

**ABC 2025(I) 42 SC
ACQUITTAL & BAIL CASES
SUPREME COURT OF INDIA**

(Abhay S. Oka & Augustine George Masih, JJ.)
Special Leave to Appeal (Crl.) No. 9859/2023
(From High Court of Jharkhand)
Decided On : 29 November, 2024

SATISH KUMAR RAVI

- Petitioner(s)

Versus

STATE OF JHARKHAND

- Respondent(s)

Law Covered :- (A) Constitution of India - Article 21 - Protection Against Arbitrary Action - Filing Charge-Sheet Despite Non-Coercive Action Order - Held, filing a charge-sheet in defiance of a judicial order directing no coercive action violates fundamental rights & exposes officers to contempt jurisdiction - Directed the modification of an official letter promoting such actions. (Paras 3, 4)

(B) Contempt of Court - Apology by Officers - Acceptance of Apology - Held, the apology tendered by the officers was accepted as genuine, and no further action was deemed necessary - Notice of contempt discharged. (Para 5)

Law of Relief :- Filing of charge-sheet against the accused despite a court order for non-coercive action undermines judicial authority - Such actions warrant accountability & adherence to procedural propriety.

Counsel :- For Petitioner(s): Mr. M. Shoeb Alam, Mr. Ujjwal Singh, Mr. Mojahid Karim Khan, Mr. Shadab Eqbal, Mrs. Atefa Perwez, Mr. Abhishek Naik, Mrs. Gulafsha Qureshi, Advs.

For Respondent(s): Mr. Vishnu Sharma, Ms. Madhusmita Bora, Mr. Pawan Kishore Singh, Mr. Dipankar Singh, Mrs. Anupama Sharma, Ms. Pavithra V., Advs.

ORDER

ABHAY S. OKA & AUGUSTINE GEORGE MASIH, JJ. :- Perused the affidavit of Shri Deepak Kumar, Deputy Superintendent of Police, Shri Tarkeshwar Prasad Kesari, Investigating Officer and Shri Dayanand Kumar, Station House Officer. They have stated that they read the order of this Court which directed them not to take any further action against the petitioner as an order directing that no coercive action shall be taken against the petitioner.

They have relied upon a letter dated 15th April, 2011 addressed by the Additional Director General of Police, Jharkhand to

a all Police Officers in the State. It is stated in the letter that even if court passes an order that no coercive action shall be taken as against the particular accused, there is no prohibition on filing charge-sheet against the accused. If a charge sheet is filed by relying upon clause 3 of letter dated 15th April, 2011 against an accused in whose favour there is an order directing not to take coercive action, the concerned officer will expose himself to contempt jurisdiction.

b Therefore, what is stated in paragraph 3 of letter dated 15th April, 2011 is completely illegal. We direct the learned counsel appearing for the State to invite attention of the Additional Director General of Police to observations of this court. We expect him to immediately modify the letter dated 15th April, 2011.

c The apology tendered by three officers is accepted and no further action is called for against them. Hence, notice of contempt is discharged.

d List the petition for hearing on 17th January, 2025.
Interim relief granted by this Court shall continue to operate.

Result :- Apology tendered by three officers accepted.

e **ABC 2025(I) 43 SC**
ACQUITTAL & BAIL CASES
SUPREME COURT OF INDIA
(Sanjiv Khanna & S.V.N. Bhatti, JJ.)
Criminal Appeal No (s). of 2024
(Arising Out of Special Leave Petition (Crl.) No. 1074 of 2017 With
f Special Leave Petition (Crl.) No. 9482 of 2021 and Special Leave
Petition (Crl.) No. 5419 of 2022)
Decided On : 01 May, 2024
SHARIF AHMED AND ANOTHER - Appellant(s)

g **Versus**
STATE OF UTTAR PRADESH AND ANOTHER - Respondent(s)
Law Covered :- (A) Code of Criminal Procedure - Section 173(2) (Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 193) - Filing of Chargesheets - Compliance with Procedural Standards - Held, chargesheets must include all prescribed details to enable proper cognizance by the Magistrate - Incomplete evidence violates procedural standards & hampers judicial scrutiny. (Para 5)
h **(B) Code of Criminal Procedure - Section 170 (Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 190) - Arrest Not Mandatory for Chargesheet - Held, the term 'custody' under Section 170 does not necessitate arrest; unnecessary arrests should be avoided**