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SUPREME COURT

Supreme Court Declares Pre-Cognizance Hearing Under BNSS Non-Negotiable, Quashes ED Proceedings

Sheikh Rayees • May 22, 2026

PUBLISHED REPORT

In a ruling with far-reaching consequences for complaint-based criminal prosecutions, the Supreme Court has held that courts cannot take cognizance of an offence under the Bharatiya Nagarik Suraksha Sanhita (BNSS) without first giving the accused an opportunity to be heard where the law mandates it. Any order passed in breach of that requirement, the Court said, is legally non-existent from the very beginning.

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