



Supreme Court holds Court Judgments Always Retrospective In Nature Unless Judgment Itself Specifies

Supreme Court's Stand on Retrospective Judgments

The Supreme Court has clarified that court judgments are generally **retrospective in nature**, unless explicitly stated otherwise. While **laws made by the legislature** usually apply prospectively unless mentioned otherwise, the **interpretation of law by constitutional courts** is assumed to apply **retroactively** unless the judgment specifies a prospective effect.

A recent Supreme Court bench, including **Justice Sudhanshu Dhulia and Justice Ahsanuddin Amanullah**, reiterated this principle while analyzing the **2015 Priyanka Srivastava vs. State of Uttar Pradesh** case. This ruling mandated that **complaints under Section 156(3) of the Criminal Procedure Code (CrPC)** must include an **affidavit from the complainant** to prevent frivolous complaints. However, the Court clarified that this requirement would only apply to complaints **filed after the date of the judgment**, ensuring fairness and preventing undue hardship for past complainants.

The Court further emphasized that **prospective rulings are issued only when retroactive application may cause unnecessary hardships** or disrupt long-established legal practices.

The **Supreme Court of India** has reaffirmed that **court judgments are generally retrospective** unless explicitly stated otherwise. This means that **a judgment applies to past cases** unless the ruling specifies its prospective operation. However, laws passed by the **legislature are always prospective** unless they clearly mention a **retroactive effect**.

In a recent case, **Kanishk Sinha & Another vs. State of West Bengal**, the Supreme Court examined whether the ruling in **Priyanka Srivastava vs. State of Uttar Pradesh (2015)**, which required complaints under **Section 156(3) CrPC** to be supported by an **affidavit**, should apply retrospectively. The Court clarified that **this requirement only applies to complaints filed after 2015**, ensuring fairness for cases filed before the judgment.


The Court emphasized that **prospective rulings help prevent undue hardship** and avoid unsettling **long-established legal processes**. In this case, since the **Priyanka Srivastava**

judgment explicitly aimed to improve future complaints, the requirement for an affidavit cannot be applied retrospectively.

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FAQs on Supreme Court Judgment & Vivek Nasa Associates

1. What did the Supreme Court rule on retrospective judgments?

The Court ruled that **judgments are generally retrospective** unless they **explicitly state a prospective effect.**

2. Why was the Priyanka Srivastava judgment not applied retrospectively?

The Court held that since the **requirement for an affidavit** was introduced to improve future complaints, it **cannot be imposed on past cases.**

3. What is the difference between retrospective and prospective judgments?

- **Retrospective:** Applies to **past and future cases** unless specified otherwise.
- **Prospective:** Only applies to **future cases** from the date of judgment.

4. Can a Supreme Court ruling be made prospective?

Yes, if the judgment states explicitly that it **will apply only to future cases** to prevent hardship.

5. What legal remedies exist for wrongful charges under retrospective laws?

An accused can **challenge the case** based on procedural errors or **seek discharge from the trial court**.

6. What services does Vivek Nasa Associates offer?

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- **Location - I :** Chamber no 11, 2nd Floor, Lawyer Chambers Block A, District & Sessions Court Gurgaon.
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