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## **BISWAJIT DAS V. CENTRAL BUREAU OF INVESTIGATION**

- ***Pramiti Kothawade***

### **BACKGROUND**

The case arose from a fraudulent insurance scam which involved officials connected with Life Insurance Corporation of India (LIC). The appellant (Biswajit Das), worked as a Development Officer in LIC. He was charged of conspiring with others to fraudulently acquire insurance claim amounts by pretending that the covered individual had passed away while, in reality, the person was actually alive. The Trial Court convicted the appellant under several provisions of the Indian Penal Code, 1860 including Sections 468, 271, 465, and 420 read with Section 120(B) and the Prevention of Corruption Act, 1988. The Gauhati High Court affirmed the conviction and sentence. Thereafter, the appellant approached the Supreme Court through a Special Leave Petition under Article 136 of the Constitution.<sup>1</sup>

The Supreme Court first sent out a restricted notice, limiting the appeal to:

1. Whether the appellant could be convicted under Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act; and
2. The question of sentence.

However, the appellant raised the crucial constitutional question of extending the scope of appeal under Article 136 during the last hearing by requesting permission to contest the conviction in its entirety.

### **FACTS OF THE CASE<sup>2</sup>**

Biswajit Das worked as a Development Officer in LIC. According to the prosecution, he and a co-convict manipulated insurance procedures and secured settlement of two insurance claims

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<sup>1</sup> *Biswajit Das v. Cent. Bureau of Investigation*, 2025 SCO.LR 1(3)[11] (India)

<sup>2</sup> CaseMine, *Expanding the Scope of Appeal Under Article 136: A Commentary on Biswajit Das v. Central Bureau of Investigation (2025 INSC 85)*, CaseMine (Jan. 17, 2025), [https://www.casemine.com/commentary/in/expanding-the-scope-of-appeal-under-article-136:-a-commentary-on-biswajit-das-v.-central-bureau-of-investigation-\(2025-insc-85\)/view](https://www.casemine.com/commentary/in/expanding-the-scope-of-appeal-under-article-136:-a-commentary-on-biswajit-das-v.-central-bureau-of-investigation-(2025-insc-85)/view)

by falsely showing the insured person as deceased. Later on, the evidence revealed that the appellant and his associate collected insurance policies from the insured on the assurance that the policies would be upgraded. The appellant filled six blank cheques amounting to ₹1,67,583 connected with the fraudulent insurance claim settlement. The insured's testimony remained reliable during cross-examination but the appellant failed to explain his role in preparing the cheques.

Then the Trial Court convicted him under:

- Sections 420, 468, 465, 471 read with Section 120B IPC; and
- Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

The High Court upheld the conviction, leading to the appeal before the Supreme Court.

### **JUDGES**

The judgment was delivered by a Bench comprising:

- Justice Dipankar Datta
- Justice Manmohan

### **JUDGEMENT**

The Supreme Court held that:

1. The Court has constitutional authority under Articles 136 and 142 to enlarge the scope of an appeal even when limited notice was initially issued.
2. The appellant's conviction under the IPC and Prevention of Corruption Act was valid.
3. An LIC Development Officer is a "public servant" under the Prevention of Corruption Act because LIC is a statutory corporation created by Central legislation.
4. The sentence deserved modification considering the age of the case and the period already undergone in custody.

### **RATIO DECIDENDI**

The fundamental idea established here is:

The Supreme Court has the authority under Articles 136 and 142 to broaden the appeal's scope if substantial justice so demands, even in cases where a limited notice is given in an SLP. After this, the court said that:

- A limited notice is generally tentative in nature.
- The constitutional need to provide full justice cannot be superseded by procedural restrictions.
- The authority is not automatic; it is discretionary.

## REASONING OF THE COURT

The court said that limited notice is often based on tentative views. If the court faces issues regarding examination of merits, then justice would be delayed if patent informities are demonstrated later. Since Article 136 jurisdiction is discretionary, the Court retains jurisdiction to decide all legal points even after limited notice. However, whether to exercise this power is a matter of discretion, to be exercised when justice demands. Order LV Rule 6 of the Supreme Court Rules, 2013 read with Article 142 would lose significance if the Court cannot enlarge the scope when satisfied that substantial questions of law deserve consideration.<sup>3</sup>

On conviction under IPC, the court upheld the conviction because the evidence against the appellant was strong, and he could not properly explain why signed blank cheques were later filled for the exact disputed amount. This strengthened the prosecution's case and supported his guilt.

The court also noted that the appellant had already served approximately 22 months out of the 36-month sentence before being released on bail and the minimum sentence for the offense was one year.

On Applicability of the Prevention of Corruption Act:

The appellant argued that the Prevention of Corruption Act did not apply to him.

The Court rejected this argument because:

- LIC is a statutory corporation established under the LIC Act, 1956.
- The appellant was performing official duties in a public institution.
- Therefore, he qualified as a "public servant" under Section 2(c)(iii) of the Prevention of Corruption Act.

The Court distinguished *State of Gujarat v. Manshankar Prabhashankar Dwivedi*<sup>4</sup> by stating that in that case the accused acted outside his official duty, whereas Biswajit Das committed the offence while functioning in his official capacity.

## SIGNIFICANCE OF JUDGEMENT

The case is important because it:

- Reaffirms the Supreme Court's wide constitutional powers under Articles 136 and 142.
- Promotes substantive justice over rigid procedural limitations.
- Clarifies the law on expansion of limited notice in SLPs.

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<sup>3</sup> Drishti Judiciary, *Biswajit Das v. Central Bureau of Investigation* (2025), <https://www.drishtijudiciary.com/landmark-judgement/indian-penal-code/biswajit-das-v-central-bureau-of-investigation-2025>

<sup>4</sup> *State of Gujarat v. Manshankar Prabhashankar Dwivedi*, (1972) 2 SCC 392 (India)

- Strengthens anti-corruption jurisprudence regarding public servants in statutory corporations.

The judgment will likely influence future cases where parties seek expansion of issues beyond limited notice in appeals before the Supreme Court.

## **CONCLUSION**

Thus, this case serves as an important constitutional and criminal decision because it reinforces the Supreme Court's wide powers under Articles 136 and 142 to ensure "complete justice." The Court decided that if justice requires it, a limited notice given at the SLP stage does not permanently limit its ability to look into more general problems. The Court emphasized the accountability of public employees in statutory entities like LIC while upholding the appellant's conviction for fraud and corruption.