

STATUTORY PROTECTION VERSUS POLICE ACCOUNTABILITY: A CRITICAL ANALYSIS OF SECTION 197 CRPC AND ITS APPLICATION TO SENIOR POLICE OFFICERS IN MAHARASHTRA

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Abstract

This paper critically examines the tension between statutory protection and police accountability under section 197 of the Code of Criminal Procedure, 1973, with particular reference to senior police officers in Maharashtra. It evaluates the requirement of prior governmental sanction, the judicially developed reasonable-nexus test and the limits of protection for conduct performed under colour of official duty. Through doctrinal analysis of Supreme Court decisions, Maharashtra-specific police legislation and selected Bombay High Court rulings, the study investigates the treatment of allegations involving custodial violence, excessive force and abuse of supervisory authority. It distinguishes sanction as a condition for cognizance from substantive immunity and identifies risks arising from delay, institutional conflicts and premature fact-finding. The paper also addresses the transition to section 218 of the Bharatiya Nagarik Suraksha Sanhita, 2023, including its time-bound sanction framework. It argues for reasoned sanction decisions, structured judicial scrutiny, preservation of evidence and independent accountability mechanisms. The central conclusion is that public confidence and operational effectiveness require a calibrated system: one that protects legitimate policing without allowing official rank or asserted duty to become a procedural refuge for criminal wrongdoing.

Keywords: Section 197 CrPC; prior sanction; police accountability; Maharashtra Police Act; official duty; custodial violence; BNSS.

Introduction

The statutory requirement of prior sanction for prosecuting certain public servants presents a constitutional paradox. Police officers require operational independence to make urgent and sometimes unpopular decisions; equally, coercive powers create distinctive opportunities for abuse. Section 197 of the Code of Criminal Procedure, 1973 (CrPC) sought to prevent retaliatory prosecutions for acts sufficiently connected with official duty. Its operation, however, can postpone judicial scrutiny when the allegations concern custodial violence, fabricated records, intimidation or misuse of investigative authority. The central question is not whether senior police officers deserve protection, but how to distinguish legitimate institutional protection from a procedural shield for illegality.¹

Maharashtra offers a particularly revealing setting because national sanction rules interact with the Maharashtra Police Act, 1951, the State's police hierarchy and a long line of decisions concerning acts performed under colour of office. The legal analysis must resist two opposite assumptions: that every alleged crime by a police officer requires sanction, and that an allegation of illegality automatically eliminates it. The Supreme Court instead examines whether the complained-of act has a reasonable nexus with official functions. That test is fact-sensitive, capable of protecting conscientious policing but also vulnerable to inconsistent application.²

This paper argues for a narrowly justified, reasoned and reviewable sanction process, coupled with an early judicial assessment of the nexus between the act and the official duty. Its focus is on senior police officers in Maharashtra, including the distinctive position of officers exercising supervisory, investigative and command functions. Rank is relevant to appointment, removal and the allocation of governmental responsibility; it is not a freestanding immunity. A principled model must protect good-faith operational judgment without treating authority itself as evidence that a criminal act was official.³

Research Problem, Objectives and Methodology

The research problem arises from uncertainty at three levels: who qualifies for the protection of section 197; which conduct is sufficiently connected with official duty; and at what stage a court should decide whether sanction is indispensable. These questions become acute where a senior officer allegedly directs subordinates, authorises coercive tactics, suppresses complaints or participates in an investigation later challenged as unlawful. The paper

¹Code of Criminal Procedure, 1973, s. 197 (India).

²D. Devaraja v. Owais Sabeer Hussain, (2020) 7 SCC 695.

³Matajog Dobey v. H.C. Bhari, AIR 1956 SC 44.

examines the legislative scheme, constitutional limits, judicial standards and Maharashtra-specific protections, while distinguishing a procedural condition for cognizance from substantive exoneration.⁴

The study adopts a doctrinal and analytical method. Primary materials include the CrPC, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the Maharashtra Police Act, constitutional provisions and reported judicial decisions. The comparative dimension is internal: it contrasts approaches to official-duty nexus, custodial excess and sanction timing across Supreme Court and Bombay High Court decisions. The analysis does not claim to present field interviews, prosecution statistics or a quantitative finding about the frequency of sanctions in Maharashtra. Normative recommendations are expressly distinguished from the law currently in force.⁵

Section 197 CrPC: Text, Purpose and Limits

Section 197(1) protected specified judges, magistrates and public servants who were not removable from office except by or with governmental sanction, where the alleged offence was committed while acting or purporting to act in discharge of official duty. The provision restricted the court's power to take cognizance without prior sanction of the appropriate government. It did not create a general licence to offend, extinguish criminal liability or prescribe a rule that police testimony must be believed. Eligibility and the nexus requirement must both be established; the status of being a police officer alone is insufficient.⁶

The removal-based condition matters especially for senior officers. A senior officer may fall within section 197(1) because of the legal authority competent to remove that officer, but an officer's rank cannot substitute for examining service rules and the relevant statutory category. Conversely, the CrPC separately contemplated notified protection for members of forces charged with maintaining public order. The question therefore cannot be answered by an abstract assertion that all senior Maharashtra police personnel automatically enjoy the same protection under the same subsection.⁷

The object of the sanction rule is institutional rather than personal privilege. An officer compelled to defend every operational decision against privately initiated proceedings may become reluctant to enforce law, especially in volatile situations. Yet immunity defined by the mere opportunity to misuse office would defeat the principle of equal subjection to law. The Supreme Court has accordingly required a connection between the particular impugned act and official duty, rather than relying solely on the accused officer's official designation or the location where the incident occurred.⁸

The phrase "purporting to act" recognises that protected conduct may be excessive, mistaken or procedurally irregular. If the alleged wrong arose while making an arrest, executing a search or controlling a crowd, the court must inquire whether it was sufficiently related to the assigned function. But a pretended official explanation is not enough. A fabricated personal vendetta or violence wholly disconnected from public functions should not become official conduct merely because the accused wore a uniform or had access to police facilities.⁹

This distinction also explains why sanction is not equivalent to an acquittal. A valid sanction permits prosecution to proceed; it does not determine whether the officer acted lawfully. A refusal of sanction can prevent cognizance where sanction is legally indispensable, yet the refusal does not establish factual innocence. The legal architecture must therefore preserve meaningful scrutiny of sanction decisions while respecting the statutory allocation of the initial decision to the competent executive authority.¹⁰

The Judicial Test: Reasonable Nexus and the Colour of Duty

In *Matajog Dobey*, the Supreme Court articulated the reasonable-connection approach: the act must bear such relation to duty that the officer could reasonably, and not fancifully, claim to have acted in its performance. The inquiry is directed to the act complained of, not the abstract character of the office. This formulation remains important because almost every misuse of policing power has some factual connection with employment. A rigorous nexus test must distinguish conduct occasioned by official status from conduct undertaken as part of a purported official function.¹¹

⁴Code of Criminal Procedure, 1973, ss. 190, 197 (India).

⁵Bharatiya Nagarik Suraksha Sanhita, 2023, s. 218 (India).

⁶Code of Criminal Procedure, 1973, s. 197(1) (India).

⁷Code of Criminal Procedure, 1973, s. 197(2)–(3) (India).

⁸*Amrik Singh v. State of PEPSU*, AIR 1955 SC 309.

⁹*Matajog Dobey v. H.C. Bhari*, AIR 1956 SC 44.

¹⁰*State of Orissa v. Ganesh Chandra Jew*, (2004) 8 SCC 40.

¹¹*Matajog Dobey v. H.C. Bhari*, AIR 1956 SC 44.

In *Ganesh Chandra Jew*, the Court reiterated that an officer may receive protection even after exceeding authority where the impugned conduct remains reasonably connected to duty. The decision also warned that official duty must not serve as a cloak for objectionable acts. These two propositions should be read together. The first prevents hindsight from converting every operational mistake into unprotected conduct; the second prevents the statutory threshold from swallowing the rule of criminal accountability.¹²

The analysis in *Om Prakash* concerning police action emphasised that the true test is whether the act was directly or integrally connected with official duty. In allegations concerning encounters or use of force, the official account and the complainant's account may differ radically. A court should avoid deciding the merits of a disputed encounter merely by labelling it official. Equally, it should not bypass the statutory inquiry simply because the complaint uses serious criminal labels. Evidence and procedural stage remain decisive.¹³

D. Devaraja consolidated the proposition that protection is limited to acts reasonably connected with duty, including acts purportedly done under colour of authority. It explained that an offence entirely outside duty is unprotected, whereas conduct connected with an investigation may attract sanction even if alleged to be unlawful. This approach has attracted concern because a broad conception of investigative connection can burden complainants. Its sound application requires courts to identify the precise duty, the alleged act and the causal or functional relationship between them.¹⁴

The Court in *Devinder Singh* examined competing accounts of alleged fake encounters and observed that the need for sanction may require reconsideration as evidence develops. This avoids a rigid choice between dismissing a complaint immediately and assuming sanction can never be relevant. For senior officers, the practical lesson is that directions, deployment orders, wireless logs and contemporaneous records may bear directly on whether the alleged conduct was an official operation or an independent criminal enterprise.¹⁵

The timing question is particularly significant. A sanction objection may arise at the threshold, but factual uncertainty can prevent final resolution without a fuller record. Courts should state whether they are deciding a pure legal question or making a provisional assessment. A reasoned approach reduces both frivolous prosecutions and premature termination of genuine complaints. It also prevents senior officers from converting disputed factual assertions about command responsibility into an automatic jurisdictional bar.¹⁶

Maharashtra: Police Legislation and Institutional Context

Maharashtra's legal framework cannot be reduced to section 197 alone. The Maharashtra Police Act, 1951, originally enacted as the Bombay Police Act, contains provisions dealing with protection for acts done under colour of duty and time limits for certain proceedings. Section 161 establishes a distinct limitation-related framework, including a proviso concerning prosecution of police officers with previous State sanction within the statutory period. Its conditions must be examined independently rather than mechanically conflated with the CrPC's cognizance bar.¹⁷

Section 159 of the Maharashtra Police Act concerns certain acts done in good faith under the colour of duty or authority. The statutory expressions concerning colour of duty, excess of authority and procedural protection demand careful contextual interpretation. A defendant cannot simply cite the State enactment as an all-purpose defence to an allegation of violence. The correct inquiry identifies the exact provision invoked, its beneficiaries, the applicable limitation period and whether the allegations fit the statutory language.¹⁸

Maharashtra has also used the notification mechanism contemplated by section 197(3) CrPC to extend the protection in section 197(2) to specified police categories charged with maintaining public order. Judicial consideration of the 1979 notification demonstrates that the reach of sanction protection depends on its terms and the relevant statutory power. The notification is important precisely because it may affect officers who do not independently satisfy the removal-based requirement in section 197(1).¹⁹

¹²*State of Orissa v. Ganesh Chandra Jew*, (2004) 8 SCC 40.

¹³*Om Prakash v. State of Jharkhand*, (2012) 12 SCC 72.

¹⁴*D. Devaraja v. Owais Sabeer Hussain*, (2020) 7 SCC 695.

¹⁵*Devinder Singh v. State of Punjab through CBI*, (2016) 12 SCC 87.

¹⁶*D.T. Virupakshappa v. C. Subash*, (2015) 12 SCC 231.

¹⁷Maharashtra Police Act, 1951, s. 161 (India).

¹⁸Maharashtra Police Act, 1951, ss. 159–161 (India).

¹⁹*Kashinath Laxmanrao Marwalikar v. State of Maharashtra*, Bombay High Court (judgment discussing Maharashtra Home Department notification dated 2 July 1979).

A separate issue is the position of command-level officers. Senior officers may issue operational instructions without being physically present at an alleged assault, arrest or encounter. Their liability cannot be inferred merely from rank; criminal responsibility generally requires a legally sufficient link to participation, instruction, conspiracy, abetment or other applicable modes of attribution. At the same time, absence from the scene cannot by itself resolve allegations that an officer ordered or concealed unlawful conduct. Sanction and substantive attribution are different questions.²⁰

The institutional danger is compounded where the executive authority considering sanction is also responsible for supervising the police organisation. This structural overlap does not render the sanction system unconstitutional by itself, but it creates an appearance-of-conflict concern in sensitive cases. A transparent record of material considered, reasons for approval or refusal and a practical avenue for judicial review are necessary to preserve confidence that the sanction decision is an independent legal assessment rather than organisational solidarity.²¹

Custodial Violence, Encounters and Accountability

Custodial violence is the hardest test for the reasonable-nexus doctrine. An arrest or interrogation is an official activity, yet infliction of torture cannot be described as a legitimate police function. The analytical challenge is whether the charged conduct is merely an unlawful method of performing an official task or a separate assault outside the task's legal character. Courts have differed in emphasis depending on the record. A principled answer requires attention to the nature of force, the alleged purpose, medical evidence and contemporaneous custody documentation.²²

D.K. Basu established safeguards concerning arrest and detention, reinforcing the constitutional importance of records, information to relatives and medical examination. These safeguards are relevant to sanction disputes because they provide objective means of testing a claimed official explanation. Missing arrest memos, inconsistent station records or unexplained injuries may not alone establish guilt, but they can undermine an asserted nexus between an assault and lawful police work. Documentary compliance is thus both a preventive discipline and an evidentiary resource.²³

In *Prakash Singh*, the Supreme Court addressed structural police reform, including mechanisms of accountability and insulation from improper interference. The judgment's institutional perspective matters to section 197: meaningful accountability cannot depend exclusively on individual prosecutions after harm occurs. Complaints authorities, professional supervision and transparent investigation can help screen baseless allegations while ensuring that serious complaints against influential officers are not buried within ordinary chains of command.²⁴

A 2026 Bombay High Court decision, *Sanjay Bapuso Dalvi v. State of Maharashtra*, treated allegations of custodial assault as conduct not automatically protected by section 197 merely because the accused were police personnel. The case illustrates the continuing significance of scrutinising the alleged conduct rather than accepting an official-duty label. Its application to another dispute must remain fact-specific; it should not be converted into a universal proposition that sanction is unnecessary whenever a complainant alleges torture.²⁵

Conversely, the Supreme Court's recent treatment of the official-duty nexus confirms that protection may still apply where an officer exceeds authority during an operation that remains connected with duty. The apparent tension is resolved only by a careful characterisation of facts. For a senior officer accused of ordering unlawful force, the relevant questions include whether an identifiable official operation existed, whether the instruction was plausibly part of that operation and whether evidence suggests a private or criminal objective.²⁶

An independent investigation is particularly important where senior officers control access to records or influence subordinate witnesses. Preservation of station diaries, CCTV footage, body-camera recordings where available, call-detail records and medical evidence should occur promptly and under judicially accountable procedures. These measures do not predetermine criminal guilt; rather, they protect both complainants and accused officers by

20Indian Penal Code, 1860, ss. 107, 120A–120B (India) (historical offences framework, subject to applicable law).

21Constitution of India, arts. 14 and 21.

22D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

23D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

24Prakash Singh v. Union of India, (2006) 8 SCC 1.

25Sanjay Bapuso Dalvi v. State of Maharashtra, Criminal Writ Petition Nos. 2509 and 2511 of 2022, decided on 9 July 2026 (Bom. HC).

26G.C. Manjunath v. Seetaram, Supreme Court of India, judgment dated 3 April 2025.

reducing dependence on partisan recollection. Sanction should not become a reason to delay preservation of perishable evidence.²⁷

Constitutional Evaluation and Access to Justice

Article 14 demands that similarly situated persons receive equal protection of law, while permitting reasonable classification where supported by a legitimate objective. Section 197's classification reflects the distinctive exposure of certain public servants to litigation arising from coercive official duties. Its justification weakens if the test is applied according to status rather than function. Seniority cannot justify a wider substantive freedom to commit offences; at most, the legal service conditions and notified statutory categories determine whether a procedural safeguard applies.²⁸

Article 21 supplies the counterweight: unlawful deprivation of liberty, custodial abuse and an ineffective investigation implicate the right to life and personal liberty. The State's obligation is not satisfied by creating a formal complaint route that cannot meaningfully test evidence against powerful officials. Yet due process also protects an accused officer from vindictive prosecution. A constitutionally coherent model therefore treats sanction as a controlled threshold safeguard, not as a substitute for investigation or adjudication.²⁹

Access to justice is affected by delay as much as by outright refusal. A complainant who waits for an unexplained sanction decision may lose witnesses or physical evidence. An officer against whom sanction is pending also faces uncertainty and reputational harm. Both concerns support a requirement of time-bound, reasoned consideration. Procedural efficiency is not inherently hostile to police independence; it is a means of preventing the sanction mechanism from becoming either indefinite harassment or indefinite obstruction.³⁰

Judicial review should examine whether the competent authority considered relevant material, applied the correct legal standard and avoided irrelevant institutional considerations. Review is not the same as a court substituting its own assessment of guilt for that of the trial court. The sanctioning authority's task is to decide whether prosecution may proceed under the governing provision, not to pronounce a final verdict. Clear reasons also allow meaningful scrutiny without forcing the complainant to infer why permission was refused.³¹

The Transition from CrPC to BNSS

Any contemporary analysis must acknowledge that the CrPC has been replaced prospectively by the BNSS, which came into force on 1 July 2024, subject to applicable savings and transitional provisions. Section 218 BNSS substantially continues the prior-sanction architecture for specified public servants. Consequently, the title's focus on section 197 CrPC is historically and doctrinally legitimate, especially for older proceedings, but the current procedural framework cannot be accurately described without the successor provision.³²

A notable change is the BNSS mechanism requiring the competent government to decide a sanction request within 120 days, failing which sanction is deemed to have been accorded under the statutory provision. This is not a rule that may be retroactively read into every section 197 CrPC dispute. Its significance is normative and practical: the legislature has acknowledged the problem of administrative inaction while maintaining an executive screening function. Questions concerning the starting point, completeness of materials and operation of transitional provisions deserve careful case-specific analysis.³³

The Supreme Court has clarified that the former CrPC regime did not itself contain a general deemed-sanction rule merely because an authority delayed its decision. The distinction matters for Maharashtra litigation spanning the statutory transition. Counsel should identify the date of alleged offence, procedural stage, applicable savings provision and governing sanction law rather than asserting a single uniform deadline. Treating the two regimes as interchangeable would obscure an important legal development and risk misleading both officers and complainants.³⁴

²⁷Constitution of India, art. 21; *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

²⁸Constitution of India, art. 14.

²⁹Constitution of India, art. 21; *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746.

³⁰*Subramanian Swamy v. Manmohan Singh*, (2012) 3 SCC 64.

³¹*Centre for Public Interest Litigation v. Union of India*, (2012) 3 SCC 117 (institutional accountability context).

³²*Bharatiya Nagarik Suraksha Sanhita*, 2023, ss. 218, 531 (India).

³³*Bharatiya Nagarik Suraksha Sanhita*, 2023, s. 218(1) (India).

³⁴*Sameer Sandhir v. Central Bureau of Investigation*, Supreme Court of India (2025) (on absence of deemed sanction under s. 197 CrPC).

Findings and Reform Proposals

First, courts should apply a structured nexus inquiry identifying the specific official duty, the precise act alleged, the factual basis for connecting the two and any indications that authority was used as a cloak. A generic statement that the officer was conducting an investigation should be insufficient. Equally, merely alleging mala fides should not automatically defeat sanction. The resulting order should distinguish statutory eligibility from nexus and should indicate whether the determination is final or open to reconsideration after evidence.³⁵

Second, Maharashtra should institutionalise a documented sanction-review process for complaints against senior officers. A standard record should identify the deciding authority, materials reviewed, conflicts of interest, reasons and date of decision. In particularly serious allegations, the State could obtain independent legal advice and separate the review from the officer's direct reporting hierarchy. Such reforms can be implemented administratively without presuming that every complaint is true or displacing the statutory government's responsibility.³⁶

Third, investigation and preservation of evidence should not be conflated with cognizance. Where the statute makes sanction a condition for a court to take cognizance, that restriction should not be expansively restated as a blanket prohibition on every lawful preliminary investigative step. Courts and investigators must nevertheless observe any distinct procedural restrictions applicable to the particular case. This separation is crucial where delay may erase CCTV recordings, medical findings or communications relevant to allegations against senior officers.³⁷

Fourth, serious allegations of custodial torture, unlawful confinement and fabricated encounters warrant heightened evidentiary scrutiny. Courts should insist on objective documentation rather than allowing either side's characterisation to decide sanction automatically. A credible claim of an official operation may justify closer examination of the nexus, but it should not suppress investigation into whether the operation was invented or abused. This calibrated approach protects the legitimate officer while refusing to constitutionalise impunity.³⁸

Fifth, the sanction process should be accompanied by accessible communication to complainants and officers, internal tracking of pending requests and periodic publication of anonymised aggregate data. These are policy proposals, not claims about existing Maharashtra practice. Aggregate data could permit future empirical assessment of delays, approvals and refusals without exposing confidential investigations. Research-based reform requires knowing whether the safeguard actually filters harassment or instead creates systematic bottlenecks.³⁹

Finally, police accountability cannot rest on prosecution sanction alone. Independent complaints mechanisms, robust custody safeguards, professional disciplinary processes and prompt compensation where constitutionally warranted address different dimensions of institutional failure. A prosecution may be barred for want of sanction at a particular stage without resolving every administrative or constitutional remedy. Reform should therefore preserve distinctions among criminal culpability, disciplinary misconduct, public-law compensation and preventive institutional oversight.⁴⁰

Conclusion

Section 197 CrPC embodies a defensible concern: officers exercising public coercive power should not be paralysed by frivolous or retaliatory litigation. But its legitimacy depends upon maintaining a real boundary between acts reasonably connected with duty and conduct for which official position is merely an instrument or disguise. Maharashtra's additional police-law provisions and notification history make that boundary particularly important. Senior police rank neither proves entitlement to sanction nor disproves criminal responsibility. The correct analysis is statutory, functional and evidentiary, rather than hierarchical.⁴¹

The transition to section 218 BNSS introduces a significant time-bound mechanism while leaving the fundamental conflict between operational protection and public accountability unresolved. The strongest response is not abolition of all sanction safeguards, but disciplined interpretation, transparent decisions, timely evidence preservation and independent oversight in serious complaints. Such an approach recognises that effective policing

35D. Devaraja v. Owais Sabeer Hussain, (2020) 7 SCC 695.

36Maharashtra Police Act, 1951, ss. 159–161 (India).

37Code of Criminal Procedure, 1973, ss. 154, 156, 197 (India).

38Devinder Singh v. State of Punjab through CBI, (2016) 12 SCC 87.

39Law Commission of India, 41st Report on the Code of Criminal Procedure, 1898 (1969) (historical reform context).

40Prakash Singh v. Union of India, (2006) 8 SCC 1; Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.

41Code of Criminal Procedure, 1973, s. 197 (India); Maharashtra Police Act, 1951, s. 161 (India).

and the rule of law are mutually dependent. A State protects its officers best when it also demonstrates that official authority cannot become a refuge from legal accountability.⁴²

References

1. Amrik Singh v. State of PEPSU, AIR 1955 SC 309.
2. Bharatiya Nagarik Suraksha Sanhita, 2023, ss. 218 and 531 (India).
3. Code of Criminal Procedure, 1973, s. 197 (India).
4. Constitution of India, arts. 14 and 21.
5. D. Devaraja v. Owais Sabeer Hussain, (2020) 7 SCC 695.
6. D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.
7. D.T. Virupakshappa v. C. Subash, (2015) 12 SCC 231.
8. Devinder Singh v. State of Punjab through CBI, (2016) 12 SCC 87.
9. G.C. Manjunath v. Seetaram, Supreme Court of India, 3 April 2025.
10. Law Commission of India, 41st Report on the Code of Criminal Procedure, 1898 (1969).
11. Maharashtra Police Act, 1951, ss. 159–161 (India).
12. Matajog Dobey v. H.C. Bhari, AIR 1956 SC 44.
13. Nilabati Behera v. State of Orissa, (1993) 2 SCC 746.
14. Om Prakash v. State of Jharkhand, (2012) 12 SCC 72.
15. Prakash Singh v. Union of India, (2006) 8 SCC 1.
16. Prevention of Corruption Act, 1988, s. 19 (India).
17. Sanjay Bapuso Dalvi v. State of Maharashtra, Criminal Writ Petition Nos. 2509 and 2511 of 2022 (Bom. HC, 9 July 2026).
18. State of Orissa v. Ganesh Chandra Jew, (2004) 8 SCC 40.

⁴²Bharatiya Nagarik Suraksha Sanhita, 2023, s. 218 (India); Constitution of India, arts. 14, 21.