offence under Section 195A IPC and actual false evidence being given in Court, pursuant to such threat, is not the requirement. The action of the police officer in registering an FIR in relation to the offence under Section 195A IPC was, accordingly, held to be lawful and valid.

23. On the contrary, in ***Neput Rajiyung @ Action Dimasa @ Miput Rajiyung vs. State of Assam and another***[7], a learned Judge of the Gauhati High Court opined that a separate procedure is laid down in Sections 195 CrPC, 340 CrPC and 195A CrPC for launching prosecution in relation to certain cognizable offences, including the offence of witness threatening under Section 195A IPC. The learned Judge concluded that

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4 2023 SCC OnLine MP 7152 = ILR 2024 MP 1067
5 2024 SCC OnLine Cal 7323
6 MCRC No. 31316 of 2020, decided on 22.01.2024
7 (2023) 6 Gauhati Law Reports 302

prosecution under Section 195A IPC can be launched by a witness or any other person only by way of a complaint before a Magistrate and not by way of an FIR before a police officer. This view was followed by a learned Judge of the Madhya Pradesh High Court in ***Sazid vs. State of Madhya Pradesh***[8].

24. In the cases on hand also, the High Courts of Kerala and Karnataka proceeded under the assumption that the procedure under Section 195(1)(b)(i) CrPC was required to be followed in the context of an offence committed under Section 195A IPC.

In the appeal arising out of SLP (Crl.) No. 6238 of 2024, the officer-in-charge of Koratty Police Station, Thrissur Rural, registered FIR No. 1062 dated 05.12.2022 under Section 195A IPC read with Section 120(o) of the Kerala Police Act, 2011. The offence alleged was that the *de facto* complainant, who had turned approver in a murder case, was threatened with dire consequences if he failed to give false evidence. The accused in that FIR applied for bail on the ground that due procedure was not followed in connection with the registration of the offence. A learned Judge of the Kerala High Court held that the procedure under Section 195(1)(b)(i) CrPC had to be followed and granted him bail, by order dated 04.04.2023. Aggrieved thereby, the State of Kerala is before us.

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8 2022 SCC OnLine MP 4583

The appeals arising out of SLP (Crl.) Nos. 8223-8224 of 2025 assail separate orders dated 22.01.2025 passed by a learned Judge of the Karnataka High Court in Criminal Petition No. 11719 of 2023 and Criminal Revision Petition No.123 of 2023 respectively. Crime No. 135 of 2016 was registered on 15.06.2016 in relation to the killing of one Yogesh Goudar. This case was entrusted by the Government of Karnataka to the Central Bureau of Investigation (CBI). During the course of investigation, the CBI found that the charge-sheeted accused were not the ones who had executed Yogesh Goudar and submitted its own chargesheet naming different accused. Thereafter, the CBI found that some witnesses were intimidated by those accused prior to examination before the Court and, as a result, they had turned hostile. The CBI then brought the same to the notice of the learned Principal Civil Judge & Principal Judicial Magistrate (First Class), Dharwad, which was treated as a complaint under Section 195A CrPC, and cognizance was taken, *vide* order dated 04.12.2020. Assailing the said order, one of the accused approached the High Court under Section 482 CrPC in Criminal Petition No. 11719 of 2023 complaining of procedural irregularity. Another accused in that FIR filed a discharge petition under Section 227 CrPC but the same was dismissed by the learned LXXXI Additional City Civil and Sessions Judge, Bengaluru, *vide* order dated 14.07.2022. Aggrieved thereby, the said accused filed a revision petition in Criminal Revision Petition No.123 of 2023.

By separate orders dated 22.01.2025 passed in the two cases, a learned Judge of the Karnataka High Court set aside the orders dated 04.12.2020 and 14.07.2022 on the ground that the procedure under Section 195(1)(b)(i) CrPC was not followed. The cognizance order dated 04.12.2020 was set aside along with the order dated 14.07.2022 and the petitioner in Criminal Revision Petition No.123 of 2023 was discharged from the array of accused. Hence, these appeals by the CBI.

25. The learned senior counsel appearing for the accused sought to rely upon the decision of this Court in ***Union of India vs. Ashok Kumar Sharma and others***[9]. We find such reliance to be misconceived, as that was a case arising in a different statutory milieu under the Drugs and Cosmetics Act, 1940. Section 32 thereof dealt with cognizance of offences under Chapter IV and stated that such prosecution could be initiated only by the persons/entities named therein. In that context, this Court held that a police officer could not register an FIR under Section 154 CrPC in relation to offences under Chapter IV, as only the persons mentioned in Section 32 could initiate prosecution for such offences. The scheme of that statute being entirely different, this decision has no relevance.

26. The further argument of the learned senior counsel is that the offence under Section 195A IPC should be split up into two. His argument

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9 (2021) 12 SCC 674

requires the provision to be interpreted in such a manner as to create two categories of offences, that is, if the offence under Section 195A IPC is committed in or in relation to a proceeding before the Court, then the complaint would have to be made by the Court under Section 195(1)(b)(i) CrPC duly following the procedure under Section 340 CrPC. However, if the offence under Section 195A IPC is committed not in, or in relation to, a proceeding before the Court, then Section 195(1)(b)(i) CrPC would not be applicable so the Court cannot make a complaint in relation thereto and it is for the victim of such offence to then file a complaint under Section 195A CrPC. We find no merit in this argument as it practically requires us to rewrite the provision contrary to how it actually reads.

27. We may note, at this stage, that the shortfalls and lack of lucidity in the statute do not constitute *casus omissus*, i.e., 'a case of omission'. It is well settled that it is not permissible for the Court to apply the doctrine of *casus omissus* where the language of a statute is clear and unambiguous as the words used by the statue speak for themselves and it is not the function of the Court to add words or expressions merely to suit what the Court thinks is the intent of the legislature [See ***S.R. Bommai vs. Union of India***[10]]. As pointed out by a Constitution Bench in ***Nathi Devi vs. Radha Devi Gupta***[11], while interpreting a statute, effort should be made

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10 (1994) 3 SCC 1
11 (2005) 2 SCC 271

to give effect to each and every word used by the legislature and a construction which attributes redundancy to the legislature should not be accepted except for compelling reasons, such as obvious drafting errors. However, in a situation where it is not an instance of *casus omissus* by the draftsman of the legislation and there are ample means to gather the clear intention of the lawmakers, the statutory provisions which are seemingly lacking in clarity, but are actually not so, can be synchronized so as to give effect to the legislation as intended, without the Court venturing into the realm of legislative drafting. Such an exercise would only require harmonious construction of the provisions so as to give full effect to the legislation.

28. From the statutory scheme, as set out *supra*, it is clear that Section 195A IPC was conceptualized as an offence distinct and different from those under Sections 193 IPC, 194 IPC, 195 IPC and 196 IPC. Those offences require a complaint to be made only by those named in Section 195(1)(b)(i) CrPC and they were all non-cognizable offences. However, an offence under Section 195A IPC was a cognizable offence and pertained to inducing a person to give false evidence by intimidating him/her with threat of injury either to his/her person or reputation or property or to the person or reputation of anyone in whom that person is interested. The threat to a witness may be given long before he comes to the Court though the giving of false evidence, under such threat, is in

connection with a proceeding before that Court. That is, perhaps, the reason why this offence was made cognizable so that the threatened witness or other person may take immediate steps by either giving oral information of the commission of this cognizable offence to the concerned police officer, under Section 154 CrPC, or by making a complaint to a jurisdictional Magistrate, under Section 195A CrPC, so as to set the process of criminal law in motion. Requiring that person to go before the Court concerned, i.e., the Court in which the proceeding is pending in relation to which false evidence is to be given, and inform it about the threat received, thereby necessitating a complaint under Section 195(1)(b)(i) along with an inquiry under Section 340 CrPC, would only cripple and hamper the process.

29. Section 195A CrPC, therefore, aimed at bringing clarity to the issue. The threatened witness or other person could approach the police or file a complaint in relation to an offence under Section 195A IPC so that the process relating to cognizable offences could commence immediately. The use of the word 'may' in Section 195A CrPC indicates that it is not compulsory for a threatened witness or other person to only approach the Magistrate concerned to complain of the offence under Section 195A IPC. Given the scheme and structure of both the statutes, i.e., the IPC and the CrPC, in the context of the offence under Section 195A IPC, we are not persuaded by the argument that the word 'may' in Section 195A CrPC

should be read as 'shall'. The undeniable fact remains that the offence under Section 195A IPC is a cognizable offence and once that is so, the power of the police to take action in relation thereto under Sections 154 CrPC and 156 CrPC cannot be doubted. As the said offence is classified as a cognizable offence, the process of criminal law can as well be set in motion by giving information of the commission of such offence to the concerned police officer under Section 154 CrPC. It is only by way of an additional remedy that Section 195A CrPC permits the threatened witness or any other person acting on his behalf to file a complaint before the jurisdictional Magistrate to set the process of criminal law in motion. This aspect has already been touched upon by this Court, though in the passing, in ***Salib*** (*supra*). This, in our considered opinion, is the proper and correct method of construing and giving effect to the relevant provisions in relation to an offence under Section 195A IPC.

30. In the result, the interpretation placed upon such provisions by the learned Judges of the Kerala and Karnataka High Courts is held to be erroneous and unsustainable.

In consequence, the order dated 04.04.2023 passed by the Kerala High Court in B.A. No. 556 of 2023 is set aside and the bail granted to the accused, Suni @ Sunil, is set aside. He shall surrender before the Trial Court within two weeks. However, as bail was granted to him only on the limited ground of the procedure under Section 195(1)(b)(i) CrPC not being

followed, which we have held to be incorrect, this order shall not preclude him from seeking bail afresh on other grounds, if warranted.

The orders dated 22.01.2025 passed by the Karnataka High Court in Criminal Petition No. 11719 of 2023 and Criminal Revision Petition No. 123 of 2023 respectively are set aside. In consequence, the cognizance order dated 04.12.2020 passed by the learned Principal Civil Judge & Principal Judicial Magistrate (First Class), Dharwad, shall stand restored. Further, the dismissal of the discharge application filed by the petitioner in Criminal Revision Petition No. 123 of 2023, Sri Basayya Thirakaya Hiremath, by the learned LXXXI Additional City Civil and Sessions Judge, Bengaluru, *vide* order dated 14.07.2022, shall also stand restored.

The appeals are, accordingly, allowed.

……..J
[SANJAY KUMAR]

……..J
[ALOK ARADHE]

New Delhi;
October 28, 2025.