2026 INSC 37

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS. ……. OF 2026
[@ SLP (CRIMINAL) NOS. 14321-14333 OF 2025]

THE JOINT DIRECTOR (RAYALASEEMA),
ANTI-CORRUPTION BUREAU, A.P.
& ANR. ETC. ... APPELLANTS

VERSUS

DAYAM PEDA RANGA RAO ETC. ... RESPONDENTS

J U D G M E N T

M.M. Sundresh, J.

1. Leave granted.

2. Heard the learned Senior Counsel and learned Counsel appearing for the appellant(s) and respondent(s). We have perused the documents placed before us, along with the written submissions made.

3. A helping hand, extended by the High Court of Andhra Pradesh through a hyper-technical approach, in nullifying the First Information Reports (hereinafter referred to as "**FIRs**") registered in a batch of cases, pertaining to offences committed under the provisions of the Prevention of Corruption Act, 1988 (hereinafter referred to as the "**PC Act**"), which left the investigation(s) being nipped in the bud in some cases, while, in the others, criminal proceedings stood terminated, led to the present appeals being filed before us.

DISCUSSION OF RELEVANT LEGAL PROVISIONS, GOVERNMENT ORDERS AND CIRCULARS:

THE CODE OF CRIMINAL PROCEDURE, 1973

4. The Code of Criminal Procedure, 1973 (hereinafter referred to as the "**CrPC, 1973**") was replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the "**BNSS, 2023**"). As the relevant provisions, in both the Statutes, are *pari materia*, we would only deal with the former enactment for the sake of brevity.

Section 2(s) of the CrPC, 1973:

"2. Definitions.—In this Code, unless the context otherwise requires,—

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> (*s*) "police station" means **any post or place declared generally or specially by the State Government, to be a police station, and includes any local area specified by the State Government** in this behalf;"

(emphasis supplied)

Section 2(s) of the CrPC, 1973 defines a 'police station'. It concerns itself with two distinct and separate categories, namely, 'post' and 'place' Accordingly, a 'post,' held by a police officer, can be defined as a police station, and so also a 'place'. In a given case, there can be a combination of both. The definition clause, under Section 2(s) of the CrPC, 1973, is both exhaustive and inclusive. It is exhaustive to mean, any post or any place, while it includes any local area specified by the State Government. The inclusion of 'local area' would come within the definition of place, meaning thereby, a place would include, a specified one, a town, a city, a taluk, a village, a district or even a State itself. Therefore, a local area is a *species* of the *genus* 'place'. The declaration, that is warranted, under the definition clause, is rather formal. It can be specific, either to a place or to a post, or general, to a group of posts or places. Suffice it is to state that, under the definition, there need not be a specific place to be declared as a police station, as even a post being held by a police officer would constitute a police station.

Section 2(o) of the CrPC, 1973:

> **"2. Definitions**.—In this Code, unless the context otherwise requires,—
>
> ***
>
> (*o*) "officer in charge of a police station" includes, when the officer in charge of the police station is absent from the station-house or unable from illness or other cause to perform his duties, the police officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the State Government so directs, any other police officer so present;**"**

This provision defines an "officer in charge of a police station." This is an inclusive definition, which refers to a police officer at the station house, placed next in rank to the officer in charge, and is above the rank of constable, unless the State Government otherwise so directs.

G.O.Ms. No. 268 HOME (PSC) DEPARTMENT dated 12.09.2003

5. The Government of Andhra Pradesh issued a notification, by way of the aforesaid Government Order, declaring the offices of Anti-Corruption Bureau (A.C.B) as Police Stations, with their respective jurisdiction.

> GOVERNMENT OF ANDHRA PRADESH
> ABSTRACT
>
> Anti-Corruption Bureau, Andhra Pradesh - Declaration of Offices of Anti-Corruption Bureau of Police Stations with their jurisdiction. Notification - Issued.
>
> HOME (PSC) DEPARTMENT
>
> G.O.Ms.No. 268. Dated: 12-9-2003

Letter C.No. 51/RPCC/2002 dated 7-6-2002 of the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.

ORDER: -

The following Notification will be published in Andhra Pradesh Gazette, dated - 2003

NOTIFICATION

In exercise of the powers conferred by clause (s) of section 2 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in supersession of all posts of all previous orders on the subject, the Governor of Andhra Pradesh hereby declares that the offices of the Anti-Corruption Bureau specified in the schedule shown below in column (2) shall be Police Stations and that they shall include within their limits, the areas specified in column (3) against each of the offices and in exercise of the powers conferred under clause (o) of section 2 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) declares that all Police Officers of the Anti-Corruption Bureau, Andhra Pradesh, of and above the rank of Deputy Superintendent of Police shall be officer in charge of a Police Station, and in the absence of such Police Officer from the Station House, or unable from illness, or other cause to perform his duties, the police Officer at the Station House, who is next in rank to such officer i.e., Inspector of Police shall be the Officer in charge of the Police Station.

11.	Joint Director, Central Investigating Unit, A.C.B., Hyderabad	State of Andhra Pradesh

Upon understanding the definition clauses contained in Sections 2(s) and 2(o) of the CrPC, 1973, the aforestated notification has been passed. This notification contains two distinct parts. In exercise of powers contained under Section 2(s) of the CrPC, 1973, the offices of the Anti-Corruption Bureau, specified in the Schedule, as mentioned in Column (2), have been declared as

police stations. Therefore, what has been declared is the office concerned. After undertaking the said exercise, a further declaration has been made in exercise of powers conferred under Section 2(o) of the CrPC, 1973, declaring all police officers of the Anti-Corruption Bureau, Andhra Pradesh, of and above the rank of Deputy Superintendent of Police, as in-charge of the police station. The Government Order further facilitates the other officers to exercise the said power, on a contingency, in tune with the said provision. Further, *vide* Serial No. 11, the Office of the Joint Director, Central Investigating Unit, A.C.B., Hyderabad was declared as a police station, with jurisdiction over the entire State of Andhra Pradesh. Suffice it is to state that this Government Order, having the trappings of law, continues to govern the field.

THE ANDHRA PRADESH REORGANISATION ACT, 2014

6. Pursuant to a conscious decision, the Government of India enacted the Andhra Pradesh Reorganisation Act, 2014 (hereinafter referred to as the "**2014 Act**"), carving out a new State, namely, the State of Telangana, through the bifurcation of the undivided State of Andhra Pradesh on 01.03.2014. The Act came into force with effect from the appointed date i.e., 02.06.2014. The following provisions would be apposite to refer to:

Section 2(f) of the 2014 Act

"2. Definitions.—In this Act, unless the context otherwise requires,—

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(f) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Andhra Pradesh;**"**

Section 100 of the 2014 Act

"100. Territorial extent of laws.—The provisions of Part II shall not be deemed to have affected any change in the territories to which the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (Andhra Pradesh Act No. 1 of 1973) and **any other law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Andhra Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Andhra Pradesh before the appointed day**."

(emphasis supplied)

Section 101 of the 2014 Act

"101. Power to adapt laws.—For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, **the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority**.

> ***Explanation***.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.**"**
>
> (emphasis supplied)

Section 102 of the 2014 Act

> **"102. Power to construe laws**.—**Notwithstanding that no provision or insufficient provision has been made under section 102 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Andhra Pradesh or the State of Telangana, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority**."
>
> (emphasis supplied)

7. The definition of the term 'law', under Section 2(f) of the 2014 Act, is an expansive one, as it includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law, in existence. Thus, the term 'law' includes an order or other instrument having the force of law, and therefore, brings within its ambit a notification or a circular issued by a competent authority.

8. On a reading of Section 100 of the 2014 Act, one can see the objective behind it. This is a transitional provision, making the application of the existing law to the two States, conscious enough not to create any legal vacuum. The

abovesaid objective is also evident on a reading of Sections 101 and 102 of the 2014 Act.

9. Section 101 of the 2014 Act mainly gives the option to the appropriate Government of the State either to adapt, modify, repeal or amend the existing law. Section 102 of the 2014 Act goes one step further by facilitating the Courts and Tribunals to give effect to the existing law, notwithstanding the lack of adoption of the erstwhile law.

10. The abovesaid provisions would make it clear that there is indeed no requirement for any specific order of adoption, particularly for the State of Andhra Pradesh. In other words, the State of Andhra Pradesh continues to be the same State, as what has been done is, by merely carving out some of its territories, a new State has been created. In any case, Section 102 of the 2014 Act leaves no room for any other interpretation, especially when it contains a *non-obstante* clause, and facilitates the Tribunals and the Courts to follow the existing law, even in the absence of any adoption. Hence, when the Courts are expected to follow the existing law, it is axiomatic that the mandate applies to the executive and every other authority.

Circular Memo No. 13665/SR/2014

11. To make the aforesaid position rather clear, a Circular was issued by the Government of Andhra Pradesh, *vide* Circular Memo No.13665/SR/2014 dated 26.05.2014, by taking note of the law, as laid down by this Court, in *State of Punjab and Others* vs. *Balbir Singh and Others* **(1976) 3 SCC 242** and *Commissioner of Commercial Taxes Ranchi and Another* vs. *Swarn Rekha Cokes & Coals (P) Ltd. and Others* **(2004) 6 SCC 689**. The correct understanding of the 2014 Act, as reflected in the aforesaid Circular, is placed hereunder for better appreciation.

GOVERNMENT OF ANDHRA PRADESH GENERAL ADMINISTRATION (SR) DEPARTMENT

Circular Memo.No.13665/SR/2014. **Dated: 26-5-2014**

Sub: The Andhra Pradesh Reorganisation Act,2014 - Formation of a new State to be known as the State of Telangana – Application of 'law' in the States - Clarification - Reg.

Ref: The Andhra Pradesh Reorganisation Act, 2014.

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In terms of section 3 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014), a new State to be known as the State of Telangana comprising the territories specified therein shall be formed on and from the appointed day, and the appointed day has been notified as 2-6-2014.

2. In this connection, it is stated that "law" as defined in section 2(f) of the Act is as follows:-

"(f) 'law' includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other Instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Andhra Pradesh."

3. In so far as the territorial extent of laws, power to adapt laws and power to construe laws are concerned the relevant provisions under the Act are as in sections 100, 101 and 102, which are as follows:-

"100. The provisions of Part II shall not be deemed to have affected any change in the territories to which the Andhra Pradesh Land Reforms (Celling on Agricultural Holdings) Act, 1973 and any other law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Andhra Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Andhra Pradesh before the appointed day.

101. For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation:- In this section, the expression "appropriate Government" means as respects any law relating to matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

102. Notwithstanding that no provision or insufficient provision has been made under section 102 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Andhra Pradesh or the State of Telangana, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority."

4. In this connection, it is stated that in State of Punjab and others Vs Balbir Singh and others [(1976) 3 SCC 242: AIR 1977 SC 629], the Hon'ble Supreme Court of India inter alia held that when there is no change of sovereignty and it is merely an adjustment of territories by reorganization of a particular State, the administrative orders made by the Government of erstwhile State continue to be in force and effective and binding on the successor States until and unless they are modified, changed or repudiated by the Governments of the successor States. It has also been observed that no other view is possible to be taken, as that will merely bring about chaos in the administration of new States.

5. The Hon'ble Supreme Court of India in the Commissioner of Commercial Tax Ranchi and another Vs Swarn Rekha Cokes & Coals Private Limited and others, reported in (2004) 5 SCALE 596, while interpreting the true meaning and import of sections 84 and 85 of the Bihar Reorganisation Act, 2000 (which are on the identical lines of sections 100 and 101 of the A.P. Reorganisation Act, 2014), inter alia held that the language in these sections is clear and unambiguous. These sections provide that the laws which were applicable to the undivided State of Bihar would continue to apply to the new States created by the Act. The laws that operated continue to operate notwithstanding the bifurcation of the erstwhile State of Bihar and creation of the new State of Jharkhand. They continue in force until and unless altered, repealed or amended.

6. In view of the above, it is clarified that—

(i) all the laws, which were applicable to the undivided State of Andhra Pradesh, as on 1-6-2014, would continue to apply to the new States i.e., State of Telangana and State of Andhra Pradesh created by the Central Act, with effect from 2-6-2014 notwithstanding the bifurcation of the erstwhile State of Andhra Pradesh;

(ii) to facilitate their application in respect of the State of Telangana and the State of Andhra Pradesh, the appropriate Government may, before the expiration of two years from 2-6-2014, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient; and thereupon,

(iii) every such law as adapted or modified as above, will continue till such time it is altered, repealed or amended by a competent Legislature or other competent authority, in the respective States.

Circular Memo No.25735/GPM&AR/2015

12. The Circular referred to above, issued by way of a clarification, was followed by another one, *vide* Circular Memo No.25735/GPM&AR/2015 dated 01.12.2015, meant for administrative purposes relating to the shifting of the Secretariat, which is as follows:

> **GOVERNMENT OF ANDHRA PRADESH**
> **GENERAL ADMINISTRATION (GPM&AR) DEPARTMENT**
>
> Circular Memo No. 25735/GPM&AR/2015. Dated. 01.12.2015
>
> Sub: Shifting of Secretariat, Heads of Departments to New Capital Region - Instructions – Reg.
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> @@@
>
> All the Departments of Secretariat, Heads of Departments are hereby informed that Secretariat and HODs will function from the New Capital Region from 1st June, 2016. All the Department of Secretariat and Heads of Departments are requested to plan and arrange for shifting to the New Capital Region before 1st June, 2016. They are also requested to issue instructions to all the employees and officers working in their respective department under their administrative control that the offices will function from the New Capital Region from 1st June, 2016 onwards.

Circular Memo. No. 53023/6/GPM&AR/2016-9

13. The said Circular was followed by a subsequent Circular dated 24.05.2016. The same reads as follows:

> GOVERNMENT OF ANDHRA PRADESH
> GENERAL ADMINISTRATION (GPM&AR) DEPARTMENT
> ***
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> Circular Memo. No. 53023/6/GPM&AR/2016-9. Dated. 24/05/2016

Sub: GPM&AR — Shifting of HoDs and other Institutions to the new Capital Region – Instructions—Issued.

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It has been decided by the Government to move all the Heads of Departments and other Government Institutions like Societies, Non-Statutory Authorities, Institutions other than listed in IX and X Schedules of A.P. Re-organisation Act on or before 27th June 2016 to the new Capital region and in and around Vijayawada and Guntur cities.

2. All the Heads of Departments shall first explore the possibility of locating their Offices in any of the Government building owned by the Department in the new capital region. If there is no suitable Government building available with the Department, they are requested to approach the District Collector, Krishna/ Guntur and obtain private accommodation details available with him. They may select the premises and fix the rent for the private building. The Dist. Collectors, Krishna and Guntur will provide necessary support and guidance in this regard.

3. The Dist. Collector, Krishna has identified a total number of 85 buildings with a plinth area of 16,98,231 sft with ample parking place of 2,34,000 SFT in and around Vijayawada which are now available for ready occupation. Similarly the Dist. Collector, Guntur also identified 4 private accommodation in and around Guntur city roughly about 1,50,000 SFT for accommodating the Govt. Offices. (The particulars of the building along with the photograph has been scanned and any of the Head of the Departments desires to have the soft copy can send a mail request to splcsgad@ap.gov.in).

4. After identification of suitable building, the Department should enter into a lease agreement for a period about 3 years. If the department is constructing any building, lease period can be of shorter duration considering with building completion date. After the building is taken on lease, Heads of Department should move along with the existing office furniture and office equipment available in Hyderabad Office and start functioning from the new premises at the new capital region. The entire shifting exercise should be completed before 27th June, 2016 and ensure that the functioning of the offices from the New Capital Region shall be commenced from 27.06.2016.

5. All the Departments of Secretariat / HoDs are requested to issue suitable instructions to the Government instrumentalities working under their control immediately.

6. This copy of the circular instructions is also available on internet and can be accessed at www.ap.gov.in.

C.No.3/A3/2014-16 dated 17.10.2016

14. After receipt of the said Circular, the Director General of the Anti-Corruption Bureau sent a communication intimating the due compliance made, *vide* letter dated 17.10.2016.

GOVERNMENT OF ANDHRA PRADESH
ANTI-CORRUPTION BUREAU

From,
The Director General
Anti-corruption Bureau,
2nd Floor, NTR Admn. Block,
Pandit Nehru Bus Station.
Vijayawada - 520012

To,
The Chief Secretary to Govt.
General Admn. (SC F) Dept.
A P, Secretariat, Velagapudi,
Amaravathi

C.No.3/A3/2014-16, dated 17-10-2016.

Sir,

Sub:- Anti-Corruption Bureau - Shifting of Office to Vijayawada information-Regarding

Ref:- Circular Memo in No. 53023/6/GPM&AR/2016-9, dated 24-05-2016 of Genl. Admn. (GPM&AR) Department.

• • •

It is to inform you that as per the orders issued by the Government vide reference cited, the Anti-Corruption Bureau has been shifted from Hyderabad to Vijayawada.

Hence, all DO letters, Confidential letters and official letters intended to me may be sent in my name cover to the following address.

Address : The Director General,
Anti-Corruption Bureau,
2nd Floor, NTR Admn. Block,
Pandit Nehru Bus Station.
Vijayawada - 520002

15. In the meanwhile, a spate of FIRs have been registered at the office of the Anti-Corruption Bureau, Central Investigation Unit, Andhra Pradesh, Vijayawada Police Station, between the years 2016 and 2020, for offences punishable under the PC Act. All these FIRs have been challenged by the persons arrayed as accused, respondent(s) herein, primarily on the ground that the Anti-Corruption Bureau, Central Investigation Unit, Andhra Pradesh, Vijayawada Police Station, is not notified as a police station under Section 2(s) of the CrPC, 1973 and, therefore, lacks jurisdiction to register the FIRs.

GO.Ms. No. 137, Home (Services-III) Department dated 14.09.2022

16. During the pendency of the proceedings before the High Court of Andhra Pradesh, a clarification was issued by the Government of Andhra Pradesh, *vide* GO.Ms. No. 137, Home (Services-III) Department dated 14.09.2022, which states as follows:

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Anti-Corruption Bureau, Andhra Pradesh - Declaration of Office of Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada as Police Station with jurisdiction over entire State of Andhra Pradesh - Clarification – Notification-Order-Issued

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HOME (SERVICES-III) DEPARTMENT

G.O.Ms.No.137 **Dated. 14-09-2022**
Read the following :

1. G.O.Ms.No.268, Home (PSC) Department, dated 12.9.2003.
2. From the Director General, Anti-Corruption Bureau, A.P., Vijayawada, Letter Rc. No.43/RPC(C)/2022 dated: 07.06.2022.

-:0:-

ORDER:

In the G.O. first read above, declared and notified the Office of the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad, as Police Station having jurisdiction to the combined State of Andhra Pradesh and also Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Hyderabad was notified as Police Station with jurisdiction over the entire State of the Andhra Pradesh. Pursuant to section 101 of the A.P. Re-organisation Act, 2014 (Act No. 6 of 2014), corresponding notification notifying the Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Vijayawada, as the Police Station having jurisdiction to the residual State of Andhra Pradesh has not been issued specifically. However, specific challenges have been taking place, to absence of such notification in relation to the Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Vijayawada as counterpart to Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Hyderabad, in relation to the State of Andhra Pradesh and the matters are pending in Court. In order to impart clarity to the subject matter, the Government hereby have clarified that the Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada, shall be construed as a Police Station with jurisdiction extending to the entire State of Andhra Pradesh, corresponding to the Office of the Joint Director, Central Investigation Unit,

Anti-Corruption Bureau, Hyderabad in relation to the State of Telangana, even though Section 102 of the AP Re-Organisation Act, 2014 specifically provides for such consequences.

2. Accordingly, the following Notification will be published in the extraordinary issue of the Andhra Pradesh Gazette, dated. 14-09-2022.

NOTIFICATION

In exercise of the powers conferred by Clause (s) of section 2 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and in partial modification of the earlier orders in respect of declaration of Police Stations of the Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, the Governor of Andhra Pradesh hereby declares that the Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada, specified in the schedule shown below in column (2) shall be Police Station and that it shall include within the limits, the areas specified in column (3) against the office and in exercise of the powers conferred under Clause (o) of section 2 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) declares that the Office of the Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada in the rank of Superintendent of Police shall be the officer in charge of the Police Station, and in the absence of such Police Officer from the Station House, or unable due to illness, or other cause to perform his duties, the Police Officer at the Station House, who is the next in rank to such officer i.e., Additional Superintendent of Police, Deputy Superintendent of Police and Inspector of Police shall be the Officer in charge of the Police station.

THE SCHEDULE

Sl. No	**Name of the Office**	**Jurisdiction**
1	2	3
1.	Joint Director, Central Investigation Unit, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.	State of Andhra Pradesh

17. Before the High Court, the respondents herein contended that, in the absence of a notification under Section 2(s) of the CrPC, 1973, the registration of the FIRs would be one without jurisdiction and, therefore, liable to be quashed. Incidentally, other contentions have also been raised. On the contrary, the appellants herein placed heavy reliance upon the various Government Orders and Circulars, referred to above. By the impugned judgment, the High Court was pleased to hold that, in the absence of a notification under Section 2(s) of the CrPC, 1973, the police station, to which the police officers who registered the FIRs belong to, do not have any jurisdiction to register the same. It was, therefore, held that there has to be a declaration under Section 2(s) of the CrPC, 1973, published by way of a notification in the Official Gazette, declaring a police station. It was further held that the Government Order, passed in GO.Ms. No. 137, Home (Services-III) Department dated 14.09.2022, will not have any retrospective application. Accordingly, all the registered FIRs have been quashed, without even indicating which forum would otherwise have the jurisdiction.

SUBMISSIONS MADE ON BEHALF OF THE APPELLANTS:

18. The learned Senior Counsel, Mr. Sidharth Luthra and Mr. Siddharth Aggarwal, appearing for the appellants, made the following submissions:

- In view of the mandate of the 2014 Act, with specific reference to Sections 101 and 102 the 2014 Act, the approach of the High Court cannot be sustained in the eye of the law. The Government Order, passed in G.O.Ms. No. 268, dated 12.09.2003, is a law which is binding on the parties. After the advent of the 2014 Act, it cannot be contended that the Joint Director, Central Investigating Unit, A.C.B, Hyderabad would continue to have jurisdiction. Perhaps, he will have jurisdiction *qua* the State of Telangana. In other words, one has to see the 'post', as defined in Section 2(s) of the CrPC, 1973. Even prior to the reorganisation, the jurisdiction, of the said office, extended to the entire undivided State of Andhra Pradesh. Subsequent to the reorganisation, it should be deemed that the office, which stood relocated to the new capital, continues to have jurisdiction over the entire State.
- The High Court has not adopted a pragmatic approach, while ignoring the earlier decisions of this Court.

- Reliance has been placed on the following decisions, including the latest one, which has already dealt with the reorganisation of the State of Andhra Pradesh, though on a different issue:
    1. State of Punjab and Others vs. Balbir Singh and Others (1976) 3 SCC 242.
    2. Commissioner of Commercial Taxes Ranchi and Another vs. Swarn Rekha Cokes & Coals (P) Ltd. and Others, (2004) 6 SCC 689.
    3. Ranjan Sinha and Another vs. Ajay Kumar Vishwakarma and Others, (2017) 14 SCC 774.
    4. State of Madhya Pradesh and Others vs. Lafarge Dealers Association and Others, (2019) 7 SCC 584.
    5. State, Central Bureau of Investigation vs A. Satish Kumar And Others, AIR 2025 SUPREME COURT 913.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

19. Learned Senior Counsel, appearing on behalf of the respondents, would submit that there has to be a notification, either general or specific. The State was aware of the necessity of the notification under Section 2(s) of the CrPC, 1973. The decision rendered in *Swarn Rekha Cokes & Coals (P) Ltd.* ***(supra)***

will not have an application to the facts of the present case, particularly when the same has been subsequently overruled. The State itself has understood the *lacunae*, and that is the reason why it has come out with the subsequent Government Order in 2022, followed by a notification, during the pendency of the criminal petitions before the High Court.

20. Insofar as the Crime Investigation Department is concerned, appropriate orders have been passed by way of two Government Orders, being G.O.Ms No. 129 dated 02.08.2017 and G.O.Ms No. 8 dated 09.01.2019, specifically notifying new police stations, which indicate that the State of Andhra Pradesh was aware of the necessity of a notification under Section 2(s) of the CrPC, 1973. As the High Court has rightly interpreted the law, the appeals deserve to be dismissed.

DISCUSSION

21. The issue before us lies in a very narrow compass. We are dealing with a set of cases where, the FIRs registered, for offences punishable under the PC Act, have been quashed, which left the investigation(s) being nipped in the bud in some cases, while, in the others, criminal proceedings stood terminated. The

High Court has undertaken the said exercise, solely on the issue of jurisdiction of the police station which registered the FIRs.

22. In our considered view, the approach of the High Court is nothing but a travesty of justice. If, on a hyper-technical ground, the FIRs are quashed, the High Court is duty-bound to lay down the law with respect to the jurisdiction that otherwise exists. We have already discussed the scope and ambit of the relevant provisions contained in the CrPC, 1973, and the 2014 Act, which was followed by a series of Government Orders and Circulars.

23. In fact, in our considered view, the High Court has completely misdirected itself while interpreting the law, including the principles laid down by this Court in *Swarn Rekha Cokes & Coals (P). Ltd.* ***(supra)***. Though this decision has been overruled, paragraphs 26 to 28, contained thereunder, have been affirmed by the subsequent decision of this Court in the case of *State of Madhya Pradesh and Others* ***(supra)***.

24. The reasoning of the High Court, that a declaration by way of a notification has to be published in the Official Gazette for due compliance of Section 2(s) of the CrPC, 1973, is, to say the least, unacceptable. One has to see the substance and due compliance, in spirit. Similarly, the finding, that the

subsequent clarificatory Government Order of 2022 will not have an effect on the FIRs registered, is totally untenable and against the basic canons of law. In our considered view, the High Court took undue pains to ensure that the FIRs are quashed. When a Government Order is issued by way of a clarification, there is no question of any retrospective application. In fact, the said Government Order merely quotes the various provisions of the 2014 Act in order to make the position abundantly clear. As a consequence, we are dealing with a situation where years have lapsed without further progress on the registered FIRs.

25. As judgments have been relied upon, in support of the respective contentions, we would like to deal with them.

Commissioner of Commercial Taxes, Ranchi and Another vs. Swarn Rekha Cokes And Coals (P) Ltd. and Others (2004) 6 SCC 689

> **"26.** The question then arises, as to what is the true meaning and import of Sections 84 and 85 of the Act?
>
> **27.** We have earlier reproduced Sections 84 and 85 of the Act. As earlier noticed, Sections 3 to 6, which form part of Part II of the Act provide for the formation of new States to be known as the State of Jharkhand and the State of Bihar. The territories specified in Section 3 constitute the new State of Jharkhand and the remaining territories fall within the territory of the State of Bihar. However, Section 84 in express terms, provides that the provisions of Part Il shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extended or

applied and the territorial references in any such law to the State of Bihar shall, until otherwise provided by a competent legislature or other competent authority, be construed as meaning the territories within the existing State of Bihar before the appointed day. Section 85 provides that for the purpose of facilitating the application in relation to the State of Bihar or Jharkhand of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent legislature or other competent authority. **The language in these sections is clear and unambiguous. These sections provide that the laws which were applicable to the undivided State of Bihar would continue to apply to the new States created by the Act. The laws that operated continue to operate notwithstanding the bifurcation of the erstwhile State of Bihar and creation of the new State of Jharkhand. They continue in force until and unless altered, repealed or amended.** It is not disputed before us and indeed it cannot be disputed in view of the wide definition given to "law" in Section 2(f) of the Act that the notification issued under Section 7(3)*(b)* of the Bihar Finance Act, 1981 is law within the meaning of Sections 84 and 85 of the Act. Thus, the notification published in the Bihar Gazette on 22-12-1995 bearing SO No. 478 continues to operate in the State of Jharkhand till such time as it is altered, repealed or amended. By virtue of Section 84, the territorial references in any such law (which includes the notification in question), to the State of Bihar shall be construed as meaning the territories within the existing State of Bihar before the appointed day, until otherwise provided by a competent legislature or other competent authority. A conjoint reading of both these provisions makes it abundantly clear that the territorial references in any law in force immediately before the appointed day must be construed as meaning the territories within the existing State of Bihar before the appointed day. To facilitate their application in respect of the State of Bihar or Jharkhand, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law as it may consider necessary or expedient by way of repeal or amendment. Till such law is so repealed or amended in accordance with law, it shall have effect. After their amendment or alteration, they shall have effect subject to the adaptations and modifications made. We, therefore, find no difficulty in holding that the notification of the Government of Bihar issued under Section 7(3)*(b)* of the Bihar Finance Act, 1981 and published in the gazette on 22-12-1995 being SO No. 478, is law as defined by Section 2*(f)* of the Act. The said notification holds the field and applies to all the territories which comprised the undivided State

of Bihar. The States of Bihar and Jharkhand have been vested with power to make such adaptations and modifications of the law as they may consider necessary or expedient. This they can do by issuance of order before the expiration of two years from the appointed day. After the adaptations and modifications of the law, the law shall have effect as so modified or adapted till such time as a competent legislature or other competent authority further alters, repeals or amends such law.

28. This is not the first time that a provision such as Section 84 of the Act has come up for interpretation by this Court. Section 88 of the Punjab Reorganisation Act, 1966 is also identically worded as Section 84 of the Act. That provision came up for consideration before this Court in at least three decisions which have been brought to our notice, namely, *State of Punjab v. Balbir Singh* (1976) 3 SCC 242, *Sher Singh v. Financial Commr. of Planning* (1987) 2 SCC 439 and *Dhayanand v. Union of India* (1996) 7 SCC 47. In the first of these cases i.e. in *State of Punjab v. Balbir Singh* (1976) 3 SCC 242 this Court was concerned with an administrative order and not a law with which we are concerned in the instant case. Section 88 of the Punjab Reorganisation Act was noticed as also the definition of law under Section 2*(g)* of that Act. Section 2*(g)* of that Act did not define law as widely as it has been defined under Section 2*(f)* of the Act. This Court agreed with the High Court that the impugned administrative orders in question were not law within the meaning of Section 2*(g)* of that Act and hence, were not saved by Section 88. However, this Court held that when there is no change of sovereignty and it is merely an adjustment of territories by reorganisation of a particular State, the administrative orders made by the Government of the erstwhile State continue to be in force and effective and binding on the successor States until and unless they are modified, changed or repudiated by the Governments of the successor States. This Court observed that no other view is possible to be taken as that will merely bring about chaos in the administration of the new States. Their Lordships found no principle in support of the stand that administrative orders made by the Government of the erstwhile State automatically lapsed and were rendered ineffective on the coming into existence of the new successor States. Their Lordships further distinguished a case where there was no change of sovereignty and there was merely an adjustment of territories by the reorganisation of a particular State, from a case of absorption of one State in another by accession, conquest, merger or integration. The same view was taken by this Court in the other two judgments referred to earlier. We are of the view that the principles laid down in *Balbir Singh* case (1976) 3 SCC 242 fully apply to the facts of this case having regard to the identical legislative provision

and, particularly so when the notification in question is by definition law and not a mere administrative order.**"**

(emphasis supplied)

The law, laid down by this Court, as aforestated, would leave no room for any doubt that, by no stretch of imagination, the impugned judgment can be sustained.

State of Madhya Pradesh and others vs. Lafarge Dealers Assn. and others

(2019) 7 SCC 584

"27. <u>We have quoted the relevant portions of the judgment in *Swarn Rekha Cokes and Coals (P) Ltd.* (2004) 6 SCC 689 and have no difficulty in agreeing to the dictum as enunciated in paras 26, 27 and 28, but find it difficult to agree with the ratio recorded in para 29. The effect of Sections 84 and 85 of the Bihar Reorganisation Act, 2000 was to ensure continuity of laws enacted by the unified State of Bihar in the new State of Jharkhand which had been created by transfer of territories which earlier formed part of the State of Bihar. These sections incorporating a deeming fiction were to ensure that the new State of Jharkhand would continue to be governed by the pre-existing laws as, otherwise, there would be a disorderly and chaotic situation where the new State would not be governed by any law.</u> This is the true effect of the legal fiction created by Section 84 of the Bihar Reorganisation Act, 2000 i.e. the reorganisation of the State would not affect the applicability of the existing laws in the State to all territories included within it before and even after the reorganisation. The said fiction does not postulate and cannot be extended to imagine that for the purpose of sale transactions or even for other purposes, the new State did not have any political and constitutional existence as a separate State and that till a new law was enacted, the two States were to be treated as one political State as it was before the reorganisation. The sale transactions which were hitherto intra-State sales being within the unified State of Bihar, would become inter-State transactions once the two new States had come into existence. The

provisions do not stipulate that such transactions would continue to be treated as intra-State transactions notwithstanding creation of the new State.**"**

(emphasis supplied)

Thus, this Court has, in fact, approved the earlier decision in *Swarn Rekha Cokes and Coals (P) Ltd.* ***(supra)*** with respect to the law as laid down in paragraphs 26 to 28.

State, Central Bureau of Investigation v. A. Satish Kumar And Others AIR 2025 SUPREME COURT 913

"15. Having gone through the reasons that made the High Court to come to such conclusions as mentioned and to quash the subject FIRs and the subsequent proceedings thereon, we will consider the contentions raised to mount attack against the same. **As noted hereinbefore, the core contention of the appellant is that the High Court had failed to consider Circular Memo No. 13665/SR/2014 dated 26.05.2014 and its true import. Indeed, the said circular was issued in terms of Section 3 of the A.P. Reorganisation Act. Para 2 of the said circular reads thus:-**

"2. In this connection, it is stated that "law" as defined in section 2(f) of the Act is as follows:-

(f) 'law' includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Andhra Pradesh"

16. Clauses (i) to (iii) of Paragraph 6 of the said circular are also relevant in the circumstances and they read thus:

"(i) all the laws, which were applicable to the undivided State of Andhra Pradesh, as on 1-6-2014, would continue to apply to the new States i.e., State of Telangana and State of Andhra Pradesh created Dy the Central Act, with effect from 2-6-2014 notwithstanding the bifurcation of the erstwhile Pradesh;

(ii) to facilitate their application in respect of the State of Telangana and the State of Andhra Pradesh, the appropriate Government may, before the expiration of two years from 2-6-2014, by order, make such adaptions and

modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon,
(iii) every such law as adapted or modified as above, will continue till such time it altered, repealed or amended by a competent Legislature or other competent authority, in the respective State."

***

21.…**In view of the impact of para 2(f) and clauses (i) to (ii) under para 6 such notification or circulars which were in force prior to the bifurcation or modified subsequently, in the absence of repeal or amendment as relates the subject matter involved thereunder within the limits of State of Telangana should be presumed to exist within the limits of State of Telangana and therefore, the finding of the High Court all such 'laws' pertain only to the State of Andhra Pradesh cannot be the correct law and the legal fiction should be that such laws would be in force in the new State unless altered or repealed or amended by it, in accordance with law. If in the light of the aforesaid Govt. orders especially dated 26.05.2014, the position is not construed in the said manner it will create only lawlessness or in other words a total vacuum in the subject matter(s) in which event persons could engage in such offences with impunity to certain extent. There cannot be any doubt that virtually it is to avoid such a situation that the aforementioned Government orders were issued and, therefore, any contra-construction would defeat the very soul of the provisions under the PC Act as also the very intent and purpose of the Government orders which were given the status of 'law' by virtue of definition under para 2(f) of the Circular Memo dated 26.05.2014 issued under Section 3 of the AP Reorganisation Act.**

22. In the light of the discussion as above and construction of the Govt. orders it can only be held that the High Court had erred in holding that there was no notification issued conferring the status of Special Court in terms of Section 4 of the PC Act to the CBI Court, Hyderabad. Now, the transfer of the cases concerned subsequent to the CBI Policy Division order regarding the re-defining the territorial jurisdiction of CBI, Hyderabad and Vishakhapatnam branches dated 28.03.2019 and issuance of notification by the High Court of Telangana vide ROC No. 334/E-1/2008 dated 03.09.2019 and the transfer of CC Nos. 35 of 2020 and 37 of 2020 to the Court of the Special Judge for CBI Cases, Kurnool were held as in accordance with law by the High Court. In such circumstances and in the light of the conclusion already arrived at, **the terms of the provisions under circular memo dated 26.05.2014 all "laws" applicable to the undivided State of Andhra Pradesh on 01.06.2014 would**

continue to apply to the new States, namely, the State of Telangana and the State of Andhra Pradesh despite the bifurcation of the erstwhile State of Andhra Pradesh till such time they were altered, repealed or amended."

(emphasis supplied)

26. This Court took the earlier judgments into consideration and, in fact, dealt with the very same 2014 Act and held that the legal fiction should be so that the existing laws, prior to bifurcation, would continue to be in force in both the States, unless altered, repealed or amended in accordance with law. Any construction to the contrary would defeat the very intent and purpose of the Government Orders, which were given the status of 'law,' *vide* Circular dated 26.05.2014.

27. Accordingly, we have no hesitation in setting aside the impugned judgment. Consciously, we are not going into the other issues, as, primarily, we are dealing with the impugned judgment before us. However, we make it clear that the High Court of Andhra Pradesh shall entertain no more challenge to the FIRs.

28. We have been informed that in some cases, the charge-sheets have already been filed. Hence, we give liberty to the respondents herein, to challenge the charge sheets, which have already been filed and those which are yet to be filed, on other grounds, if so warranted. Liberty is also given to them to raise

all the contentions, other than the one being decided by us, only after the conclusion of the investigation.

29. We further make it clear that in those cases where the investigation is still pending, the appellant(s) shall not take any coercive action, while the respondents herein are expected to lend their due cooperation.

CONCLUSION:

1. In conclusion, the impugned judgment stands set aside and the appeals stand allowed.
2. The appellant(s) are at liberty to proceed with the investigation.
3. The final reports are to be filed within a period of six months from the date of receipt of a copy of this judgment.
4. The appellant(s) shall not take any coercive steps by way of arresting the respondents herein.
5. The respondents herein shall co-operate with the expeditious conclusion of the investigation.
6. The High Court shall not entertain any more challenge to the FIRs or the pending investigation.

7. Liberty is granted to the respondents herein to raise all the other issues, other than the one decided by us, only after the conclusion of the investigation.

8. The impleading application, being CRL. M.P. No. 245004 of 2025, is allowed.

9. Pending application(s), if any, shall stand disposed of.

…… J.
(M. M. SUNDRESH)

…….…… J.
(SATISH CHANDRA SHARMA)

NEW DELHI;
JANUARY 08, 2026