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Can couples who created and froze embryos before the Surrogacy (Regulation) Act, 2021 came into force be bound by the age limits introduced by the Act?

SMT. VIJAYA KUMARI
S & ANR. VS. UNION
OF INDIA
[2025 INSC 1209]

CONTEXT: Intending couples (Petitioners/Applicants) sought to continue surrogacy procedures after the Surrogacy (Regulation) Act, 2021, came into force on 25.01.2022. These couples had initiated the process and completed "Stage A" (extraction of gametes, fertilisation, and freezing of embryos) before the Act's commencement. They were subsequently denied the required eligibility certificate because one or both members exceeded the maximum age limits prescribed by the new statute.

① The Supreme Court held that the age limits introduced by the Surrogacy (Regulation) Act, 2021-restricting intending mothers to 23–50 years and fathers to 26-55 years-did not apply retrospectively.

② Couples who had commenced surrogacy procedures and completed the creation and freezing of embryos before 25 January 2022 were exempted from these age restrictions, provided they met all other legal requirements.

③ The Court reasoned that their right to pursue surrogacy had already vested as part of their reproductive autonomy under Article 21, and since the Act showed no intent for retrospective application, imposing the age limits afterward would unfairly infringe on their constitutional right to parenthood.

SECTION 4 (iii)(c)(I)
OF THE SURROGACY
(REGULATION) ACT,
2021

In a case of multiple murders proved through circumstantial evidence, how did the Court balance the aggravating and mitigating factors while determining the appropriate sentence under Section 302 of the Indian Penal Code, 1860?

NAVAS @ MULANAVAS
VS. STATE OF KERALA
[2024 INSC 215]

CONTEXT: The appellant, Navas, was the sole accused found guilty of the murder of four family members (Latha, Ramachandran, Chitra, and Karthiayani Amma) after committing house-trespass. The dispute arose from the appellant's strained illicit intimacy with Latha. The incident, which happened on the night intervening 03.11.2005 and 04.11.2005, involved the accused gaining access by making a hole in the eastern side wall of the house and using knives and an iron rod to cause the deaths. The trial court sentenced the accused to death, but the High Court modified the sentence to life imprisonment, directing that the accused serve 30 years without remission. The case rested entirely on circumstantial evidence.

① The appeal was partly allowed. The Supreme Court upheld the conviction of the appellant for offences under Sections 302, 449, and 309 IPC.

② Relying on the ***Swamy Shraddananda v. State of Karnataka, (2008 13 SCC 767)*** principle, which addressed cases falling short of the 'rarest of rare' category but required a sentence disproportionate to the normal 14-year term, the Court modified the sentence for the offence under Section 302 IPC. The Court found the imposition of 30 years without remission to be excessive.

③ Considering the aggravating factors (premeditated, brutal murder of four defenceless persons, including a child and an aged lady, wiping out the entire family) and the mitigating factors (young age of 28, attempted suicide, satisfactory jail conduct over 18 years), the sentence for Section 302 IPC was reduced and modified to 25 years of imprisonment without remission, including the period already undergone.

**SECTIONS 302, 449,
309 OF THE INDIAN
PENAL CODE, 1860**

Whether criminal proceedings, including the cognizance order under the Prevention of Money Laundering Act, 2002 (PMLA), can be quashed when an alternate statutory remedy is concurrently being pursued before the Appellate Tribunal challenging the underlying attachment orders?

CONTEXT: JSW Steel Limited (Appellant No. 1) entered into an agreement for iron ore supply but failed to receive the full consignment, leaving an outstanding advance. The Enforcement Directorate (ED) registered an ECIR under the PMLA, asserting that Rs. 33,80,87,617/- owed by JSW constituted “proceeds of crime” under Section 2(1)(u). The ED issued Provisional Attachment Orders (PAOs) against JSW's bank accounts. Subsequently, the Special Court took cognizance of offences under PMLA against JSW and its official (Appellant No. 2) based on allegations that funds were withdrawn in violation of the PAOs. The Appellants’ writ petitions challenging the proceedings and the cognizance order were dismissed by the High Court of Karnataka. The Appellants pursue statutory appeals before the Appellate Tribunal against the confirmation of the PAOs.

- ① The criminal appeals were disposed of, and the Court declined to interfere with the proceedings or quash the cognizance order.
- ② The Court held that the PMLA provided a comprehensive and self-contained adjudicatory mechanism.
- ③ Interference was declined since the appellants were actively pursuing an efficacious alternate statutory remedy an appeal before the Appellate Tribunal under Section 26 of the PMLA which was mandated to decide core issues, including whether the attached property constituted “proceeds of crime.”

**JSW STEEL LIMITED
ETC. VS. DEPUTY
DIRECTOR,
DIRECTORATE OF
ENFORCEMENT ETC.
[2025 INSC 1194]**

**SECTIONS 2(1)(u), 3,
5(1), 26, 44 AND
45(1) OF THE
PREVENTION OF
MONEY LAUNDERING
ACT, 2002 (PMLA)**

Whether the mere use of abusive, filthy, or unparliamentary language, lacking both legal obscenity and evidence of having caused annoyance to others, is sufficient to constitute an offence under Section 294 of the Indian Penal Code, 1860?

AMIT ASHOK JAGDALE
VS. STATE OF
MAHARASHTRA
[2025 SCC ONLINE
BOM 3323]

CONTEXT: The Petitioner, Amit Ashok Jagdale, challenged two lower court orders (Judicial Magistrate, First Class, Sakoli, dated 20/04/2022, and District and Sessions Judge, Bhandara, dated 04/02/2025) that permitted charges to be framed against him under various provisions, including Section 294 IPC. The dispute arose from an incident on 02/07/2020 at the Government Polytechnic College where the Petitioner allegedly broke office glass, damaged CCTV equipment with a rod, used abusive language towards the Principal, and caused property damage due to frustration over non-payment of his General Provident Fund benefits.

1 The Criminal Writ Petition was allowed. The orders of the Judicial Magistrate and the Sessions Judge were quashed and set aside only to the extent of the charge punishable under Section 294 of the Indian Penal Code.

2 The Petitioner was discharged for the offence under Section 294 IPC. The Court found that no prima facie case was made out to attract the provisions of Section 294 IPC.

3 Section 294 requires two ingredients: (i) an obscene act/words in a public place, and (ii) causing annoyance to others. Relying on precedents like ***N.S. Madhanagopal & Anr. Vs. K. Lalitha (Criminal Appeal No.1759/2022)*** and ***Om Prakash Ambadkar Vs. The State of Maharashtra & Ors.(Criminal Appeal No.352/2020)***, the court held that mere abusive, filthy, or unparliamentary language is not sufficient.

4 Furthermore, the statements recorded by the Investigating Officer, although confirming the use of abusive language, did not mention that any person was annoyed by the Petitioner's utterances, thus failing to satisfy a fundamental ingredient of the offence.

SECTION 294 OF THE
INDIAN PENAL CODE,
1860