

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP(Crl.) No.704/2026)

BARKHA DINKAR

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP(Crl) No.2016/2026)

MANISHA DUBEY

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. These two appeals are directed against the judgment dated 17.12.2025 passed by a Division Bench of the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No.3578/2024 to the extent that the first appellant (Presiding Officer of the POCSO Act) as well as the second appellant (Public Prosecutor) both have been asked to render

explanation on the premise that there was major lapse in doing injustice to the accused, who was to be behind the bar for three years "overlooking the fact that victim was a consulting adult". The High Court has further opined that it's a sign of "intellectual dishonesty on the part of the Special Judge".

3. The aggrieved appellants are before us.

4. Having heard learned counsel for the appellants as well as learned State counsel, we are satisfied that the observations made by the High Court in paragraph nos.4, 5 and 13 of the impugned judgment are totally uncalled for and out of context, being contrary to Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. While we are conscious of the fact that no observation prejudicial to the interest of the accused is to be made, we are satisfied on perusal of the entire material record that the hasty conclusion of "intellectual dishonesty on the part of the Special judge" is totally unwarranted.

6. The impugned judgment, especially paragraph nos. 4, 5 and 13, so far as they pertain to the appellants, is hereby set aside. No adverse report, remark or observation shall be made against the Presiding Officer based upon the impugned judgment. Similarly, the State Government shall not make any adverse comments in the Annual Confidential Report and shall not treat it as material against the Public Prosecutor in

her future pursuits of career. Ordered accordingly.

7. The appeals are, accordingly, disposed of.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

NEW DELHI;
FEBRUARY 23, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).704/2026

[Arising out of impugned final judgment and order dated 17-12-2025 in CRA No.3578/2024 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

BARKHA DINKAR

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

WITH

SLP(Crl) No. 2016/2026 (II-E)

IA No. 15562/2026 - EXEMPTION FROM FILING O.T.

Date : 23-02-2026 These petitions were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :Mr. Vikas Upadhyay, AOR
Ms. Ankita Kashyap, Adv.
Mr. Ranveer Singh, Adv.
Mr. Shiva Narang, Adv.

For Respondent(s) :Ms. Mrinal Gopal Elker, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeals are disposed of in terms of the signed order.
3. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI T.C.)
ASSISTANT REGISTRAR