Cassie

TUESDAY
18 AUGUST 2026

DAILY

Court Digest

The day's most significant judgments from India's courts.

IN TODAY'S DIGEST

- Section 319 CrPC requires strong cogent evidence : P&H HC
- PoCSO | S.164 statement with parent-interpreter is admissible; needs no special educator : Delhi HHC
- S.34 limitation starts on S.33 disposal, not award date : Delhi HC
- Speedy-trial right can override S.37 NDPS bail bar : P&H HC

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Supreme Court

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KEEP SWIPING >>>

Criminal Issues

SUPREME COURT

Withdrawal of election prosecutions requires mandatory High Court approval

The dispute. The State of Karnataka challenged the quashing of an FIR registered in 2014 against respondent Prathik Parasrampuria for allegedly holding Rs 20.48 lakh in cash for voter bribery during the Bellary Lok Sabha bye-election. The Supreme Court took up the matter as a public interest petition and, after appointing amici curiae, delivered comprehensive directions on 17 August 2026.

The reasoning. The Court held that the Election Commission's powers under Article 324 are wide but not plenary and must operate within the statutory framework.

For your practice. Any application to withdraw an election-related prosecution must now be placed before the appropriate High Court; the five-point public-interest test from Ajith governs.

The order. The Court directed seizure reports within 24 hours, completion of investigations within one year of FIR registration, quarterly reports to the Election Commission, forwarding of cash above Rs 10 lakh to Income Tax authorities.

§ Section 321, Code of Criminal Procedure, 1973

THE STATE OF KARNATAKA vs PRATHIK PARASRAMPURIA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	17.08.2026	SLP(Crl) No.-003549-003549 - 2016	2026 INSC 868

BENCH

Sanjay Karol

Criminal Issues
Bail, Arrest & Custody Issues

SUPREME COURT

Bail under NDPS Act void where sureties are fictitious, court orders arrest

The dispute. Chidiebere Kingsley Nawchara, a Nigerian national, was arrested at Mumbai airport in March 2023 after approximately 5 kg of heroin was seized. The Union filed an SLP and the Supreme Court stayed the bail in September 2025, directed arrest and a look-out notice.

The reasoning. Section 37 of the NDPS Act requires the court to record its satisfaction that there are reasonable grounds to believe the accused is not guilty before granting bail in commercial-quantity cases; the bail order here recorded no such satisfaction.

> *The impugned order, on its own showing, does not record the satisfaction mandated under Section 37(1)(b)(ii) of the NDPS Act.*
>
> FROM THE JUDGMENT

For your practice. For every NDPS bail application involving a foreign national, surety identity must now be verified against Aadhaar, PAN, employment and bank records within three working days.

The order. The Court cancelled the bail order of 5 May 2025, directed the immediate arrest of the respondent, forfeited the surety bond, ordered deposit of the respondent's passport with the investigating agency, issued a non-bailable warrant.

§ **Section 37, Narcotic Drugs and Psychotropic Substances Act, 1985**

UNION OF INDIA vs CHIDIEBERE KINGSLEY NAWCHARA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	17.08.2026	Crl.A. No.-003878-003878 - 2026	2026:INSC:870

BENCH
Sanjay Karol, Augustine George Masih

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

SUPREME COURT

Ten-percent arbitration pre-deposit clause referred to larger bench on Article 14 grounds

The dispute. M/S Santosh Associate Private Limited, a contractor awarded a Rs 5.14 crore storm-water drainage contract by HSIIDC Gurugram, refused to deposit 10% of its claim as required by Clause 25-A(vii) before invoking arbitration. The contractor's SLP reached the Supreme Court, which on 17 August 2026 set aside the Commercial Court's order and referred the matter to a larger bench.

The reasoning. The Court observed that the 10% deposit is more onerous than the 7% upheld in S.K. Jain and appears to lack a direct nexus to deterring frivolous claims, potentially suppressing legitimate access to arbitration.

For your practice. Any arbitration clause imposing a pre-deposit solely on one party is now under active constitutional challenge.

The order. The Commercial Court's order dismissing the appeal was set aside. Six questions were formulated on constitutionality, statutory compliance with Section 18, and arbitral policy.

§ **Section 18, Arbitration & Conciliation Act, 1996**

M/S SANTOSH ASSOCIATE PRIVATE LIMITED vs HARYANA STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	17.08.2026	SLP(C) No.-031245 - 2025	2026 INSC 872

BENCH
Ahsanuddin Amanullah

High Courts

7 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Sexual Offences, POCSO & Domestic Crimes

DELHI HC

Section 164 statement with parent-interpreter is admissible; PoCSO needs no special educator

The dispute. Shankar Singh was convicted of confining and sexually assaulting an eleven-year-old girl at his jhuggi in Delhi on 27 June 2017. The trial court convicted Singh and sentenced him to twelve years rigorous imprisonment; he appealed to the Delhi High Court.

The reasoning. A Section 164 statement loses no admissibility merely because a parent assists as interpreter, since the Oaths Act goes to credibility not competency.

> *The testimony of a witness to whom oath was not administered is as good as that of a witness to whom oath had been administered. The Oaths Act does not deal with competency.*
>
> FROM THE JUDGMENT

For your practice. Defence challenges to child-witness statements should now target credibility and the interpreter's actual competence, not the parent-interpreter rule.

The order. Appeal dismissed. Conviction and sentence confirmed: twelve years rigorous imprisonment plus a fine of Rs 12,000 (one month default) for the PoCSO offence.

§ **Section 6, Protection of Children from Sexual Offences Act, 2012**

SHANKAR SINGH vs STATE OF NCT OF DELHI

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	17.08.2026	CRL.A.-662/2025	2026:DHC:6705	Chandrasekharan Sudha

Criminal Issues
Bail, Arrest & Custody Issues

PUNJAB AND HARYANA HC

Section 319 CrPC requires strong cogent evidence

The dispute. The petitioner sought summoning of two additional accused, Jagjeet and Sudesh, in a case of assault and intimidation under Sections 323, 341 and 506 IPC and the SC/ST Act. The Additional Sessions Judge, Jhajjar, dismissed the application to summon both.

The reasoning. The power to summon additional accused under Section 319 CrPC is extraordinary and requires evidence stronger than a prima facie case; allegations named specifically in the FIR and reiterated in examination-in-chief satisfy the threshold.

For your practice. Lawyers must now substantiate any Section 319 application with specific, contemporaneous allegations recorded in the FIR or witness testimony. Mere presence at the scene or post-FIR statements without corroboration will not suffice, limiting courts' discretion and ensuring that only truly culpable persons are summoned as additional accused.

The order. The Court modified the order dated 04.12.2019, directing that respondent No.2 Jagjeet be summoned as an additional accused under Section 319 CrPC, while dismissing the request to summon respondent No.3 Sudesh. The petition was partly allowed and the trial court shall proceed against Jagjeet in accordance with law.

§ **Section 319, Code of Criminal Procedure, 1973**

ANIRUDH vs STATE OF HARYANA & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	17.08.2026	CRR/37/2020	Manisha Batra

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Section 34 limitation runs from disposal of Section 33 application, even a sham one

The dispute. Delhi Metro Rail Corporation contested a majority arbitral award issued in February 2024 arising from a civil works contract with HCC Samsung JV. DMRC filed a Section 33 application on 22 March 2024; after the Tribunal rejected it on 3 June 2024, DMRC filed its Section 34 petition on 29 August 2024. The Single Judge dismissed the OMP as time-barred, holding that the limitation ran from the award date.

The reasoning. Section 34(3) provides that where a Section 33 request is made, the limitation runs from the date that request is disposed; the word 'disposed' covers any final decision including a dismissal, not only corrections that succeed.

For your practice. Calculate the three-month window for a Section 34 petition from the date the Tribunal disposes of any Section 33 application, not from the award date.

The order. The Division Bench set aside the Single Judge's order of 20 February 2025, held the Section 34 petition was within time, reinstated the OMP, and ordered DMRC to pay punitive costs of Rs 5,00,000 to HCC Samsung JV within twelve weeks.

§ Section 34, Arbitration and Conciliation Act, 1996

DELHI METRO RAIL CORPORATION LTD. vs HCC SAMSUNG JV

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	17.08.2026	FAO(OS) (COMM)-74/2025	2026:DHC:6743-DB

BENCH
C. Hari Shankar, Om Prakash Shukla

Criminal Issues
NDPS, Arms Act & Misc. Serious Offences

PUNJAB AND HARYANA HC

Article 21 speedy-trial right overrides Section 37 NDPS bail bar where evidence is thin

The dispute. Gurkirpal Singh was arrested on 9 April 2026 after co-accused named him as the supplier of 503 grams of heroin seized in Sirsa on 13 March 2026. No contraband was recovered from him; the only incriminating material was a co-accused's disclosure statement and Rs 5,000 in cash. Singh applied for regular bail under Section 483 BNSS before the Punjab and Haryana High Court.

The reasoning. The right to a speedy trial under Article 21 is not eclipsed by the nature of the offence, and Section 37 NDPS must yield where the prosecution offers no independent corroboration beyond a co-accused's disclosure.

> *The right to a speedy trial, enshrined under Article 21 of the Constitution, is not eclipsed by the nature of the offence.*
>
> FROM THE JUDGMENT

For your practice. In NDPS cases where no contraband is recovered from the accused, a bail application should lead with Article 21 delay, absence of independent evidence.

The order. Regular bail granted. Singh to furnish surety bonds as directed by the Chief Judicial Magistrate and comply with seven conditions: non-interference with witnesses, filing residential address and passport details within 48 hours.

§ Section 37, Narcotic Drugs and Psychotropic Substances Act, 1985

GURKIRPAL SINGH vs STATE OF HARYANA

COURT	DECIDED	CASE NO.	CITATION
Punjab and Haryana High Court	17.08.2026	CRM-M/39516/2026	2026:PHHC:113334

BENCH
Virinder Aggarwal

Property & Asset Disputes
Property Ownership, Title, Registration, Mutation, Division

BOMBAY HC

Collector cannot condition registration of a consent decree on society's No-Objection

The dispute. Sanjay and Rachna Narang obtained a consent decree in December 2022 conveying a shop and restaurant at 143 Marine Drive, Mumbai. The petitioners challenged the Collector's demand by writ petition before the Bombay High Court.

The reasoning. A consent decree that expressly operates as a conveyance satisfies Section 17 of the Registration Act, and no further condition may be grafted onto it.

> *The Respondent No. 2 - Collector should have notified the transfer fee as prescribed to enable registration of the Consent Decree.*
>
> FROM THE JUDGMENT

For your practice. Registration of a conveyance decree cannot be stalled by a co-operative society's objection; the Collector's role is limited to notifying the transfer fee.

The order. Writ petition allowed. The Collector must decide the petitioners' application dated 22 August 2024 without insisting on a No-Objection from the society, allowing the Sub-Registrar to register the consent decree dated 16 December 2022.

§ Section 17, Registration Act, 1908

SANJAY NARANG vs JOINT SUB-REGISTRAR CITY NO. 1 OF ASSURANCE MUMBAI

COURT	DECIDED	CASE NO.	BENCH
Bombay High Court	17.08.2026	WP/5225/2024	Suman Shyam, Advait M. Sethna

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

International commercial arbitration awards are immune from patent illegality challenge

The dispute. Ratnagiri Gas and Power Pvt. Ltd., a NTPC-GAIL joint venture, sold naphtha to Dinowic Pte Ltd. under a contract requiring strict lifting schedules secured by letter of credit. RGPPL challenged the 2019 award before the Delhi High Court under Section 34, contending the arbitrator erred on waiver, interest and the Contract Act.

The reasoning. Section 34 review of international commercial arbitral awards is confined to the narrow public-policy exception; patent illegality, which is a ground for domestic awards under the 2015 amendment, does not apply.

For your practice. Lawyers must now recognize that challenges to international commercial awards cannot rely on patent illegality or re-appraisal of waiver findings. Drafting arbitration clauses should anticipate that courts will defer to arbitrators on contractual interpretation and procedural matters, limiting grounds for judicial review to the narrow public-policy exception.

The order. The Court dismissed the petition filed by Ratnagiri Gas and Power Pvt. Ltd. under Section 34 of the Arbitration Act. No award was set aside; the arbitral award dated 03 September 2019 stands. Consequently, the respondent's claim for refund of USD 714,760.74 with simple interest at 6 % per annum from 17 June 2014 remains enforceable. No monetary relief, costs, or deadlines were imposed on either party.

§ **Section 34, Arbitration and Conciliation Act, 1996 (as amended 2015)**

RATNAGIRI GAS AND POWER PVT. LTD vs DINOWIC PTE LTD

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	17.08.2026	O.M.P. (COMM)-534/2019	2026:DHC:6806	Mini Pushkarna



ALLAHABAD HC

Consumer & Service Problems
Overcharging, Hidden Fees & Billing Disputes

Execution orders of District Consumer Forum are appealable before State Commission

The dispute. State Bank of India challenged a recovery warrant issued against it in execution of a 2017 consumer forum award directing payment of Rs 74,200 plus interest on a fixed deposit dispute. The bank filed a writ petition before the Allahabad High Court challenging the execution order.

The reasoning. An order passed by a District Consumer Forum in execution proceedings is an order of the Forum within the meaning of Section 15 of the Consumer Protection Act, 1986, and is therefore appealable before the State Consumer Commission.

For your practice. Practitioners must now file an appeal under Section 15 to the State Consumer Commission when challenging execution orders of a District Forum, rather than resorting to a revision petition, ensuring compliance with the statutory hierarchy and avoiding dismissal on maintainability grounds.

The order. No monetary award; the writ petition is dismissed as non-maintainable. The petitioner is granted liberty to file an appeal before the State Consumer Commission against the order dated 12 September 2025. No costs or further directions were specified.

§ Section 15, Consumer Protection Act, 1986

State Bank Of India vs Smt. Meena Singh & ors.

COURT
Allahabad High Court

DECIDED
17.08.2026

CASE NO.
WRIT - C No. - 40280 of 2025

BENCH
Saral Srivastava, Sudhanshu Chauhan

Tribunals

2 judgments in this edition

KEEP SWIPING →

Contracts & Business Disputes

NCLAT

Committee of Creditors may reverse plan approval and order liquidation before NCLT confirmation

The dispute. M/S Micro Turners had its resolution plan approved by the Committee of Creditors in April 2019 for Laxmi Precision Screws, but the plan offered workers only 54.42% of statutory dues. The NCLT dismissed the appellant's applications to extend the CIRP and set aside the CoC's rejection, directing liquidation.

The reasoning. The Tribunal held that the CoC's commercial wisdom in rejecting a resolution plan and opting for liquidation is non-justiciable, provided the adjudicating authority has not yet confirmed the plan.

For your practice. Resolution applicants must secure NCLT confirmation before treating a CoC-approved plan as binding.

The order. Appeal dismissed. The NCLT's liquidation order of 13 May 2024 is upheld. The CoC's rejection of the resolution plan is confirmed as a lawful exercise of commercial discretion.

§ Section 53, Insolvency and Bankruptcy Code, 2016

M/S. Micro Turners vs Committee Of Creditors Of M/S Lakshmi ...

COURT
National Company Law Appellate Tribunal

DECIDED
17.08.2026

CASE NO.
Company Appeal (AT) (INS) 1973/2024

BENCH
Yogesh Khanna, Ajai Das Mehrotra

Judgment

ITAT

Interest on bank deposits is deductible under Section 80P(2)(a)(i) for credit co-operatives

The dispute. Sri Gayathri Credit Co-operative Society, Hassan, placed surplus funds with the District Central Co-operative Bank and earned Rs 26.42 lakh in interest during AY 2017-18, claiming deduction of Rs 29.42 lakh under Section 80P(2)(a)(i) as income attributable to its credit-facility business. The CIT(A)/NFAC upheld the disallowance; the society appealed to the ITAT Bangalore, which allowed the appeal by order dated 17 August 2026.

The reasoning. The Tribunal held that the word 'attributable' in Section 80P(2)(a)(i) is broader than 'derived from' and includes interest on deposits of surplus funds, following Cambay Electrical.

For your practice. Credit co-operatives placing surplus funds in a co-operative bank can claim deduction under Section 80P(2)(a)(i) provided the interest is documented as attributable to lending.

The order. Deduction of Rs 29,42,348 allowed under Section 80P(2)(a)(i). The Assessing Officer is directed to permit the claimed deduction for AY 2017-18. No costs or penalties imposed.

§ Section 80P, Income Tax Act, 1961

Sri Gayathri Credit Co-Operative ... vs Income Tax Officer, Ward-2, Hassan

COURT
Income Tax Appellate Tribunal

DECIDED
17.08.2026

CASE NO.
ITA No. 2614/Bang/2025

BENCH
Waseem Ahmed, Keshav Dubey

Also decided today

§ Section 12, Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act... SUPREME COURT

Section 12 Gangsters Act gives date-clash priority only, not a blanket stay of parallel trials

Section 12 of the UP Gangsters Act is triggered only when trial dates clash between the special court and the parallel case; it cannot freeze other proceedings entirely.

Crl.A. No.-003856-003856 - 2026 · 2026 INSC 866 · 17.08.2026

§ Article 14, Constitution of India, 1950 ALLAHABAD HC

Indefinite blacklisting without a party-specific notice violates natural justice

A blacklisting order must be preceded by a valid notice addressed to the correct legal entity; a notice sent to a third party does not satisfy audi alteram partem.

WRIT - C No. - 6335 of 2022 · 17.08.2026

§ Section 3(c), Delhi Rent Control Act, 1958 DELHI HC

Civil court cannot evict Delhi tenant until Rent Controller decides notice-service dispute

A civil court's jurisdiction under Section 3(c) of the Delhi Rent Control Act arises only when monthly rent lawfully exceeds Rs 3,500, and a lawful increase requires valid service of the notice under Sections 6A and 8.

RFA(OS)-12/2024 · 2026:DHC:6701-DB · 17.08.2026

Also decided, continued

§ Section 34, Arbitration and Conciliation Act, 1996 DELHI HC

Courts do not sit in appeal over arbitral awards

Section 34 confers no appellate jurisdiction; interference is limited to violations of public policy or patent illegality and does not extend to re-appraisal of evidence or contractual interpretation.

O.M.P. (COMM)-404/2019 · 2026:DHC:6810 · 17.08.2026

§ Section 498-A, Indian Penal Code, 1860 DELHI HC

Prima facie standard governs charge framing

At the charge-framing stage a court assesses only whether the material on record prima facie discloses the statutory ingredients; it is not a mini-trial requiring credibility assessment.

CRL.REV.P.-324/2015 · 2026:DHC:6741 · 17.08.2026

§ Section 482, Code of Criminal Procedure, 1973 DELHI HC

Settlement Cannot Override Ongoing Trial

Lawyers can no longer rely on settlement agreements to obtain a pre-trial quash of FIRs once the trial is underway. The decision reinforces that the court's inherent powers under Section 482 CrPC are restricted after substantive trial steps, directing practitioners to focus on defence strategies during trial rather than premature quash applications.

CRL.M.C.-2601/2026 · 2026:DHC:6785 · 17.08.2026

Also decided, continued

§ Section 143, Income Tax Act, 1961 — ITAT

CPC cannot disallow delayed employee PF contributions under Section 143(1) on a debatable issue

Section 143(1)(a) permits adjustments only on undisputed items; where High Court opinion was divided on the deductibility of delayed employee contributions in April 2020, the CPC could not treat the issue as settled.

ITA No.380/Bang/2026 · 17.08.2026

§ Section 34(2), Consumer Protection Act, 2019 — SCDRC

Invasive cardiac procedure defeats diagnostic exclusion

A policy exclusion barring reimbursement for diagnostic procedures applies only if the insurer proves both that the procedure could have been performed as an outpatient and that the patient's condition did not require hospitalisation.

SC/19/A/258/2024 · 17.08.2026

§ Section 248, Companies Act, 2013 — NCLAT

Struck-off company holding assets must be restored for winding-up, not dissolved

A company struck off under Section 248 cannot be dissolved outright where it continues to hold assets; restoration is necessary to enable a structured winding-up that protects creditor and government revenue interests.

Company Appeal (AT) (CH) No. 22/2024 (IA No.1789/2025) · 17.08.2026

The Supreme Court has now made High Court approval a hard condition before any election prosecution can be withdrawn - but the order leaves open whether a political change of government mid-trial can still find an indirect route around that gate. Where does Art.324 supervision end and the legislature's power over criminal procedure begin?

21 judgments **4** Supreme Court **12** High Courts **5** Tribunals

Every judgment here, analysed in full.

The facts, the reasoning and the precedents each court engaged with.

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