



सत्यमेव जयते

The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970

(ACT NO. 28 OF 1970)

(As on the 1st Oct, 2025)

LIST OF AMENDING ACTS

1. The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Amendment Act, 1972 (37 of 1972).

LIST OF ABBREVIATIONS USED

Cl., cls.	.	.	.	.	.	<i>for</i>	Clause, clauses.
Ins.	.	.	.	.	.	„	Inserted.
Notifn.	.	.	.	.	.	„	Notification.
S., ss.	.	.	.	.	.	„	Section, sections.
Sch.	.	.	.	.	.	„	Schedule.
Subs.	.	.	.	.	.	„	Substituted.
w.e.f.	.	.	.	.	.	„	with effect from.

THE SUPREME COURT (ENLARGEMENT OF CRIMINAL APPELLATE
JURISDICTION) ACT, 1970

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Enlarged appellate jurisdiction of Supreme Court in regard to criminal matters.

THE SUPREME COURT (ENLARGEMENT OF CRIMINAL APPELLATE
JURISDICTION) ACT, 1970

ACT NO. 28 OF 1970

[9th August, 1970.]

An Act to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970.

(2) It extends to the whole of India ^{1***}.

2. Enlarged appellate jurisdiction of Supreme Court in regard to criminal matters.—Without prejudice to the powers conferred on the Supreme Court by clause (1) of article 134 of the Constitution, an appeal shall lie to the Supreme Court from any judgment, final order or sentence in a criminal proceeding of a High Court in the territory of India if the High Court—

(a) has on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years;

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.

1. The words “except the State of Jammu and Kashmir” omitted by Act 37 of 1972, s. 2 (w.e.f. 20-8-1972).

STATEMENT OF OBJECTS AND REASONS

While sub-clauses (a) and (b) of Art, 134(1) of the Constitution confer upon the accused an absolute right of appeal, clause (c) confers upon the High Court a discretion to grant certificate to the accused to appeal in cases not falling under sub-clauses (a) and (b). The grant of certificate under Art 134(1)(c) is not a matter of course. The certificate is granted only where there has been an infringement of the essential principles of Justice or there is substantial question of law or principle involved; in short the certificate would not be granted unless there are exceptional and special circumstances. The Supreme Court has also held that the conditions pre-requisite for the exercise of the discretionary power to grant a certificate under Art. 134(1)(c) cannot be precisely formulated but it should be exercised sparingly and not to convert the Supreme Court into an ordinary Court of criminal appeal

An accused person has no absolute right of appeal even in circumstances mentioned in clause (a) and (b) of Art. 134(1) if the High Court sentences him in life imprisonment or imprisonment of 10 or more years. In such a case his appeal would be admitted in special and exceptional circumstances only either under Art. 134(1)(c) or Art. 136 of the Constitution.

In regard to civil matters, an appeal lies to the Supreme Court as of right in all cases where the amount or the value of the subject-matter of dispute is Rs. 20,000 or more or where the claim or question respecting property of the like amount of value is directly or indirectly involved, though the case is not a fit one for appeal to Supreme Court [vide Art. 133(1), sub-clauses (a), (b) and (c)] but, strangely enough no such absolute right is given to an accused person as of right where the High Court has on appeal reversed an order of acquittal and sentenced him to imprisonment for life or imprisonment of 10 or more years resulting in loss of his valuable right of human liberty.

It is therefore proposed to enlarge the appellate jurisdiction of the Supreme Court empowering it to entertain and hear appeals also in cases mentioned in sub-clauses (a) and (b) of clause 2 of the Bill.

Such a course is in consonance with the provisions of Art. 134(2) of the Constitution.—S.O.R.

Amending Act 37 of 1972.—The Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, extends to the whole of India except the State of Jammu and Kashmir. The Act enable accused persons to prefer an appeal as of right to the Supreme Court against orders of High Court sentencing them to imprisonment for the life or for a period of not less than ten years when such order is passed by a High Court after reversing a judgment of acquittal or where the High Court has withdrawn a case from a subordinate Court to itself for trial and sentenced the accused to imprisonment for a term specified above.

2. The State Legislature of Jammu and Kashmir has passed on the 14th day of September, 1971 resolutions under clause (2) of Article 134 of the Constitution, as applicable to that State, requesting the extension of the jurisdiction of the Supreme Court to that State in matters covered by the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1970, so that convicted person in that State may also have the same right of appeal as are available to similarly situated persons in other parts of India.

NEW DELHI;

N.R. GOKHALE.

The 11th May, 1972.