

# Sedition trials can go on if accused is willing: SC

The Hindu (Kolkata) · 22 May 2026 · Aaratrika Bhaumik

Four years after putting on hold trials in sedition cases in courts across the country, the Supreme Court on Thursday said that they could proceed with trials and appeals involving the offence of sedition under Section 124A of the Indian Penal Code (IPC) if the accused had no objection.



The clarification was issued by a Bench of Chief Justice of India Surya Kant and Justices Joymalya Bagchi and Vipul M. Pancholi while hearing a plea filed by a petitioner who has been in jail for 17 years in a case involving sedition charges.

“The petitioner’s grievance is that he has no objection if his criminal appeal is heard in its entirety, including with respect to the charge under Section 124A. That being so, we clarify... that wherever the accused has no objection to the continuation of the trial, appeal or any other proceeding in which he has been chargesheeted under Section 124A IPC, there shall be no impediment for courts to decide such matters on merits and in accordance with law,” the Bench observed.

In an interim order issued on May 11, 2022, the top court had put on hold trials in sedition cases pending before courts until the government completed its promised exercise “to re-examine and reconsider” the colonial-era provision.

The court had also made it clear that it “hopes and expects” the Centre and States to refrain from registering FIRs, continuing investigations, or taking coercive measures under Section 124A while the “reconsideration” of the provision was under way.

A Bench headed by then Chief Justice of India N.V. Ramana had also observed that while it was “cognisant of security interests and integrity of the State on one hand,” and the “civil liberties of citizens on the other”, there was a requirement to “balance” both sets of considerations.

In the present case, the Bench directed the Madhya Pradesh High Court to take up the petitioner’s appeal forthwith, along with connected matters, and decide them on merits.

The petitioner had been convicted by a trial court in 2017 on charges including sedition.

In February, Chief Justice Kant had orally observed that the Union government’s decision to review the offence of sedition under the old IPC cannot prevent Parliament from reintroducing a similar provision in the Bharatiya Nyaya Sanhita (BNS), as the legislature functions independently of the executive.

The observation had come while the court was hearing a batch of PIL petitions challenging various provisions of the BNS, including Section 152, which criminalises acts deemed to endanger the sovereignty, unity and integrity of the country. The petitioners had argued that the section was a “repackaged” version of the colonial-era sedition law.