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CRIMINAL LITIGATION · DELHI · SINCE 2009

FORENSIC LITIGATION

Judicial Developments at the Intersection of Criminal Law & Forensic Science

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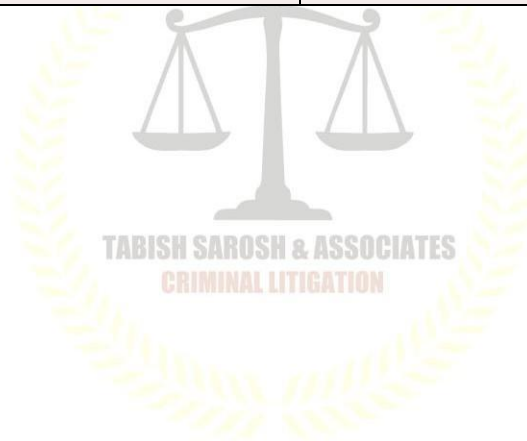
FORENSIC LITIGATION

Coverage Period: 1 – 15 July 2026 | All 10 Judgments

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This edition tracks all ten judgments identified between 1 and 15 July 2026 in which a forensic dimension DNA analysis, ballistic/FSL reports, viscera and postmortem findings, chemical-analyser results, digital/cyber forensic material, or forensic audit evidence was central to the Court's reasoning. Each entry below sets out a full chronological statement of facts, the precise issue(s) presented, the Court's forensic analysis, and its conclusion, so the case can be relied on for internal briefing or client advisories without needing to pull the original judgment first.

A recurring theme this fortnight: courts at both the Supreme Court and multiple High Court levels have shown little tolerance for procedural shortcuts around forensic evidence. Unsealed recoveries, unproved chain of custody, weapons never sent for ballistic testing, and forensic reports never confronted to the accused under Section 313 CrPC have each independently proved fatal to the prosecution across five of the ten matters below a pattern worth flagging to litigation teams handling circumstantial-evidence trials.

1. State of Maharashtra v. Monika Kiran Suryawanshi & Ors.

Supreme Court of India | Date of Judgment/Order: 13 July 2026

Case No.: Criminal Appeal Nos. 2282-2284 of 2011 (with Criminal Appeal Nos. 2286-2288 of 2011)

Coram: Justice Sanjay Karol and Justice Prasanna B. Varale

FACTS

- The deceased, Kiran Suryawanshi, an ICICI Bank employee, married Accused No. 1 (Monika) in 2001. The couple resided with their daughter in Shramsafalya Colony, Devpur. The prosecution alleged that Monika was involved in an affair with her neighbour, Accused No. 2 (Prakash), and that the two conspired with two associates, Accused No. 3 and Accused No. 4, to eliminate the husband.
- According to the prosecution's case, on the night of 14 February 2007 Monika administered sleeping pills and an injection to her husband and, once he was incapacitated, crushed his head with a stone grinder (silbatta). The body was then wrapped in a plastic sack and a bedsheet.
- At approximately 5:00 a.m. the following morning, Accused No. 2 and Accused No. 3 were seen carrying the wrapped body on a motorcycle to dispose of it. A police constable on patrol stopped them on suspicion, and upon inspecting the bundle, a human leg was seen protruding from it. Both men were taken into custody on the spot and the body was recovered.

• Monika was arrested shortly thereafter. Based on her disclosure statement under Section 27 of the Evidence Act, the police claimed to have recovered the stone grinder used in the assault, an injection vial, and blood-stained clothing from the matrimonial home and a nearby garbage heap.

• The Trial Court convicted all three accused of murder (Section 302/34 IPC) and criminal conspiracy (Section 120B IPC) and sentenced them to life imprisonment. On appeal, the Bombay High Court found serious gaps in the chain of circumstantial evidence and acquitted all three of the murder and conspiracy charges, while upholding a one-year sentence against Accused Nos. 2 and 3 under Section 201/34 IPC (causing disappearance of evidence), since they had been apprehended in the act of transporting the body. The State of Maharashtra and the deceased's mother appealed this acquittal to the Supreme Court.

ISSUE(S)

- Whether the prosecution established an unbroken chain of circumstantial evidence sufficient to convict, applying the five-fold test ("Panchsheel") laid down in *Sharad Birdhichand Sarda v. State of Maharashtra* (1984).
- Whether physical recoveries (the grinding stone, clothing, and other articles) that were never sealed with a lac seal at the scene of recovery retain any evidentiary value under Section 27 of the Evidence Act.

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- Whether telephone call records, standing alone, can establish an illicit relationship sufficient to found a motive for murder.
- Whether the Section 201/34 IPC conviction of Accused Nos. 2 and 3 could be sustained independently of the (failed) murder and conspiracy charges.

FORENSIC ANALYSIS

The Supreme Court's forensic analysis turned decisively on a chain-of-custody failure rather than any dispute over the underlying science. The stone grinder, blood-stained clothes and other articles recovered from the matrimonial home and a garbage heap were never sealed with a lac seal at the point of recovery, contrary to settled investigative practice designed to preserve evidentiary integrity from the moment of seizure to laboratory analysis.

Relying on *Ashraf Hussain Shah v. State of Maharashtra* (1996), *Tulshiram Bhanudas Kamble v. State of Maharashtra* (1999), and *Saleem Akhtar v. State of U.P.* (2003), the Bench held that recoveries effected without proper sealing carry no evidentiary value in law. This finding, in turn, rendered unreliable the subsequent Chemical Analyser's report on those very articles since a report on an unsealed, un-authenticated sample cannot be trusted to reflect the condition of the item at the time of seizure.

The Court also noted the complete absence of bloodstains on the mattress, bedsheets or pillows in the room where the prosecution alleged the assault took place with a heavy stone implement a material inconsistency between the physical scene and the prosecution's own narrative.

On the alleged affair, the Bench held that call-detail records (CDRs) did not corroborate the prosecution's theory; if anything, the CDRs affirmatively contradicted it, showing no outgoing call from Monika's phone to the neighbour on the night in question, while the deceased's own phone was recovered from inside the house consistent with the defence's account that he had gone out with friends and simply left his phone behind.

CONCLUSION / HELD

The Supreme Court dismissed the State's and the complainant's appeals, holding that the failure to follow forensic sealing protocol at the point of recovery, combined with an unproven motive and a discredited "last seen" theory, left the circumstantial chain fatally incomplete. It reiterated that suspicion, however strong, cannot substitute for legal proof.

The acquittal of Monika, Prakash and Dnyaneshwar on the murder and conspiracy charges was upheld. However, the one-year sentence of Prakash and Dnyaneshwar under Section 201/34 IPC was sustained, since that offence rested on their being caught red-handed transporting the body a fact independent of the flawed forensic recoveries. As both had already served the sentence, no further custodial action was ordered.

2. Deo Prasad & Anr. v. State of Uttar Pradesh (with connected appeals of Hira Lal and Raj Bux)

Supreme Court of India | Date of Judgment/Order: 15 July 2026

Case No.: Criminal Appeal No. 239 of 2013 (with Criminal Appeal Nos. 236, 237 and 238 of 2013)

Coram: Justice Vikram Nath and Justice Sandeep Mehta

FACTS

- On the intervening night of 27–28 June 1977, an attempted theft was reported at the house of the complainant, Raghav Ram (PW-1), in village Lalemau Pure Pundit, Uttar Pradesh. After handing over the apprehended suspect to Colonelganj Police Station on the morning of 28 June, Raghav Ram and Ram Nath (PW-2) went to a nearby cattle fair, where they met Nand Lal Singh (PW-4), Babu Ram, and the eventual victim, Harihar Saran.
- The prosecution's case was that around 4:30 p.m., while the group was walking home, six armed assailants carrying a 'kanta' (sharp weapon), a 'ballam' (spear) and lathis ambushed them near Kanchanpur village. Most of the group fled, but Harihar Saran, slowed down by his bicycle, was cornered and fatally assaulted. The attackers fled, leaving behind two bicycles at the scene.
- Raghav Ram dictated a complaint at the spot, which Ram Nath scribed, and this was presented at

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Colonelganj Police Station at about 7:00 p.m. the same evening, resulting in registration of an FIR under Sections 147, 148, 149 and 302 IPC.

- However, the body of the deceased remained lying unattended at the roadside overnight, despite the police station being only about three and a half miles away. The postmortem was not conducted until the afternoon of 30 June a delay of roughly 48 hours after death. The Court also found that the FIR, although purportedly registered on 28 June, was received by the jurisdictional Magistrate only on 30 June a two-day gap with no explanation on record.

- The Trial Court (III Additional Sessions Judge, Gonda) convicted the accused in June 1981; the Allahabad High Court (Lucknow Bench) dismissed their appeal in November 2011. Three of the original co-accused (Ram Dhani, Raj Kishore and Deo Prasad, whose appeal survives in the name of the case) died during the pendency of proceedings, abating their appeals. The three surviving appellants Hira Lal, Raj Bux and Subedar approached the Supreme Court.

ISSUE(S)

- What evidentiary consequence follows from an unexplained delay in transmitting the FIR to the jurisdictional Magistrate under Section 157 CrPC.
- Whether an unexplained 48-hour delay in conducting the postmortem, combined with the body being left unattended overnight, undermines the prosecution's account of when and how the incident occurred.
- Whether these medico-legal and procedural infirmities, taken together with contradictions over who accompanied the complainant to the police station, entitle the accused to the benefit of doubt notwithstanding eyewitness testimony.

FORENSIC ANALYSIS

The postmortem recorded 17 ante-mortem injuries consistent with sharp and blunt weapons, which the State relied upon to corroborate the eyewitnesses' description of the attack. The Court did not dispute the postmortem's clinical findings, but held that the 48-hour delay in conducting it combined with the body's

unexplained overnight exposure at the roadside made it impossible to reliably fix the actual time of death, undercutting the prosecution's claim that the attack occurred in broad daylight at 4:30 p.m.

The Bench treated the delayed transmission of the FIR to the Magistrate (received two days after its purported registration) as itself a piece of circumstantial evidence, relying on *Pala Singh v. State of Punjab* (1972) for the principle that prompt transmission under Section 157 CrPC exists precisely to prevent the investigation being coloured, embellished or fabricated after the fact, and on *Jafarudheen v. State of Kerala* (2022) for the same safeguard.

The Court also noted an internal contradiction in the prosecution's own paperwork: the complainant testified that only Ram Nath accompanied him to lodge the report, while the police station's General Diary recorded that he arrived with the deceased's father-in-law and brother as well suggesting the FIR's stated circumstances were not reliably contemporaneous.

CONCLUSION / HELD

The Supreme Court held: "These circumstances are, by themselves, sufficiently clinching to establish that the prosecution version of the occurrence having taken place on 28th June, 1977 was a subsequent fabrication devised to lend credibility to the prosecution case." It found it highly probable that the attack in fact occurred at night, when no witnesses were present, and that the prosecution's story was constructed only after the body was discovered the next morning.

The convictions of the trial court (1981) and the High Court (2011) were set aside, and appellants Hira Lal, Raj Bux and Subedar were acquitted of all charges. The plea of juvenility raised on behalf of Subedar was left unexamined as unnecessary, given the acquittal on merits.

3. Munna Ram v. State of Madhya Pradesh

Madhya Pradesh High Court, Jabalpur Bench | Date of Judgment/Order: on or about 9 July 2026
Case No.: 2026 LiveLaw (MP) 251

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FACTS

- The appellant, Munna Ram, was convicted by the trial court under the Protection of Children from Sexual Offences (POCSO) Act, 2012, on a case built around a positive DNA report linking him biologically to a child born to the complainant/prosecutrix.
- During the trial, the prosecutrix's own father gave evidence that his daughter's marriage had, in fact, already been solemnised prior to the events alleged in the complaint testimony that squarely conflicted with the prosecution's implicit position that she was a minor "child" within the meaning of the POCSO Act at the relevant time.
- This left the age/minority of the complainant a foundational fact for invoking POCSO's special protective and presumptive regime at all genuinely contested on the trial record, even though the DNA evidence of biological parentage/contact was not itself in dispute.

ISSUE(S)

- Whether a positive DNA report establishing biological contact or parentage is, by itself, sufficient to sustain a conviction under the POCSO Act.
- Whether the statutory protections and presumptions under POCSO can be invoked at all where the complainant's minority a foundational fact has not been independently and reliably established.

FORENSIC ANALYSIS

The Division Bench examined precisely what a DNA match does and does not prove. A DNA report can establish, with a very high degree of scientific reliability, biological relationship or contact between two individuals but it says nothing about the age of the parties or whether the statutory ingredients of a POCSO offence (which depend on the complainant being a "child") are satisfied.

Because the father's own testimony about the pre-existing marriage was directly at odds with the premise

that the complainant was a minor, the Court held that the DNA evidence however scientifically sound could not by itself bridge the evidentiary gap left by the contested and unresolved question of age.

CONCLUSION / HELD

The Madhya Pradesh High Court held that a positive DNA report is not sufficient, on its own, to sustain a conviction under the POCSO Act where the complainant's minority remains unproved or is contradicted by the evidence on record. The ruling underscores that forensic biological evidence corroborates factual contact but cannot substitute for independently establishing the statutory foundational facts that trigger POCSO's special regime.

4. Vivimed Labs Limited & Anr. v. Central Bureau of Investigation & Ors.

Telangana High Court | Date of Judgment/Order: on or about 9 July 2026

Case No.: Writ Petition No. 1843 of 2026

Coram: Justice Nagesh Bheemapaka

FACTS

- Vivimed Labs Limited, a pharmaceutical company, had availed credit facilities from a consortium of lenders led by the State Bank of India (SBI). Following the emergence of financial irregularities, SBI commissioned a forensic audit of the company's accounts.
- On 20 June 2024, relying on the findings of that forensic audit, SBI formally classified Vivimed Labs' loan account as "fraud" under the RBI's Master Directions on Frauds, and issued show-cause notices to the company and its Managing Director.
- Based on the same forensic audit findings and the fraud classification, the CBI registered an FIR against the company and its Managing Director in connection with an alleged bank fraud amounting to ₹424.43 crore, and on 20 January 2026 conducted search-and-seizure operations at the company's premises.
- Subsequently, the administrative fraud classification came to be suspended (through

separate proceedings not detailed in the judgment). The company and its Managing Director then filed a writ petition contending that, since the criminal investigation had been triggered by the same forensic audit and administrative classification, suspension of that classification should also halt the parallel CBI investigation, including the FIR and the searches already conducted.

ISSUE(S)

- Whether suspension of a bank's administrative "fraud" classification of a loan account itself based on a forensic audit automatically nullifies or bars a parallel criminal investigation founded on the same underlying forensic audit material.
- Whether mere factual overlap between administrative and criminal proceedings arising from a single forensic audit converts them into a single, inseparable legal proceeding.

FORENSIC ANALYSIS

The forensic audit report sat at the centre of both tracks: it was the evidentiary basis for SBI's administrative fraud classification and separately supplied the factual material that founded the CBI's registration of a cognizable offence. The Court's analysis distinguished sharply between the audit's administrative use (triggering RBI-mandated consequences such as fraud classification, reporting to credit information companies, and restrictions on further lending) and its use as material supporting a criminal investigation under the Bharatiya Nyaya Sanhita and related statutes.

The Court held that the CBI's authority to investigate a cognizable offence does not derive from and is therefore not contingent upon the continued survival of the bank's administrative classification, even though the same forensic audit findings happen to underlie both.

CONCLUSION / HELD

The Telangana High Court dismissed the writ petition, holding: "Merely because certain foundational facts overlap between the administrative proceedings and the criminal investigation, it cannot be held that suspension of the administrative action automatically extinguishes or nullifies the criminal process." The CBI's FIR and the search-and-seizure operations were allowed to stand,

and the criminal investigation was permitted to continue independently of the administrative track.

5. State of Jharkhand v. Jagdish Lakra

Supreme Court of India | Date of Judgment/Order: 13 July 2026

Case No.: Criminal Appeal No. of 2026 (arising out of Special Leave Petition (Crl.) No. 4978 of 2024)

Coram: Justice Sanjay Karol and Justice Prasanna B. Varale

FACTS

- In August 2001, police and CRPF personnel conducted a raid at around 4:00 a.m. on the house of respondent Jagdish Lakra in village Dora, Jharkhand, acting on intelligence that extremists were present there. Four alleged extremists were reported to be inside the house at the time.
- During the raid, a country-made stein gun was recovered from Lakra's residence. He was subsequently prosecuted and convicted by the Trial Court under Sections 25(1-B)(a) and 26 of the Arms Act, 1959, and sentenced to three years' and one year's rigorous imprisonment respectively (to run concurrently).
- On revision, the High Court of Jharkhand acquitted Lakra, holding that his possession of the weapon kept in his house allegedly due to grave threat to his life from the extremists who used his premises could not be treated as "conscious possession" of the kind the Arms Act requires for conviction. The State of Jharkhand appealed this acquittal to the Supreme Court.

ISSUE(S)

- Whether mere physical recovery of a weapon from a person's residence is sufficient to sustain an Arms Act conviction, or whether the prosecution must additionally prove conscious possession and dominion over the article.
- Whether possession maintained under demonstrated threat to life or coercion can be equated, as a matter of law, with the culpable "conscious possession" contemplated by the Arms Act.

FORENSIC ANALYSIS

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The recovery of the weapon itself was not scientifically disputed the stein gun was found in the respondent's house during the raid. The Court's analysis instead focused on the legal sufficiency of a bare recovery: it held that physical recovery evidence, however forensically confirmed as to the nature and identity of the weapon, has no probative force on the question of guilt unless the prosecution separately and independently establishes the accused's conscious possession and dominion over it.

The Bench endorsed the reasoning of the Bombay High Court in *Francis Xavier Salemao v. State*, holding that where possession is shown to have been maintained under threat to life as was the admitted position here, given the extremists' presence in the respondent's house such coerced possession cannot, as a matter of law, be equated with the voluntary and conscious possession the statute punishes.

CONCLUSION / HELD

The Supreme Court dismissed the State's appeal and affirmed the Jharkhand High Court's acquittal, holding: "Mere recovery of certain articles including the weapons from the house of the respondent/accused is not sufficient enough to hold the respondent/accused guilty... unless the prosecution establishes that the articles were in the conscious possession of the accused and the accused had dominion over these articles." The judgment reinforces that recovery of a weapon, whatever its forensic confirmation, cannot found a conviction absent proof of the accused's guilty mental state.

6. Dharmendra Singh v. State of Uttar Pradesh (with connected appeal of Charan Singh)

Allahabad High Court | Date of Judgment/Order: 10 July 2026

Case No.: Criminal Appeal No. 2718 of 2008

Coram: Justice Siddharth and Justice Vinai Kumar Dwivedi

FACTS

- The case arose from an incident on 22 December 1995 at about 3:45 p.m., in which the appellants Dharmendra Singh and Charan Singh, along with a

third accused, Sher Singh (who died during trial, abating the case against him), were alleged to have committed murder and robbery.

- A trial court, on 27 March 2008, convicted both Dharmendra Singh and Charan Singh under Sections 302/34 (murder) and 394 IPC (robbery with hurt), sentencing them to rigorous life imprisonment. Dharmendra Singh was additionally convicted under Section 411 IPC (receiving stolen property) and under Section 25 of the Arms Act for possession of a country-made pistol (tamancha) and cartridges allegedly recovered from him during investigation.

- On appeal, the defence argued that the informant, Suresh Kumar Khanna (PW-2), had turned hostile at trial and did not support the prosecution's version, and that there were no independent public witnesses to the recovery of the weapons or stolen property.

- Critically, the investigating officer, S.I. Kailash Chandra Verma (PW-9), admitted in his own testimony that he never sent the recovered tamancha and cartridges to the Forensic Science Laboratory (FSL) for ballistic examination, and that he never personally tested whether the pistol was even in working condition.

ISSUE(S)

- Whether the hostility of the informant, or the absence of independent public witnesses to the recovery, is fatal to the credibility of the FIR and the police testimony regarding the murder and robbery charges.
- Whether an Arms Act conviction under Section 25 can be sustained where the recovered firearm was never subjected to any forensic or ballistic examination, and its functionality was never independently verified.

FORENSIC ANALYSIS

The Court treated the investigating officer's own admission that the recovered tamancha and cartridges were never sent for FSL/ballistic examination, and that no test was ever conducted to confirm the weapon was a functioning firearm as a fatal gap in the prosecution's Arms Act case. Absent an FSL report linking the

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weapon to the offence, or even confirming that it met the statutory definition of a firearm under the Arms Act, the Court held that an essential ingredient of the Section 25 offence remained wholly unproved.

By contrast, the murder and robbery convictions rested on independent eyewitness and circumstantial evidence that did not depend on the unexamined weapon, allowing the Court to separate the two strands of the prosecution's case and assess each on its own evidentiary footing.

CONCLUSION / HELD

The Allahabad High Court upheld Dharmendra Singh's conviction and sentence for murder, robbery and receiving stolen property, but set aside his conviction under Section 25 of the Arms Act for want of any forensic proof linking, or even confirming the functionality of, the recovered weapon. Co-appellant Charan Singh was acquitted of all charges for want of evidence establishing his presence at or involvement in the crime scene.

7. State v. Phool Chand

Delhi High Court | Date of Judgment/Order: 7 July 2026

Case No.: CRL.A. 157/2018

Coram: Justice Prathiba M. Singh and Justice Madhu Jain

FACTS

- The respondent, Phool Chand, is the paternal uncle ("Tauji") of the minor prosecutrix. The prosecution's case was that on the evening of 23 February 2014, at around 9:00 p.m., he entered the prosecutrix's house in Wazirpur, Delhi while she was cooking, sent her younger brothers outside, and committed penetrative sexual assault upon her an offence charged under Section 3(d) of the POCSO Act, 2012 and Section 376(2)(i) IPC.
- The prosecutrix and her mother did not approach the police immediately; it was only the following day, 24 February 2014, that they went to Ashok Vihar Police Station, where her statement was recorded and FIR No. 115/2014 was registered.
- During the investigation and at trial, the prosecutrix's mother refused to permit an internal gynaecological examination of the child, leaving

the case without any medical or forensic corroboration of the alleged assault.

- The Trial Court, by judgment dated 2 March 2016, acquitted Phool Chand, giving him the benefit of doubt on account of the unexplained delay in disclosure and a suggested property dispute between the families over a rented jhuggi. The State appealed this acquittal to the Delhi High Court.
- At trial, the defence highlighted material improvements in the prosecutrix's statement over time (including details about the respondent being intoxicated and offering food and clothes, which were absent from her initial statement) and a contradiction between her account that the door was open during the incident and her father's claim that it had been bolted shut with an iron nail from outside.

ISSUE(S)

- Whether the statutory presumption of guilt under *Section 29 of the POCSO Act* can be triggered where the prosecution's foundational facts are undermined by delayed disclosure and material contradictions between witnesses.
- Whether a case can proceed to conviction under the presumption where there is a complete absence of medical or forensic corroboration of the alleged assault.

FORENSIC ANALYSIS

Because the prosecutrix's mother refused to permit an internal medical examination, the prosecution was left with no forensic or medical evidence whatsoever no injury findings, no biological trace evidence, nothing capable of testing the child's account against an objective medical baseline.

The Division Bench held this was not merely an evidentiary gap that the Section 29 presumption could paper over. Combined with the unexplained one-day delay in disclosure, the contradiction over whether the door was open or bolted, and the unexplained late-stage improvements in the prosecutrix's statement, the absence of forensic corroboration meant the foundational facts of the prosecution's case remained in genuine and unresolved doubt.

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CONCLUSION / HELD

The Delhi High Court held: "This Court finds that the doubt in the present case is not speculative, but arises from the prosecution evidence itself," and dismissed the State's appeal against acquittal. It ruled that the presumption of guilt under Section 29 of the POCSO Act cannot operate where the foundational facts are doubtful and medical/forensic corroboration is entirely absent. The Trial Court's 2016 acquittal was upheld.

8. Ram Autar and Others v. State

Allahabad High Court | Date of Judgment/Order: within the week of 6–12 July 2026

Case No.: Criminal Appeal No. 2343 of 1989; 2026 LiveLaw (AB) 350

Coram: Justice Siddhartha Varma and Justice Jai Krishna Upadhyay

FACTS

- The deceased, Vijay Laxmi, was married in the summer of 1984 to Rakesh Kumar Misra @ Doctor. On 13 January 1986, her brother, Ganga Ram Sevak Pandey, lodged an FIR at Police Station Maharajpur, District Kanpur Nagar, alleging that Vijay Laxmi had been poisoned to death by her husband and his family members Ram Autar and Laddan Misra @ Mahesh over dowry demands.
- The prosecution's case rested heavily on a viscera report that detected zinc phosphide, a highly toxic rodenticide, in the deceased's stomach, intestine, kidneys and spleen. There were no eyewitnesses to the actual administration of the poison. No register entries or custodial documentation were produced to establish the chain of custody of the viscera sample between its collection and its analysis at the laboratory, and the forensic analyst who conducted the test was never examined as a witness at trial.
- The defence argued that zinc phosphide is a bitter, foul-smelling pesticide, and that forceful administration would have caused visible resistance yet no struggle injuries were found on the deceased's mouth or on any of the accused. It was also argued that the two key prosecution witnesses (the brother, PW-1, and the nephew, PW-3) gave contradictory accounts, one claiming the deceased

said she was given "medicine" and the other alleging a liquid mixture was forced into her mouth.

- On 7 December 1989, the I Additional District & Sessions Judge, Kanpur Nagar, convicted all three accused. They appealed to the Allahabad High Court, and the appeal remained pending for over three and a half decades before being decided in July 2026.

ISSUE(S)

- Whether a viscera or other forensic report can be relied upon to convict where it was never specifically put to the accused during their examination under Section 313 CrPC.
- Whether unproved chain of custody of a forensic sample, and non-examination of the forensic analyst who tested it, independently vitiates reliance on that report.

FORENSIC ANALYSIS

The Court identified two independent, and each individually fatal, defects in the forensic evidence. First, no register entries or other custodial documentation were produced to show that the viscera sample's integrity was preserved between seizure at the time of postmortem and its analysis at the laboratory and the analyst who actually conducted the test was never called to testify, depriving the defence of any opportunity to cross-examine the person who generated the central piece of scientific evidence.

Second, and dispositively, the viscera report was never put to the accused during their examination under Section 313 CrPC, meaning they were never given an opportunity to explain or contest the very evidence that formed the basis of their conviction. The Bench relied on *Asraf Ali v. State of Assam* (2008), *Sujit Biswas v. State of Assam* (2013), and *Chandan Pasi v. State of Bihar* (2025) for the settled principle that evidence not put to an accused under Section 313 must be excluded from consideration altogether, however scientifically significant it may be.

CONCLUSION / HELD

The Court held: "The viscera report alone was a conclusive piece of evidence which would have gone to show that murder was done by the accused persons by

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administering poison and since the viscera report itself now becomes such an evidence which as per us cannot be read in evidence, we are definitely of the view that the appeal should be allowed and the accused be acquitted." The 1989 conviction was set aside and Ram Autar, Rakesh Kumar Misra and Laddan Misra were acquitted of all charges, 37 years after the original FIR.

9. Santosh Tiwari v. State

Delhi High Court | Date of Judgment/Order: 15 July 2026

Case No.: CRL.A. 335/2013; 2026 LiveLaw (Del) 652

Coram: Justice Vimal Kumar Yadav

FACTS

- The appellant, a temple priest in Delhi, was convicted by judgment dated 30 January 2013 for the rape of a woman with mild intellectual disability (IQ of approximately 60), committed inside the residential quarters attached to the temple.
- According to the prosecution, on 4 February 2010 the victim, then around thirty years old, went to the temple with her cousin. The priest allegedly asked her to cook food for him and then dragged her to a room in the residential portion of the temple, where he raped her.
- The victim disclosed the incident to her mother the same day, but the family did not immediately approach the police a delay of roughly 40 days before the matter was formally reported. The family's initial silence was attributed to the sensitivity of the incident having occurred inside a temple at the hands of a priest, concerns about social ostracisation and the family's honour, and the fact that the victim's mother had initially chosen to forgive the priest after he apologised and promised to permanently leave the temple.
- The matter resurfaced only when the appellant returned to the locality after a brief absence and was spotted by the victim's brother, triggering an altercation and, ultimately, police intervention and formal registration of the case.
- On appeal, the defence raised the 40-day delay in lodging the FIR, the absence of medical and forensic corroboration, inconsistencies in the

prosecution's case, and alleged defects in the investigation.

ISSUE(S)

- Whether an unexplained 40-day delay in reporting a sexual assault is fatal to the prosecution's case, particularly where forensic corroboration is inconclusive by the time of medical examination.
- Whether the testimony of a prosecutrix with mild intellectual disability can sustain a conviction despite minor inconsistencies, and what weight should attach to forensic findings that are inconclusive rather than affirmatively corroborative.

FORENSIC ANALYSIS

The Court candidly acknowledged that the delay in reporting had directly impaired the forensic evidentiary picture: immediate reporting would have permitted a more probative medical and forensic examination. By the time the matter was formally investigated, the forensic evidence available was inconclusive and did not materially assist the prosecution one way or the other.

The Court nonetheless found corroboration in the victim's medical examination, which recorded a healed hymenal tear consistent with the timeline of the alleged assault a finding that, while not itself conclusive of rape, was at least consistent with the prosecutrix's account rather than contradicting it. The doctor who examined the victim's mental condition also testified that persons with her degree of intellectual disability tend to be "simple, gullible and not manipulative," which the Court treated as bearing on the reliability of her testimony.

Ultimately, the Bench placed primary reliance on the prosecutrix's testimony, which it found to be of "sterling quality," treating the inconclusive forensic evidence as a secondary, non-determinative factor rather than a basis for acquittal.

CONCLUSION / HELD

The Delhi High Court dismissed the appeal and upheld the conviction, holding that minor discrepancies in the testimony of a witness with mild intellectual disability

could not be treated as fatal to the prosecution's case, and that the delay in reporting adequately explained by the family's circumstances did not prejudice the accused but rather impaired the strength of the prosecution's own forensic evidence. Justice Vimal Kumar Yadav described the appellant's conduct as a "satanic and unholy deed" that had shattered the sanctity of the temple, religious belief, and the trust placed in the priesthood.

10. Mansoor Asghar Peerbhoy v. State Govt. of NCT of Delhi

*Delhi High Court | Date of Judgment/Order: 7 July 2026
Case No.: Neutral Citation: 2026:DHC:5407-DB (appeal under Section 21, NIA Act, 2008)*

Coram: Justice Prathiba M. Singh and Justice Madhu Jain

FACTS

- On 13 September 2008, a series of coordinated bomb explosions took place across Delhi at Karol Bagh, M-Block Market, Greater Kailash-I and Connaught Place while three further live bombs were detected and defused at Central Park, near Regal Cinema, and at Children's Park, India Gate. The attacks killed 26 people and injured 135 others.
- At approximately 6:25 p.m., shortly before the blasts, an email titled "Message of Death" was sent to media organisations in India and abroad in the name of the banned terrorist organisation Indian Mujahideen, claiming responsibility for the attacks and attaching a PDF document that appeared to predict the explosions.
- According to the prosecution, the appellant, Mansoor Asghar Peerbhoy then employed at Yahoo India and trained in ethical hacking headed the "media cell" of Indian Mujahideen. Along with co-accused Mubin Kadar Shaikh, he allegedly travelled to Mumbai, procured laptops used to draft and send the email, and hacked into the unsecured Wi-Fi network of M/s Kamran Power Controls Pvt. Ltd. in Chembur to transmit it while concealing the senders' identity.
- Peerbhoy was arrested by the Mumbai Anti-Terrorism Squad in a separate case in October 2008 and was formally arrested in the Delhi serial blasts

case on 9 March 2009. He has since spent nearly 17 years in custody as an undertrial. His bail applications were rejected by the Trial Court in 2015 and 2022 and by the Delhi High Court in 2024 (*Mansoor Asghar Peerbhoy v. State, 2024 SCC OnLine Del 2995*); the Supreme Court permitted renewal of his bail plea if the trial remained incomplete, and his third bail application was dismissed by the Trial Court on 19 July 2025, giving rise to the present appeal.

ISSUE(S)

- Whether the digital forensic material recovered from the laptops allegedly used by the appellant including recovered electronic devices, the PDF attachments, and file-erasing/disk-wiping software makes out a prima facie case sufficient to satisfy the statutory bar on bail under Section 43-D(5) of the UAPA.
- Whether the appellant's nearly 17-year period of incarceration as an undertrial, and the protracted trial, outweigh the gravity of the offence and the strength of the prima facie case at the bail stage.

FORENSIC ANALYSIS

The prosecution's case rested substantially on digital/cyber forensic material: recovery of the laptops allegedly used to draft and transmit the "Message of Death" email, forensic analysis establishing the presence of the relevant PDF files on those devices, and evidence of sophisticated file-erasing and disk-wiping software including tools referred to as "HEX 00" and "STELLAR WIPE" installed on the recovered laptops.

Critically, forensic examination of these wiping tools generated logs showing that data deletion had occurred precisely on the evening of the blasts, timestamping the appellant's alleged digital conduct to the night of the attack itself. The prosecution also relied on forensic and documentary material concerning the purchase of the laptops and the mechanics of the Wi-Fi intrusion used to anonymise the email's origin.

The Court held that, at the bail stage, it was required only to assess broad probabilities from this material rather than conduct a "mini-trial," and found that the laptop purchases, the PDF documents, the file-erasing

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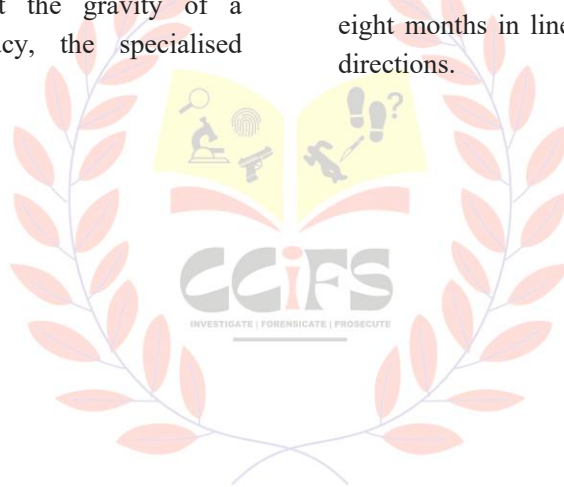
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software logs, the hacked Wi-Fi network and the recovery of electronic devices collectively made out a prima facie case of the appellant's central, technical role in the conspiracy.

CONCLUSION / HELD

The Delhi High Court dismissed the appeal and upheld rejection of bail, holding that the gravity of a synchronised terrorist conspiracy, the specialised

technical execution evidenced by the digital forensic material, and the advanced stage of the trial outweighed the appellant's prolonged 17-year incarceration. The Court observed that bail is a matter of procedural rather than substantive law, so the restriction under Section 43-D(5) UAPA continued to apply to pending proceedings, and directed the Trial Court to conclude the trial within eight months in line with the Supreme Court's earlier directions.



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