

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1176/2026 in SLP(Crl) No. 5485/2024

[Arising out of impugned final judgment and order dated 16-02-2026
in SLP(Crl) No. No. 5485/2024 passed by the Supreme Court of India]

RAJ KUMAR SANTOSHI

Petitioner(s)

VERSUS

PRASHANT MALIK

Respondent(s)

FOR ADMISSION

IA No. 93693/2026 - APPLICATION FOR PERMISSION

IA No. 84777/2026 - CLARIFICATION/DIRECTION

Date : 06-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE VIPUL M. PANCHOLIFor Petitioner(s) : Mr. Durga Dutt, AOR
Ms. Anjul Dwivedi,, Adv.
Mr. Susant Mallik, Adv.
Mr. Pradeep Yadav, Adv.For Respondent(s) : Mr. Deepak Prakash, AOR
Mr. Sriram P., Adv.
Ms. Jyoti Pandey, Adv.
Ms. Divyangna Malik, Adv.
Mr. Rahul Suresh, Adv.
Ms. Shivangi Rajawat, Adv.
Mr. Rahul Rajeev, Adv.
Ms. Manshi Sinha, Adv.
Ms. Ridhika Singh, Adv.
Mr. Sankalp Tewari, Adv.
Mr. Daksh Rathi, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Shreya Jain, Adv.
Mr. Jagdish Chandra, Adv.
Ms. Chitrangda Rastravara, Adv.
Mr. Prashant Singh-ii, Adv.
Mr. Satya Jha, Adv.
Mr. Arvind Kumar Sharma, AOR

Ms. Aishwarya Bhati, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Jagdish Chandra, Adv.

Ms. Shreya Jain, Adv.
Ms. Chitragda Rastavara, Adv.
Mr. Satya Jha, Adv.
Mr. Prashant Singh II, Adv.

Mr. Karan Bharioke, Adv.
Mr. Sarthak, Adv.
Mr. Shashank Singh, Adv.
Mr. Shashwat Anand, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the parties.
2. The applicant or intervenor seeks clarification of the order dated 16.02.2026 passed in the *Suo Moto* action in the instant Special Leave Petition in context with the IA No. 275244 of 2024 and IA No. 37566 of 2026. The said order reads as under:

"In view of the stand taken by the Union of India before us, we direct for the closure of the suo moto action taken by this Court and expect for a fair and proper legislation by all States/Union Territories to strictly check the unauthorised business of money lending."

3. The aforesaid order is being construed as if no law exists with regard to money lending and therefore, all actions have to await for the new enactment.
4. It is pertinent to note that for unlicensed money lending against the promissory notes, whether accompanying with any other security such as cheque, title deeds or not, there already exists a Statutory Bar in State Money Lending Law. There is also a bar of "*Dam Dupat*" even under a money-lending licence i.e. against charging interest more than the principal amount actually disbursed. There is a further

statutory disability against enforceability of such loan amount by unlicensed money lender. Moreover, such money lending is a punishable offence under the State Money-Lending Law.

5. Therefore, the Courts should ensure that the proceedings instituted by such private money lender are nipped in bud, whether Civil or Criminal, unless the money lender at the threshold produces license for money lending or shows that money was not advanced by him at interest.

6. If the intervenor apprehends that such course is not followed in his case, all correctional or appellate remedies in law are always open for him which would be decided on their own merits, notwithstanding the awaited legislation by the respective States/Union Territories referred in Order dated 16.02.2026 passed by the Court in SLP (Crl.) 5485/2024.

7. Similarly, commencement of investigation of any offence punishable under State Money-lending law by any unlicensed money lender and under Indian Penal Code, 1860/Bharatiya Nyaya Sanhita, 2023 shall also not await the legislation by the respective States/Union Territories referred in the Order dated 16.02.2026 passed by the Court in SLP (Crl.) 5485/2024.

8. The Miscellaneous Application is disposed of, in the above terms.

(MINI)
COURT MASTER (SH)

(NIDHI MATHUR)
COURT MASTER (NSH)