

[Home \(/\)](#) / [Supreme court \(/supreme-court\)](#) / Police, Courts Must Act As 'Initial...

Police, Courts Must Act As 'Initial Filters' To Avoid Prosecutions With No Reasonable Prospect Of Conviction: Supreme Court

Yash Mittal

(/yash-mittal)

2 Dec 2025 7:30 PM

Share this



"The fundamental principle is that the State should not prosecute citizens without a reasonable prospect of conviction, as it compromises the right to a fair process."

Listen to this Article

0:00 / 4:00

The Supreme Court on Tuesday (December 2) expressed dismay over the practice of filing of the charge sheets by the police and framing of charges by the trial courts in cases where there are bleak chances of conviction.

"The tendency of filing charge sheets in matters where no strong suspicion is made out clogs the judicial system. It forces Judges, court staff, and prosecutors to spend time on trials that are likely to result in an acquittal. This diverts limited judicial resources from handling stronger, more serious cases, contributing to massive case backlogs.", observed a bench of **Justices N. Kotiswar Singh and Manmohan** while discharging an accused in a property dispute, noting that no criminal offence was made out and that ongoing civil proceedings between the parties suggested an attempt to give the matter a criminal colour.

The judgment authored by **Justice Manmohan** held that *"where there is a pending civil dispute between the parties, the Police and the Criminal Courts must be circumspect in filing a chargesheet and framing charges respectively. In a society governed by rule of law, the decision to file a chargesheet should be based on the Investigating Officer's determination of whether the evidence collected provides a reasonable prospect of conviction. The Police at the stage of filing of Chargesheet and the Criminal Court at the stage of framing of Charge must act as initial filters ensuring that only cases with a strong suspicion should proceed to the formal trial stage to maintain the efficiency and integrity of the judicial system."*

Since a civil dispute between the parties was already pending, the Court underscored that it is incumbent upon the police and trial courts to assess and record their suspicion regarding the credibility of the material and evidence gathered, including whether the proceedings are likely to culminate in a conviction.

"Undoubtedly, there can be no analysis at the charge framing stage as to whether the case would end in conviction or acquittal, but the fundamental principle is that the State should not prosecute citizens without a reasonable prospect of conviction, as it compromises the right to a fair process.", the court said.

"In the present case, the Police and the Trial Court should have been cognizant that as there was a pending civil dispute with regard to the property in question as well as a prior subsisting injunction order and the complainant had refused to make any judicial statement, strong suspicion founded on legally tenable material/evidence was absent.", the court added.

Background

The case originated from an FIR lodged in March 2020 by a complainant, who claimed to be a tenant of a co-owner of a Salt Lake, Kolkata property. She alleged that when she tried to enter the premises with friends and workmen, the appellant, along with other individuals, took her photographs/videos without consent, and intimidated her.

The Court noted that the dispute was rooted in a civil property battle between two brothers, co-owners of the property. A civil suit was pending, and a civil court's injunction order dated November 29, 2018, was in force, directing the brothers to maintain joint possession and restraining them from creating any third-party interest.

Against this backdrop, the Court issued its observations, cautioning both the police and the trial courts to proceed with heightened care in cases where parallel civil proceedings between the parties are already pending.

Cause Title: TUHIN KUMAR BISWAS @ BUMBA VERSUS THE STATE OF WEST BENGAL

Citation : 2025 LiveLaw (SC) 1159

Click here to download judgment (https://www.livelaw.in/pdf_upload/2025-livelaw-sc-1159-tuhin-kumar-biswas-bumba-v-state-of-west-bengal-2-dec-2025-641165.pdf)

Appearance:

For Petitioner(s) Mr. V. Somnath Ghoshal, Adv. (argued by) Anupama Chakraborty, Adv. Mr. Sahid Uddin Ahmed, Adv. Mr. Towseef Ahmad Dar, AOR Ms. Zinat Sultana, Adv.

For Respondent(s) Mr. Kunal Mimani, AOR(argued by) Mr. Prashant Alai, Adv.

Tags

Supreme Court (<https://www.livelaw.in/tags/supreme-court>)

Justice N. Kotiswar Singh (<https://www.livelaw.in/tags/justice-n-kotiswar-singh>)

Justice Manmohan (<https://www.livelaw.in/tags/justice-manmohan>)
