



**Supreme Court Monthly Digest
January 2025**

INDEX

1. [Naresh Potteries Vs Aarti Industries 2025 INSC 1 – S 482 CrPC – S 142 NI Act](#)
2. [Municipal Corporation Of Delhi vs Gagan Narang 2025 INSC 2 – S 63 Electricity Act – Interpretation Of Statutes](#)
3. [Bernard Francis Joseph Vaz vs Government Of Karnataka 2025 INSC 3 – Art. 300A Constitution – Right To Property](#)
4. [B. N. John Vs State Of U.P 2025 INSC 4 – S 195 CrPC – Ss 186,353 IPC – Ss 154,55,195 CrPC](#)
5. [Revenue Divisional Officer, Chevella Division vs Mohd. Syeed Ather 2025 INSC 5 – Land Laws](#)
6. [ICICI Lombard General Insurance Co. Ltd. vs Rajani Sahoo 2025 INSC 6 – Motor Accident Compensation – Police Records](#)
7. [Lilian Coelho vs Myra Philomena Coalho 2025 INSC 7 – Testamentary Suit](#)
8. [Kim Wansoo vs State of Uttar Pradesh 2025 INSC 8 – Art. 226 Constitution – S 482 CrPC – Quashing](#)
9. [Ajay Singh vs Khacheru 2025 INSC 9 – Art. 226 Constitution](#)
10. [Leela vs Murugantham 2025 INSC 10 – S 63 Indian Succession Act – Will](#)
11. [State, Central Bureau Of Investigation vs A. Satish Kumar 2025 INSC 11 – DSPE Act](#)
12. [Dalip Ram vs State of Punjab 2025 INSC 12 – Land Laws](#)
13. [Jayshree Kanabar vs State of Maharashtra 2025 INSC 13 – MCOCA – Bail](#)
14. [Sri Mahesh vs Sangram 2025 INSC 14 – Hindu Adoptions and Maintenance Act – Relation Back Principle – Gift](#)
15. [New India Assurance Co. Ltd. vs Sonigra Juhi Uttamchand 2025 INSC 15 – Motor Accident Compensation](#)
16. [Dinesh Kumar Mathur vs State Of M.P. 2025 INSC 16 – Ss 420, 120B IPC](#)
17. [Maxim India Integrated Circuit Design \(P\) Ltd. vs Andappa \(D\) 2025 INSC 17 – Litigation](#)
18. [Gopal Krishan vs Daulat Ram 2025 INSC 18 – S 63\(c\) Indian Succession Act – Will](#)
19. [Naresh Aneja @ Naresh Kumar Aneja vs State Of Uttar Pradesh 2025 INSC 19 – Ss 354,503 IPC – S 482 CrPC](#)
20. [Urmila Dixit vs Sunil Sharan Dixit 2025 INSC 20 -S 23 Senior Citizens Act](#)
21. [Daljit Singh State Of Haryana 2025 INSC 21 – S 174A IPC – S 82 CrPC](#)
22. [Mahanadi Coal Fields Ltd vs Mathias Oram 2025 INSC 22](#)
23. [Hyderabad Cricket Association vs Charminar Cricket Club 2025 INSC 23 – BCCI](#)
24. [Krishna Devi @ Sabitri Devi \(Rani\) M/S S.R. Engineering Construction vs Union Of India 2025 INSC 24](#)
25. [Mohammed Enterprises \(Tanzania\) Ltd. vs Farooq Ali Khan 2025 INSC 25 – IBC – Writ Petitions](#)
26. [Serosoft Solutions Pvt. Ltd. vs Dexter Capital Advisors Pvt. Ltd. 2025 INSC 26 – Art. 227 Constitution – Arbitration](#)
27. [Omi @ Omkar Rathore vs State Of Madhya Pradesh 2025 INSC 27 – S 319 CrPC](#)
28. [Edakkandi Dineshan @ P. Dineshan Vs State Of Kerala 2025 INSC 28 – Criminal Trial – Legal Maxims](#)
29. [Atul Tiwari vs Regional Manager, Oriental Insurance Company Limited 2025 INSC 29 – Motor Accident Compensation](#)
30. [Frank Vitus Vs Narcotics Control Bureau 2025 INSC 30 – Foreigners Act](#)
31. [Jit Vinayak Arolkar vs State Of Goa 2025 INSC 31 – S 482 CrPC – S 415 IPC](#)
32. [Bishwajit Dey Vs State Of Assam 2024 INSC 32 – NDPS Act – Seized Vehicle Return](#)
33. [Geetha V.M. Vs Rethnasenan K 2025 INSC 33 – Service Law- Kerala State and Subordinate Service Rules – Transfer](#)
34. [Sanjay Dutt vs State Of Haryana 2025 INSC 34 – Vicarious Liability – Company Directors](#)
35. [Abdul Nassar vs State Of Kerala 2025 INSC 35 – Rape and Murder Case – Death Sentence – Circumstantial Evidence](#)
36. [Municipal Corporation Of Greater Mumbai vs Century Textiles And Industries Limited 2025 INSC 36 -Bombay Improvement Trust Transfer Act](#)
37. [H. N. Pandakumar vs State Of Karnataka 2025 INSC 37 – Misc. Application For Compounding After SLP Dismissal](#)
38. [Principal Commissioner Of Income Tax-4 vs Jupiter Capital Pvt. Ltd. 2025 INSC 38 – S 2\(47\)](#)

Income Tax Act

39. [United India Insurance Co. Ltd. vs Bansal Wood Products Pvt. Ltd. 2025 INSC 39](#)
40. [Namami Gange And Rural Water Supply Department vs Om Prakash Singh 2025 INSC 40 – Service Law](#)
41. [Shri Jain Shwetamber Shri Sangh Panjikrit Sanstha vs State of Rajasthan 2025 INSC 41](#)
42. [Indian Evangelical Lutheran Church Trust Association vs Sri Bala 2025 INSC 42 – Order VII Rule 11 CPC – Article 113 Limitation Act – Rejection Of Plaint](#)
43. [Om Prakash @ Israel @ Raju @ Raju Das Vs Union Of India 2025 INSC 43 – Juvenile Justice Act](#)
44. [Chief Revenue Controlling Officer Cum Inspector General Of Registration vs P. Babu 2025 INSC 44 -S 47A Stamp Act](#)
45. [S. Rajaseekaran vs Union Of India 2025 INSC 45 – Golden Hour Scheme – S 162 MV Act](#)
46. [Ramesh vs State Of Rajasthan 2025 INSC 46 – Probation Of Offenders Act](#)
47. [Goverdhan vs State Of Chhattisgarh 2025 INSC 47 – Criminal Trial – Reasonable Doubt](#)
48. [State Of Uttar Pradesh vs R.K. Pandey 2025 INSC 48 – Arbitration Act – Arbitration Agreement](#)
49. [Mamta Kaur Vs State Of Punjab 2025 INSC 49 – Anticipatory Bail](#)
50. [State Of Punjab vs Hari Kesh 2025 INSC 50 – S 482 CrPC – S 19 PC Act – Sanction Order Quashing](#)
51. [Inspector, Railway Protection Force, Kottayam vs Mathew K Cherian 2025 INSC 51 – S 143 Railways Act – S 482 CrPCb](#)
52. [Vijay Prabhu vs S.T. Lajapathie 2025 INSC 52 – S 12\(3\) Specific Relief Act – Relinquishment](#)
53. [H.Guruswamy vs A. Krishnaiah 2025 INSC 53 – S 5 Limitation Act – Condonation Of Delay](#)
54. [NBCC \(India\) Ltd vs State Of West Bengal 2025 INSC 54 – S 18 MSMED Act – Referred To Larger Bench](#)
55. [Rina Kumari @ Rina Devi @ Reena vs Dinesh Kumar Mahto @ Dinesh Kumar Mahato 2025 INSC 55](#)
56. [My Preferred Transformation & Hospitality Pvt. Ltd. vs Faridabad Implements Pvt. Ltd. 2025 INSC 56 – S 34\(3\) Arbitration Act -S 4 Limitation Act](#)
57. [Premshila Kuer vs Dr. Amrendra Narayan Yadav & Connected Cases – 2025 INSC 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 68 – Service Law](#)
58. [State Of West Bengal vs PAM Developments Private Limited 2025 INSC 69 - Ss 12, 80 CPC](#)
59. [Dr. Sharmad vs State Of Kerala 2025 INSC 70 – Service Law – KS & SSR](#)
60. [Ram Pyarey vs State Of Uttar Pradesh - 2025 INSC 71 - S 113B Evidence Act](#)
61. [Dharmendra Kumar Singh vs Hon'ble High Court Of Jharkhand 2025 INSC 72 - Judicial Service](#)
62. [Cuddalore Powergen Corporation Ltd. vs Chemplast Cuddalore Vinyls Limited 2025 INSC 73 - Order II Rule 2 CPC](#)
63. [Baidya Nath Choudhary Vs Dr. Sree Surendra Kumar Singh 2025 INSC 74 - Contempt](#)
64. [Rajeeb Kalita vs Union Of India 2025 INSC 75 - Fundamental Right To Toilets](#)
65. [Mahendra Awase vs State Of Madhya Pradesh 2025 INSC 76 - S 306 IPC - Suicide Abetment](#)
66. [Vimal Babu Dhumadiya vs State Of Maharashtra 2025 INSC 77 - Art. 32 Constitution](#)
67. [Bharat Aambale vs State Of Chhattisgarh 2025 INSC 78 - Ss 52A, 54 NDPS Act](#)
68. [State of Jharkhand vs Vikash Tiwary @ Bikash Tiwary @ Bikash Nath 2025 INSC 79 - Art. 21 Constitution - Prison Reforms](#)
69. [U. Sudheera Vs C. Yashoda 2025 INSC 80 - S 100 CPC - Second Appeal - Interim Order](#)
70. [Balbir Singh Vs Baldev Singh \(D\) 2025 INSC 81 - S 28 SRA - Doctrine Of Merger](#)
71. [Bhupal Singh vs State Of Uttarakhand 2025 INSC 82 - S 304B IPC - Dowry Death](#)
72. [Bhupinderpal Singh Gill Vs State Of Punjab 2025 INSC 83 - Constitutional Courts - Judicial Review Of Disciplinary Proceedings - Natural Justice](#)
73. [Bharat Petroleum Corporation Ltd. vs Commissioner of Central Excise Nashik Commissionerate 2025 INSC 84 - Ss 4,11A Central Excise Act](#)
74. [Biswajit Das vs Central Bureau Of Investigation 2025 INSC 85 - Art. 136 Constitution - Limited Notice](#)
75. [Laxmi Das vs State Of West Bengal 2025 INSC 86 - S 306 IPC - S 108 BNS - Abetment Of Suicide](#)
76. [Jyostnamayee Mishra vs State Of Odisha 2025 INSC 87- Art. 14 Constitution - Negative Equality - Responsible Drafting & Diligent Pleadings](#)

77. [State Of Punjab vs Om Prakash Brick Kiln Owner 2025 INSC 88 - Punjab Minor Mineral Concession Rules - Royalty - Brick Earth - Ownership Of Land](#)
78. [General Manager Personnel Syndicate Bank vs BSN Prasad 2025 INSC 89 - Disciplinary Proceedings - Bank Officials- Judicial Review](#)
79. [Vijay @ Vijayakumar vs State 2025 INSC 90 - S 300 IPC - Exception 1 - Grave and Sudden Provocation](#)
80. [Tamil Nadu Cements Corporation Limited vs Micro And Small Enterprises Facilitation Council 2025 INSC 91 - Arbitration Act - S 18 MSMED Act - Art. 226 Constitution](#)
81. [Sunkari Tirumala Rao Penki vs Aruna Kumari 2025 INSC 92 - S 69 Partnership Act](#)
82. [Sadashiv Dhondiram Patil Vs State Of Maharashtra 2025 INSC 93 - S 25,27,106 Evidence Act - Motive -Village Police Patil - Extra Judicial Confession](#)
83. [State Of Jharkhand vs Dr. Nishkant Dubey 2025 INSC 94 - Aircraft Act - S 482 CrPC - Ss 336,441,447,448 IPC](#)
84. [Central Bank Of India vs Prabha Jain 2025 INSC 95 - Ss 17,34 SARFAESI Act](#)
85. [Rakesh Kumar Raghuvanshi Vs State Of Madhya Pradesh 2025 INSC 96 - S 54 NDPS Act- Conscious Possession](#)
86. [Baban Shankar Daphal vs State Of Maharashtra 2025 INSC 97- Criminal Trial - Interested Witness](#)
87. [Ruhi Agrawal Vs Nimish S. Agrawal 2025 INSC 99 - Child Custody - Visitation Rights](#)
88. [Mohd. Tahir Hussain vs State Of NCT Of Delhi 2025 INSC 100 - Interim Bail - Contesting & Campaigning For Election](#)
89. [Vidyawati Construction Company vs Union Of India 2025 INSC 101 - S 16 Arbitration Act - Plea Of Lack Of Jurisdiction](#)
90. [Surendra G. Shankar vs Esque Finamark Pvt. Ltd 2025 INSC 102 - Practice and Procedure](#)
91. [Venkatesha vs State Of Karnataka 2025 INSC 103 - Ss 361,363 IPC - Kidnapping - TIP](#)
92. [Harshit Harish Jain Vs State Of Maharashtra 2025 INSC 104 - Maharashtra Stamp Act - CCRA - Review Power](#)
93. [Madhushree Datta vs State Of Karnataka 2025 INSC 105 - Ss 323,503,504,506, 509 IPC](#)
94. [M. Venkateswaran vs State 2025 INSC 106 - S 498A IPC - S 4 DP Act](#)
95. [T. Rajamoni vs Manager, Oriental Insurance Company Limited 2025 INSC 107 -Motor Accident Compensation](#)
96. [Thammaraya vs State Of Karnataka 2025 INSC 108 - Criminal Trial - Circumstantial Evidence - TIP](#)
97. [Ramesh Baghel vs State Of Chhattisgarh 2025 INSC 109 - Burial Place Dispute](#)
98. [K. Samba Moorthy vs Sanjiv Chadha 2025 INSC 110 - Contempt Of Court](#)
99. [Deen Dayal Tiwari vs State Of Uttar Pradesh 2025 INSC 111 - Death Sentence Commuted](#)
100. [Jagwant Kaur vs Union Of India 2025 INSC 112 - LPG Distributorship](#)
101. [Somdatt Builders –NCC – NEC\(JV\) vs National Highways Authority Of India 2025 INSC 113 - Ss 34,37 Arbitration Act](#)
102. [Constable 907 Surendra Singh State Of Uttarakhand 2025 INSC 114 - S 34 IPC - S 378 CrPC](#)
103. [Ivan Rathinam vs Milan Joseph 2025 INSC 115 - S 112 Evidence Act - DNA Test - S 7 Family Courts Act](#)
104. [Chandrabhan Sudam Sanap Vs State Of Maharashtra 2025 INSC 116 - Death Sentence Acquittal - S 65B Evidence Act -Extra Judicial Confession](#)
105. [S Shobha Vs Muthoot Finance Ltd. 2025 INSC 117 - Art. 226 Constitution - Maintainability Of Writ Petition Against Non-Banking Finance Company](#)
106. [Ajay Malik vs State of Uttarakhand 2025 INSC 118 - Domestic Workers' Rights - Ss 227,320,482 CrPC - S 343, 120B IPC](#)
107. [Vinobhai vs State of Kerala 2025 INSC 119- S 27 Evidence Act - Disclosure Statement](#)
108. [Mahabir Vs State Of Haryana 2025 INSC 120 - S 372 CrPC - Victims' Right To Appeal - Art.20-22 Constitution - S 145 Evidence Act - Public Prosecutors](#)
109. [KBH Anjanappa vs A Prabhakar 2025 INSC 121 - Ss 96,100 CPC - S 52 TP Act -Leave To Appeal](#)
110. [MBS Vishnu Ganga vs Oriental Insurance Company Limited - Motor Accident Compensation - Income Tax Returns - 2025 INSC 123](#)

111. Independent Sugar Corporation Ltd. Vs Girish Sriram Juneja 2025 INSC 124 - IBC - Competition Act
112. Dr. Tanvi Behl vs Shrey Goel 2025 INSC 125 - Residence-Based Reservation In PG Medical Courses
113. Krishnadatt Awasthy vs State Of M.P 2025 INSC 126- Natural Justice - Writ Jurisdiction
114. JM Laboratories Vs State Of Andhra Pradesh 2025 INSC 127- S 204 CrPC
115. INOX Air Products Limited vs State Of Andhra Pradesh 2025 INSC 128- S 204 CrPC - Ss 18,27 Drugs & Cosmetics Act
116. Dr. Priyambada Sharma vs Board Of Governors In Supersession Of Medical Council Of India 2025 INSC 130
117. Vellore District Environment Monitoring Committee vs District Collector 2025 INSC 131 - Environment Law - Tanneries
118. Karuppudayar vs State 2025 INSC 132 - SC-ST Act - Public View - S 482 CrPC
119. Karan Singh vs State Of Haryana 2025 INSC 133 - S 304B IPC - S 113B Evidence Act - Dowry Death
120. Parimal Kumar vs State Of Jharkhand 2025 INSC 134- Public Employment - NCTE Guidelines - TET
121. Jiya vs Kuldeep 2025 INSC 135 - Permanent Alimony
122. Rakesh Kumar Charmakar vs State Of Madhya Pradesh 2025 INSC 136 - Service Law - Regular Pay Scale
123. Kuldeep Singh vs State Of Punjab 2025 INSC 137 - S 375 - Marital Rape Exception
124. C & C Constructions Ltd. vs IRCON International Ltd 2025 INSC 138 - S 37 Arbitration Act
125. Om Prakash Ambadkar Vs Maharashtra 2025 INSC 139 - S 156(3) CrPC - Changes Brought By BNSS
126. 2025 INSC 140 Ajai Kumar Chauhan vs State Of Uttar Pradesh - Murder Conviction Modified To S 304 IPC
127. Directorate Of Enforcement vs Subhash Sharma 2025 INSC 141 - S 45 PMLA - S 57 CrPC - Art. 22 Constitution - Bail - Illegal Arrest

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Naresh Potteries Vs Aarti Industries 2025 INSC 1 – S 482 CrPC – S 142 NI Act

Code Of Criminal Procedure 1973- Section 482 ; Negotiable Instruments Act – Section 138,142 –When the company is the payee of the cheque based on which a complaint is filed under Section 138 of the NI Act, the complainant should necessarily be the company which is to be represented by an authorised employee and in such a situation, the indication in the complaint and the sworn statement, oral or by affidavit, to the effect that complainant is represented by an authorised person who has knowledge, would be sufficient- if there is any dispute with regard to the person prosecuting the complaint not being authorised or it is to be demonstrated that the complainant had no knowledge of the transaction, and as such could not have instituted and prosecuted the complaint, it would be open for the accused person to dispute the position and establish the same during the course of the trial. However, dismissal or quashing of the complaint at the threshold would not be justified-The issue of proper authorisation and knowledge can only be an issue for trial- (Para 21) – What can be treated as an explicit averment, cannot be put in a straightjacket but will have to be gathered from the circumstance and manner in which it has been averred and conveyed, based on the facts of each case. (Para 33)

Code Of Criminal Procedure 1973- Section 482 – The inherent powers under Section 482 of the Cr.P.C. should be exercised sparingly and with great caution and

further that inherent powers should not be used to interfere with the jurisdiction of the lower courts or to scuttle a fair investigation or prosecution. (Para 34)

Summary: High Court quashed the summoning order observing that the power of attorney holder did not have personal knowledge of the facts giving rise to the criminal proceedings as there was no specific pleading to that effect in the letter of authority and the affidavit of the power of attorney holder under Section 200 of the Cr.P.C.- Allowing appeal, SC observed: The averments made make it wholly clear that Sh. Neeraj Kumar possessed personal knowledge of the facts of the matter at hand and was well-equipped and duly authorised to initiate criminal proceedings-That beside the fact that it would always be open for the trial court to call upon the complainant for examination and cross- examination, if and when necessary, during the course of the trial. As such, a peremptory quashing of the complaint case by the High Court is completely unwarranted and that too on an incorrect factual basis.

Municipal Corporation Of Delhi vs Gagan Narang 2025 INSC 2 – S 63 Electricity Act – Interpretation Of Statutes

Electricity Act, 2003- Section 63- Section 63 does not restrict invoking of the provisions of Section 63 only to Discoms or generating companies- When the provisions of Section 63 of the Act are read in harmony with the provisions of Section 86(1)(b) of the Act, the powers of the State Commission cannot be curtailed by interpreting that the same can be invoked only by the Discoms or the generating companies. (Para 44)

Interpretation Of Statutes –The first and foremost principle of interpretation is that of literal interpretation. When the statute read in a literal manner is capable of giving meaning to the provision that the legislation intended to and does not lead to any absurdity, it is not permissible by judicial interpretation to add, alter, or delete any words to such a statute. (Para 30)

Summary: APTEL held that MCD was neither a distribution licensee nor a generating company and thus it had no jurisdiction to file an application under Section 63 of the Act for adoption of tariff- Allowing appeal, SC observed: when the provisions of Section 63 of the Act are read in harmony with the provisions of Section 86(1)(b) of the Act, the powers of the State Commission cannot be curtailed by interpreting that the same can be invoked only by the Discoms or the generating companies.

Bernard Francis Joseph Vaz vs Government Of Karnataka 2025 INSC 3 – Art. 300A Constitution – Right To Property

Constitution of India – Article 300A – Though Right to Property is no more a fundamental right, in view of the provisions of Article 300-A of the Constitution of India, it is a constitutional right. A person cannot be deprived of his property without him being paid adequate compensation in accordance with law for the same. (Para 49)

B. N. John Vs State Of U.P 2025 INSC 4 – S 195 CrPC – Ss 186,353 IPC – Ss 154,55,195 CrPC

Code Of Criminal Procedure 1973 – Section 195 – Complaint which is required to be filed under Section 195 (1) of the CrPC, can only be before a Judicial Magistrate and not an Executive Magistrate who does not have the power to take cognizance of an offence or try such cases. (Para 19)

Indian Penal Code 1860 – Section 186 ; Code Of Criminal Procedure 1973 – Section 195 – When no complaint was filed by the concerned public servant as contemplated under Section 195 (1)(a) CrPC, CJM could not have taken cognizance of the offence under Section 186- A written complaint by a public servant before the court takes cognizance is sine qua non, absence of which would vitiate such cognizance being taken for any offence punishable under Section 186. (Para 15-21) [In this case, complaint was filed before the City Magistrate and not before a Judicial Magistrate- SC held: the requirement of Section 195 (1) of the CrPC was not fulfilled.]

Indian Penal Code 1860 – Section 353- Not only obstruction but actual use of criminal force or assault on the public servant is necessary- While “disturbance” could also be caused by use of criminal force or assault, unless there are specific allegations with specific acts to that effect, mere allegation of “creating disturbance” cannot mean use of “criminal force” or “assault” within the scope of Section 353 of the IPC. (Para 33)

Code Of Criminal Procedure 1973 – Section 154- Though FIR is not supposed to be an encyclopedia containing all the detailed facts of the incident and it is merely a document that triggers and sets into motion the criminal legal process, yet it must disclose the nature of the offence alleged to have been committed as otherwise, it would be susceptible to being quashed. (Para 25) If vital and crucial facts are missing from the FIR of which the complainant was fully aware of and was already cognizant of, which he could have mentioned at the first instance, it would indicate that any subsequent mentioning of these facts in the case by the complainant would be an afterthought as has happened in the present case. (Para 27)

Constitution of India – Article 141 – In limine dismissal of a Special Leave Petition at the threshold without giving any detailed reasons does not constitute any declaration of law or a binding precedent under Article 141 of the Constitution. (Para 40)

Code Of Criminal Procedure 1973 – Section 155(4)- If in the course of the investigation of a cognizable offence, the ingredients of a non-cognizable offence are discovered then the police could have continued the investigation without the written complaint to the court or the order of the court in respect of such non-cognizable offence, as it would also be deemed to be a cognizable offence under Section 155(4) of the CrPC, but where the investigation of the cognizable offence itself suffers from legal infirmity and without jurisdiction from the initial stage, the entire investigation would be vitiated. (Para 37)

Revenue Divisional Officer, Chevella Division vs Mohd. Syeed Ather 2025 INSC 5 – Land Laws

Summary – Appeal against HC judgments in writ petitions challenging proceedings under Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 – SC allowed appeal and remanded for re-consideration.

ICICI Lombard General Insurance Co. Ltd. vs Rajani Sahoo 2025 INSC 6 – Motor Accident Compensation – Police Records

Motor Accident Compensation Claims -The question regarding negligence which is essential for passing an award in a motor vehicle accident claim should be considered based on the evidence available before the Tribunal. If the police records are available before the Tribunal, taking note of the purpose of the Act it cannot be said that looking into such documents for the aforesaid purpose is impermissible or inadmissible

Lilian Coelho vs Myra Philomena Coelho 2025 INSC 7 – Testamentary Suit

Summary – High Court (Division Bench) reversed the Single Bench judgment in a Testamentary Suit- Allowing appeal, SC observed:A reasoned judgment of a Single Judge cannot be interfered with without a deep consideration-In that view of the matter, the impugned judgment is set aside and the matter is remanded for fresh consideration by the Division Bench in accordance with law.

Kim Wansoo vs State of Uttar Pradesh 2025 INSC 8 – Art. 226 Constitution – S 482 CrPC – Quashing

Constitution of India – Article 226 ; Code of Criminal Procedure 1973 – Section 482 -Normally, quashing of criminal proceedings would be sought and would be done in exercise of the inherent power of the High Court under Section 482, Cr. P.C. But certainly, that does not mean that it could not be done only in invocation of the extraordinary power under Article 226 of the Constitution of India.**Summary** – HC

refused to quash FIR against a foreign national- Allowing appeal,SC observed: A perusal of the subject FIR would reveal that the same did not disclose commission of offence(s) as alleged without anything being added to the recitals thereof. That apart, besides the vague allegations, the rest of them, even if taken as true, would not disclose the commission of any offence and make out a case against, the appellant. In such circumstances, asking the appellant to stand the trial will be nothing but an abuse of process of law and as such, non-interference by refusing to exercise the power to quash the FIR and further proceedings based thereon, would result in miscarriage of justice.

Ajay Singh vs Khacheru 2025 INSC 9 – Art. 226 Constitution

Constitution of India – Article 226 – While exercising its jurisdiction under Article 226 of the Constitution of India, cannot reappreciate the evidence and arrive at a finding of facts unless the authorities below had either exceeded its jurisdiction or acted perversely.(Para 17)

Leela vs Muruganantham 2025 INSC 10 – S 63 Indian Succession Act – Will

Indian Succession Act – Section 63 – Will – Mere registration of a Will would not attach to it a stamp of validity and it must still be proved in terms of the legal mandates under the provisions of Section 63 of the Indian Succession Act and Section 68 of the Evidence Act. (Para 20) – The propounder of the Will has to establish by satisfactory evidence that the Will was signed by the testator, that the testator at the relevant time was in a sound disposing state of mind and that he understood the nature and effect of the dispositions and put his signature out of his own free will. (Para 23)

State, Central Bureau Of Investigation vs A. Satish Kumar 2025 INSC 11 – DSPE Act

Delhi Special Police Establishment Act, 1946 – Whether merely because Central Government employee/Central Government Undertaking employee works within the

territory of a particular State, to register an FIR by the CBI in connection with commission of an offence under a Central Act whether consent from the State Government concerned is required or not? [This question is answered in the negative] (Para 25- 28)

Dalip Ram vs State of Punjab 2025 INSC 12 – Land Laws

Punjab Village Common Lands (Regulation) Act, 1961 – ‘Lease’ and ‘allotment’ are different and a person who got possession of subject land by way of lease cannot be heard to challenge the title or ownership of the Panchayat concerned from whom it got the land on lease. (Para 44)

Practice and Procedure – Non-framing of issues by itself will not make a decision a nullity, if the parties to the lis understood and adduced evidence on the issues actually involved in the matter. (Para 23)

Jayshree Kanabar vs State of Maharashtra 2025 INSC 13 – MCOCA – Bail

Summary: MCOCA accused granted bail by HC- Allowing appeal, SC observed: It is a fact that the grant of bail was not in exercise of power of the High Court as a constitutional Court on the ground of violation of Part-III of the Constitution. It is also a fact that the case on hand involves allegation of commission of offences of murder punishable under Section 302, IPC.

Sri Mahesh vs Sangram 2025 INSC 14 – Hindu Adoptions and Maintenance Act – Relation Back Principle – Gift

Hindu Adoptions and Maintenance Act, 1956- Section 16 – wherever any document registered under the law is produced before the court purporting to record an adoption made and is signed by the persons mentioned therein, the court should presume that the adoption has been made in compliance with the provisions of the said

statute unless and until it is disproved. It was further held therein in view of Section 16 of the Act of 1956 that it would be open to the persons who challenge the registered deed of adoption to disprove the same by taking independent proceedings. (Para 16)

Relation Back Principle- Adoption by a widow would relate back to the date of death of her husband, creating an immediate coparcenary interest in the joint property, meaning that the adopted child is treated as if they were born to the deceased husband, thus entitled to inherit his property. (Para 18)

Transfer of Property Act 1882 – Section 122 – Two things are necessary to constitute a valid gift, namely, (i) an offer and, (ii) its acceptance. (Para 27)

New India Assurance Co. Ltd. vs Sonigra Juhi Uttamchand 2025 INSC 15 – Motor Accident Compensation

Motor Accident Compensation -Monthly income could be fixed taking into account the tax returns only if the details of payment of tax are appropriately brought into evidence so as to enable the Tribunal/Court to calculate the income in accordance with law.(Para 8) In the case of self-employed persons too, fixation of monthly income, taking the factor of future prospects cannot be denied. (Para 12)

Precedent – When in a decision this Court enunciates a principle of law, it is applicable to all cases irrespective of the stage of pendency thereof because it is to be assumed that what is enunciated by this Court is, in fact, the law from inception- We shall not be understood to have held that pursuant to enunciation of a principle of law, matters that attained finality shall be reopened solely for the purpose of applying the law thus laid. But at the same time, if the matter is pending, then, irrespective of the stage, the principle cannot be ignored. (Para 9)

Dinesh Kumar Mathur vs State Of M.P. 2025 INSC 16 – Ss 420, 120B IPC

Indian Penal Code 1860 – Section 420 – To establish the offence of cheating in inducing the delivery of property, the following ingredients need to be proved: (i) The representation made by the person was false. (ii) The accused had prior knowledge that the representation he made was false. (iii) The accused made false representation with dishonest intention in order to deceive the person to whom it was made. (iv) The act where the accused induced the person to deliver the property or to perform or to abstain from any act which the person would have not done or had otherwise committed.- Referred to in Vijay Kumar Ghai v. State of W.B

Indian Penal Code 1860 – Section 120B -In order to constitute a conspiracy, meeting of minds of two or more persons to do an illegal act or an act by illegal means is a must. In other words, it is sine qua non for invoking the plea of conspiracy against the accused. However, it is not necessary that all the conspirators must know each and every detail of the conspiracy which is being hatched and nor is it necessary to prove their active part/role in such meeting.- Sections when put into a chargesheet, cannot be based on bald assertions of connivance, there must be a substance- Referred to Bilal Hajar v. State (2019) 17 SCC 451. (Para 12)

Code of Criminal Procedure 1973 – Section 197 –Scope and ambit discussed – Referred to Manohar Nath Kaul v. State of Jammu & Kashmir (1983) 3 SCC 429 ; Shambhoo Nath Misra v. State of U.P (1997) 5 SCC 326 ; in A. Sreenivasa Reddy v. Rakesh Sharma (2023) 8 SCC 711. (Para 10)

Maxim India Integrated Circuit Design (P) Ltd. vs Andappa (D) 2025 INSC 17 – Litigation

Practice and Procedure -If a litigant did not come to the Court with clean hands, he is not entitled to be heard and indeed such a person is not entitled to any relief from any judicial forum. (Para 11)

Gopal Krishan vs Daulat Ram 2025 INSC 18 – S 63(c) Indian Succession Act – Will

Indian Succession Act, 1925 -Section 63 (c) – The language of Section 63(c) of the Act uses the word ‘OR’. It states that each Will shall be attested by two or more witnesses who have seen the Testator sign or affix his mark on the Will OR has seen some other persons sign the Will in the presence and by the direction of the Testator OR has received a personal acknowledgment from the Testator of his signature or mark etc. What flows therefrom is that the witnesses who have attested the Will ought to have seen the Testator sign or attest his mark OR have seen some other persons sign the Will in the presence of and on the direction of the Testator- There is no reason why the ‘or’ employed therein, should be read as ‘and’ – The part of the Section that employs the term ‘direction’ would come into play only when the attester to the Will would have to see some other person signing the Will. Such signing would explicitly have to be in the presence and upon the direction of the Testator. (Para 12-14)

Interpretation of Statutes – The word “or” is normally disjunctive while the word “and” is normally conjunctive. Further, it is equally well settled as a proposition of law that the ordinary, grammatical meaning displayed by the words of the statute should be given effect to unless the same leads to ambiguity, uncertainty or absurdity. None of these requirements, to read a word which is normally disjunctive, as conjunctive herein, are present. (Para 13)

Naresh Aneja @ Naresh Kumar Aneja vs State Of Uttar Pradesh 2025 INSC 19 – Ss 354,503 IPC – S 482 CrPC

Indian Penal Code 1860 – Section 354 – For it to apply, the offence must be committed against a woman; criminal force must be applied against her; and such application of force must be with the intent to outrage her modesty. (Para 12)

Indian Penal Code 1860 – Section 503– For an offence u/s 503 to be established, it must be shown that:- (1) Threatening a person with any injury; (i) to his person, reputation or property; or (ii) to the person, or reputation of anyone in whom that person is interested. (2) Such threat must be intentional; (i) to cause alarm to that person; or (ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or (iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat. (Para 13) A mere statement without intention would not attract the offence – For an offence of criminal intimidation to be prima facie established, the intention should be clearly visible, and the same is to be established by evidence on record.(Para 13.2-13.3)

Mens Rea – For mens rea to be established, something better than vague statements must be produced before the court. (Para 12.4)

Code of Criminal Procedure 1973 – Section 482– While considering an application u/s 482 CrPC, the court cannot conduct a mini-trial but instead is to be satisfied that prima facie the offences as alleged are made out. To put it differently, it is to be seen, without undertaking a minute examination of the record, that there is some substance in the allegations made which could meet the threshold of statutory language. (Para 10)

Urmila Dixit vs Sunil Sharan Dixit 2025 INSC 20 -S 23 Senior Citizens Act

Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 – Section 23- Tribunals under the Act may order eviction if it is necessary and expedient to ensure the protection of the senior citizen. Therefore, it cannot be said that the Tribunals constituted under the Act, while exercising jurisdiction under Section 23, cannot order possession to be transferred. (Para 24)

Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 –

Section 23- In *Sudesh Chhikara v. Ramti Devi* – For attracting the application of Section 23(1), the following essentials were expounded: (a) The transfer must have been made subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor; and (b) The transferee refuses or fails to provide such amenities and physical needs to the transferor- The two conditions mentioned in *Sudesh* (supra) must be appropriately interpreted to further the beneficial nature of the legislation and not strictly which would render otiose the intent of the legislature- the relief available to senior citizens under Section 23 is intrinsically linked with the statement of objects and reasons of the Act, that elderly citizens of our country, in some cases, are not being looked after. It is directly in furtherance of the objectives of the Act and empowers senior citizens to secure their rights promptly when they transfer a property subject to the condition of being maintained by the transferee. (Para 21-25)

Daljit Singh State Of Haryana 2025 INSC 21 – S 174A IPC – S 82 CrPC

Indian Penal Code 1860 – Section 174A – Section 174A IPC is an independent, substantive offence, that can continue even if the proclamation under Section 82, Cr.P.C. is extinguished. It is a stand-alone offence. (Para 8)

Mahanadi Coal Fields Ltd vs Mathias Oram 2025 INSC 22

Summary : Misc. applications filed by the Secretary-cum-Administrative Nodal Officer, Claims Commission, Bhubaneswar seeking extension of time to finalise the report of village Ratansara- Dismissed.

Hyderabad Cricket Association vs Charminar Cricket Club 2025 INSC 23 – BCCI

Sports -Appointment of the Ombudsman and the Ethics Officer matter- SC observed: Recommendations made by the Single Member Committee which are to be approved/

disapproved in the present case, may be in conflict or not in consonance with the Constitution, Regulations and Guidelines of the BCCI.

Krishna Devi @ Sabitri Devi (Rani) M/S S.R. Engineering Construction vs Union Of India 2025 INSC 24

Arbitration Act 1940 – Section 14(2) –The precise form of what constitutes as a ‘notice’ of filing the award is unspecified. However, interpreted reasonably, what must be required is that the parties come to know about the existence of the award so that any objections to it may be filed. What appears from the usage of the word ‘notice’ is that the parties merely reach a state of awareness about the award and plan their next steps accordingly, and not the imposition of another procedural step- Section 14(2) merely functions to apprise the parties about the existence of the award. (Para 15)

Mohammed Enterprises (Tanzania) Ltd. vs Farooq Ali Khan 2025 INSC 25 – IBC – Writ Petitions

Constitution of India – Article 226 -Insolvency and Bankruptcy Code 2016- Unjustified interference with the proceedings initiated under the Insolvency and Bankruptcy Code 2016, breaches the discipline of law- Insolvency and Bankruptcy Code is a complete code in itself, having sufficient checks and balances, remedial avenues and appeals. Adherence of protocols and procedures maintains legal discipline and preserves the balance between the need for order and the quest for justice. The supervisory and judicial review powers vested in High Courts represent critical constitutional safeguards, yet their exercise demands rigorous scrutiny and judicious application. (Para 13-15)

Serosoft Solutions Pvt. Ltd. vs Dexter Capital Advisors Pvt. Ltd. 2025 INSC 26 – Art. 227 Constitution – Arbitration

Constitution of India – Article 227 – Arbitration and Conciliation Act 1996

-Judicial restraint in interfering with matters governed under Part I of the Act relating to arbitration agreement, composition and jurisdiction of Arbitral Tribunal, coupled with the conduct of the proceedings and making, challenge and enforcement of the award – This objection of restraint on the judicial authority is overriding and notwithstanding anything contained in any other law for the time being in force. (Para 12) [Context: HC, allowing a petition under Article 227 granted the claimant one more opportunity to cross-examine the other party's witness, despite the Arbitral Tribunal rejecting such a prayer- Allowing appeal, SC observed: When no perversity was found in the decision of the Tribunal, there was no justification in the order passed by the High Court in interfering with the directions of the Arbitral Tribunal.]

Omi @ Omkar Rathore vs State Of Madhya Pradesh 2025 INSC 27 – S 319 CrPC

Code Of Criminal Procedure 1973 – Section 319 – Even in a case where the stage of giving opportunity to the complainant to file a protest petition urging upon the trial court to summon other persons as well who were named in the FIR but not implicated in the charge-sheet has gone, in that case also, the Court is still not powerless by virtue of Section 319 CrPC and even those persons named in the FIR but not implicated in the charge-sheet can be summoned to face the trial provided during the trial some evidence surfaces against the proposed accused.

Closure Report – The Court should not keep the closure report pending for consideration for a long time. Such report should be looked into promptly. (Para 20)

Code Of Criminal Procedure 1973 – Section 319 –The principles of law summarised: a. On a careful reading of Section 319 of the CrPC as well as the aforesaid two decisions, it becomes clear that the trial court has undoubted jurisdiction to add any person not being the accused before it to face the trial along with other accused persons,

if the Court is satisfied at any stage of the proceedings on the evidence adduced that the persons who have not been arrayed as accused should face the trial. It is further evident that such person even though had initially been named in the F.I.R. as an accused, but not charge sheeted, can also be added to face the trial. b. The trial court can take such a step to add such persons as accused only on the basis of evidence adduced before it and not on the basis of materials available in the charge- sheet or the case diary, because such materials contained in the charge sheet or the case diary do not constitute evidence. c. The power of the court under Section 319 of the CrPC is not controlled or governed by naming or not naming of the person concerned in the FIR. Nor the same is dependent upon submission of the chargesheet by the police against the person concerned. As regards the contention that the phrase ‘any person not being the accused’ occurred in Section 319 excludes from its operation an accused who has been released by the police under Section 169 of the Code and has been shown in column No. 2 of the charge sheet, the contention has merely to be stated to be rejected. The said expression clearly covers any person who is not being tried already by the Court and the very purpose of enacting such a provision like Section 319(1) clearly shows that even persons who have been dropped by the police during investigation but against whom evidence showing their involvement in the offence comes before the Criminal Court are included in the said expression. c. It would not be proper for the trial court to reject the application for addition of new accused by considering records of the Investigating Officer. When the evidence of complainant is found to be worthy of acceptance then the satisfaction of the Investigating Officer hardly matters. If satisfaction of Investigating Officer is to be treated as determinative then the purpose of Section 319 would be frustrated- Referred to Hardeep Singh v. State of Punjab, (2014) 3 SCC 92 and Ramesh Chandra Srivastava v. State of U.P. & Another (2021) 12 SCC 608.

Edakkandi Dineshan @ P. Dineshan Vs State Of Kerala 2025 INSC 28 – Criminal Trial – Legal Maxims

Criminal Trial – On the account of defective investigation the benefit will not inure to the accused persons on that ground alone. It is well within the domain of the courts to consider the rest of the evidence which the prosecution has gathered such as statement of the eyewitnesses, medical report etc -The accused cannot claim acquittal on the ground of faulty investigation done by the prosecuting agency. (Para 22)

Criminal Trial – Law relating to material contradiction in witness testimony discussed – Rammi vs State of MP, Birbal Nath vs State of Rajasthan. (Para 15) – Either a partial, untrue version of one of the witnesses or an exaggerated version of a witness may not be a sole reason to discard the entire prosecution case which is otherwise supported by clinching evidence such as truthful version of the witnesses, medical evidence, recovery of the weapons etc. (Para 18)

Legal Maxims – “Noscitur a sociis” – The meaning of a word can be determined by the context of the sentence; it is to be judged by the company it keeps. (Para 16)

Legal Maxims – ‘Falsus in uno, falsus in omnibus’- False in one thing, false in everything- This principle is foreign to our criminal law jurisprudence- the principle ‘falsus in uno, falsus in omnibus’ is not a rule of evidence and if the court inspires confidence from the rest of the testimony of such a witness, it can very well rely on such a part of the testimony and base a conviction upon it. (Para 19) – Only because there are some contradictions which in the opinion of this Court are not even that material, the entire story of the prosecution cannot be discarded as false. It is the duty of the Court to separate the grain from the chaff. In a given case, it is also open to the Court to differentiate the accused who had been acquitted from those who were convicted where there are a number of accused persons. (Para 26)

Crime – Crime creates a sense of societal fear and it affects adversely the societal conscience. It is inequitable and unjust if such a situation is allowed to perpetuate and continue in the society. In every civilized society, the purpose of criminal administrative

system is to protect individual dignity and to restore societal stability and order and to create faith and cohesion in the society. The courts in the discharge of their duties are tasked with balancing of interests of the accused on one hand and the state/society on the other. (Para 10)

**Atul Tiwari vs Regional Manager, Oriental Insurance Company Limited
2025 INSC 29 – Motor Accident Compensation**

Motor Accident Compensation -Jurisprudence on the assessment of compensation to motor accidents' victims discussed- Money cannot substitute a life lost but an effort has to be made for grant of just compensation so far as money can compensate- The basis for assessment of all damages for person injury is compensation. Perfect compensation is hardly possible but one has to keep in mind that victim has suffered at the hands of the wrongdoer and court must take care to give him full and fair compensation for that he had suffered. In some cases for personal injury, the claim could be in respect of lifetime's earnings lost because, though he will live, he cannot earn his living. In others, the claim may be made for partial loss of earnings. Each case has to be considered in the light of its own facts and at the end, one must ask whether the sum awarded is a fair and reasonable sum. [Referred to Referred to General Manager, Kerala State Road Transport Corporation, Trivandrum vs Susamma Thomas , Sarla Verma vs Delhi Transport Corporation, National Insurance Company Ltd. vs Pranay Sethi , R.D. Hattangadi vs Pest control (India) Pvt. Ltd. of Raj Kumar vs Ajay Kumar , Arvind Kumar Mishra v. New India Assurance Co. Ltd] (Para 25-35)

Frank Vitus Vs Narcotics Control Bureau 2025 INSC 30 – Foreigners Act

Foreigners Act, 1946 ; Registration of Foreigners Rules, 1992- Rule 3 – The authorities under the Act and the Order have no locus to oppose bail application filed by a foreigner unless bail is sought where the allegation is of the offence punishable under Section 14 of the Act. The impleadment of the Civil Authority or Registration Officer in

all bail applications filed by foreigners may result in unnecessary delay in deciding the bail applications- While granting bail to a foreigner within the meaning of the Act, the concerned court shall issue direction to the State or prosecuting agency, as the case may be, to immediately communicate the order granting bail to the concerned Registration Officer appointed under Rule 3 of the Rules who, in turn, shall communicate the order to all concerned authorities including the Civil Authorities. If such information is furnished, it will enable the authorities under the Act, the Rules and the Order to take appropriate steps in accordance with the law. (Para 6-8)

Jit Vinayak Arolkar vs State Of Goa 2025 INSC 31 – S 482 CrPC – S 415 IPC

Indian Penal Code 1860 – Section 415,420 -If a person sells a property knowing that it does not belong to him, and thereby defrauds the person who purchased the property, the person defrauded, that is, the purchaser, may complain that the vendor committed the fraudulent act of cheating. But a third party who is not the purchaser under the deed may not be able to make such complaint. (Para 11)

Code of Criminal Procedure 1973 – Section 482 – High Court dismissed a writ petition filed by the appellant for quashing a First Information Report alleging offence under Section 415, 420 IPC – Allowing appeal, SC observed: The dispute between the parties is predominantly a civil dispute- When there was a dispute over the title, the act of setting in motion criminal law two years after the date of filing of the suits amounts to nothing but abuse of the process of law.

Bishwajit Dey Vs State Of Assam 2024 INSC 32 – NDPS Act – Seized Vehicle Return

NDPS Act- There is no specific bar/restriction under the provisions of the NDPS Act for return of any seized vehicle used for transporting narcotic drug or psychotropic substance in the interim pending disposal of the criminal case- Court can invoke the general power under Sections 451 and 457 of the Cr.P.C. for return of the seized vehicle

pending final decision of the criminal case – Consequently, the trial Court has the discretion to release the vehicle in the interim. However, this power would have to be exercised in accordance with law in the facts and circumstances of each case. (Para 22-23)

NDPS Act- Vehicle is a critical piece of material evidence that may be required for inspection to substantiate the prosecution's case, yet the said requirement can be met by stipulating conditions while releasing the Vehicle in interim on superdari like videography and still photographs to be authenticated by the Investigating Officer, owner of the Vehicle and accused by signing the said inventory as well as restriction on sale/transfer of the Vehicle. (Para 28) – Four scenarios in which the drug or substance is seized from a conveyance. Firstly, where the owner of the vehicle is the person from whom the possession of contraband drugs/substance is recovered. Secondly, where the contraband is recovered from the possession of the agent of the owner i.e. like driver or cleaner hired by the owner. Thirdly, where the vehicle has been stolen by the accused and contraband is recovered from such stolen vehicle. Fourthly, where the contraband is seized / recovered from a third-party occupant (with or without consideration) of the vehicle without any allegation by the police that the contraband was stored and transported in the vehicle with the owner's knowledge and connivance. In the first two scenarios, the owner of the vehicle and/or his agent would necessarily be arrayed as an accused. In the third and fourth scenario, the owner of the vehicle and/or his agent would not be arrayed as an accused- Consequently, it is only in the first two scenarios that the vehicle may not be released on superdari till reverse burden of proof is discharged by the accused-owner. However, in the third and fourth scenarios, where no allegation has been made in the charge-sheet against the owner and/or his agent, the vehicle should normally be released in the interim on superdari subject to the owner furnishing a bond that he would produce the vehicle as and when directed by the Court and/or he would pay the value of the vehicle as determined by the Court on the date of the release, if the Court is finally of the opinion that the vehicle needs to be confiscated. (Para 29-31)

Interpretation of Statutes -The more absurd a suggested conclusion of construction is, the more the court will lean against that conclusion. That is ordinarily so whether one is construing a contract or a statute. (Para 24)

Geetha V.M. Vs Rethnasenan K 2025 INSC 33 – Service Law- Kerala State and Subordinate Service Rules – Transfer

Kerala State and Subordinate Service Rules, 1958- Rules 27(a) and 27(c) – Seniority to be reckoned from the order of his first appointment and the inter-se seniority be determined as per the date of first effective advice made for his appointment in service, class, category or grade as the case may be. The proviso of Rule 27(a) is merely an exception to the said Rule of maintaining the seniority from the date of appointment in the cases of ‘on request’ and mutual transfer. The said exception does not attract in a case of transfer by way of absorption made by the Government in public interest or in administrative exigencies. Thus, proviso to Rule 27(a) is an exception to the transfer on administrative grounds in public interest. (Para 37) – the transfer by way of absorption on exercise of option as specified in Appendix I and Appendix II contained in G.O. dated 25.10.2008 does not attract the proviso to Rule 27(a) of KS&SS Rules, which only deals with the transfer on request or on mutual request. Thus, the action taken in public interest due to administrative exigency even on option is different than the action done on request. In our view, the proviso to Rule 27(a) does not attract in case of a transfer by way of absorption done by the Department in furtherance to the policy decision of the Government. Therefore, transfer by way of absorption in public interest cannot be equated with the transfer on request in contingencies as specified in proviso to Rule 27(a) or applied mutually. (Para 47)

Service Law – Transfer – The transfer of an employee is an incidence of service if it is in public interest. It cannot be disputed that the Government is the best judge to decide how to distribute and utilise the services of an employee. Simultaneously, if employee makes a request due to some hardship and if the authority or the Government

as the case may be is satisfied, it may post such employee as per request, but such transfer cannot be termed as transfer in public interest because it is on the request of the employee and not in the exigencies of the public administration- If transfer is by absorption, then such employee becomes part and parcel of the department absorbing him and partakes the same colour and character of the existing employees. In other words, absorb clearly indicates to suck up, to imbibe to draw as a constituent part and consume. (Para 39-42)

Service Law- Option & Request – ‘Option’ gives a right to choose with freedom of choosing amongst the choices presented to the person concerned, whereas a ‘request’ is the desire of a person to be granted something by asking or is a demand or requirement of the employee. (Para 46)

Sanjay Dutt vs State Of Haryana 2025 INSC 34 – Vicarious Liability – Company Directors

Principle Of Vicarious Liability – There is no vicarious liability unless the statute specifically provides so. Thus, an individual who has perpetrated the commission of an offence on behalf of a company can be made an accused, if the statute provides for such liability and if there is sufficient evidence of his active role coupled with criminal intent. The primary responsibility is on the complainant to make specific averments as are required under the law in the complaint so as to make the accused vicariously liable. For fastening criminal liability on an officer of a company, there is no presumption that every officer of a company knows about the transaction in question. (Para 13) Mere authorization of an act at the behest of the company or the exercise of a supervisory role over certain actions or activities of the company is not enough to render a director vicariously liable. There must exist something to show that such actions of the director stemmed from their personal involvement and arose from actions or conduct falling outside the scope of its routine corporate duties. (Para 12)

Code of Criminal Procedure 1973 – Section 156(3), 200 –When jurisdiction is exercised on a complaint petition filed in terms of Section 156(3) or Section 200 of the CrPC, the Court concerned should remain vigilant & apply its mind carefully before taking cognizance of a complaint. (Para 15)

Punjab Land Preservation Act, 1900 – Section 4,19- The complaint lodged by the Range Forest Officer under Section 4 read with Section 19 of the Act- SC held: There are no allegations worth the name in the complaint that the three appellants before us are directly responsible for uprooting of the trees with the aid of Bulldozers or JCB machines or causing damage to the environment- The impugned complaint and order taking cognizance of the said complaint quashed.

Abdul Nassar vs State Of Kerala 2025 INSC 35 – Rape and Murder Case – Death Sentence – Circumstantial Evidence

Circumstantial Evidence – Principles that courts must adhere to while appreciating and evaluating evidence in cases based on circumstantial evidence, as follows: (i). The testimony of each prosecution and defence witness must be meticulously discussed and analysed. Each witness's evidence should be assessed in its entirety to ensure no material aspect is overlooked. (ii). Circumstantial evidence is evidence that relies on an inference to connect it to a conclusion of fact. Thus, the reasonable inferences that can be drawn from the testimony of each witness must be explicitly delineated. (iii). Each of the links of incriminating circumstantial evidence should be meticulously examined so as to find out if each one of the circumstances is proved individually and whether collectively taken, they forge an unbroken chain consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence. (iv). The judgment must comprehensively elucidate the rationale for accepting or rejecting specific pieces of evidence, demonstrating how the conclusion was logically derived from the evidence. It should explicitly articulate how each piece of evidence contributes to the overall narrative of guilt. (v). The judgment must reflect that the finding of guilt, if any, has

been reached after a proper and careful evaluation of circumstances in order to determine whether they are compatible with any other reasonable hypothesis. (Para 30)

Summary: Supreme Court upheld conviction of man accused of rape and murder of 9 year old girl in 2012 – the question of execution of death sentence awarded to the appellant rendered otiose, considering the fact that he has passed away during pendency of appeal.

Municipal Corporation Of Greater Mumbai vs Century Textiles And Industries Limited 2025 INSC 36 -Bombay Improvement Trust Transfer Act

Bombay Improvement Trust Transfer Act, 1925 – Section 48(a) and 51(2) – Under general provisions, the lessee has to leave the premise on completion of the period of lease, however, it will have a right to get the conveyance executed at the end of the lease, provided there has been no default, after paying the cost of the said premise- the interplay between Sections 48(a) and 51(2) of the 1925 Act is resolved through a construction that acknowledges the necessity of leaving the premises in good condition at the expiration of lease, while recognizing that a conveyance can be contemplated only where such a course is unequivocally aligned with the lease terms and the statutory framework as a whole. (Para 52)

Interpretation of Statutes – No provision of a statute should be rendered nugatory or superfluous. A statute must be construed as a coherent whole, ensuring that each part has meaningful content and that the legislative scheme remains workable. Where two provisions appear to be in tension, the proper course is to adopt a construction that reconciles them, allowing both to operate and giving effect to the underlying legislative intent. (Para 48)

Constitution of India – Article 226- Delay and laches being non-condonable while filing petition – Discussed. (Para 58- 62)

H. N. Pandakumar vs State Of Karnataka 2025 INSC 37 – Misc. Application For Compounding After SLP Dismissal

Summary: Miscellaneous Application seeking direction for compounding the offense under Section 326 IPC based on a compromise reached between the parties after the dismissal of the Special Leave Petition– Allowing the application, SC observed: While the offense under Section 326 IPC is non- compoundable under the provisions of the Criminal Procedure Code, 1973, the exceptional circumstances of this case, including the voluntary settlement between the parties, warrant the exercise of this Court’s inherent powers to give effect to the compromise- The conviction recorded by the court’s below is confirmed, however, the sentence of one year RI is reduced to the period already undergone.

Principal Commissioner Of Income Tax-4 vs Jupiter Capital Pvt. Ltd. 2025 INSC 38 – S 2(47) Income Tax Act

Income Tax Act, 1961 – Section 2(47) –The reduction in share capital of the subsidiary company and subsequent proportionate reduction in the shareholding of the assessee would be squarely covered within the ambit of the expression “sale, exchange or relinquishment of the asset” used in Section 2(47) the Income Tax Act, 1961- Relinquishment of an asset or extinguishment of any right therein amounts to a transfer of a capital asset. While the taxpayer continues to remain a shareholder of the company even with the reduction of share capital, it could not be accepted that there was no extinguishment of any part of his right as a shareholder qua the company – A company under Section 66 of the Companies Act, 2013 has a right to reduce the share capital and one of the modes which could be adopted is to reduce the face value of the preference share- When as a result of the reducing of the face value of the share, the share capital is reduced, the right of the preference shareholder to the dividend or his share capital and the right to share in the distribution of the net assets upon liquidation is extinguished proportionately to the extent of reduction in the capital. Such a reduction of the right of

the capital asset clearly amounts to a transfer within the meaning of section 2(47). (Para 12(c))

United India Insurance Co. Ltd. vs Bansal Wood Products Pvt. Ltd. 2025 INSC 39

Summary: Appeal filed by Insurance Company -SC directed Appellant to pay interest as directed by the Arbitral Tribunal @ 12% per annum with effect from 06th March, 2010.

Namami Gange And Rural Water Supply Department vs Om Prakash Singh 2025 INSC 40 – Service Law

Summary: SC dismissed SLP against HC judgment quashing certain orders passed by the authorities.

Shri Jain Shwetamber Shri Sangh Panjikrit Sanstha vs State of Rajasthan 2025 INSC 41

Summary: SC disposed an appeal while modifying the judgment and decree of the Courts below in terms of the settlement arrived at between the parties.

Indian Evangelical Lutheran Church Trust Association vs Sri Bala 2025 INSC 42 – Order VII Rule 11 CPC – Article 113 Limitation Act – Rejection Of Complaint

Code of Civil Procedure 1908 – Order VII Rule 11 – Rejection of Complaint – Caselaws discussed (Para 6.1) -Normally the question of limitation would be a mixed question of law and fact. Hence, usually, on a reading of the complaint it is not rejected as being barred by the law of limitation. However, the above is not an inflexible rule. (Para 8.8) – while considering the question of rejection of the complaint, it is the complaint alone which has to be read meaningfully and not any averment in the written statement. It is

also necessary sometimes to consider the documents annexed to the plaint for a holistic and comprehensive reading of the plaint in order to decide whether the plaint ought to be rejected or not. (Para 8.2)

Code of Civil Procedure 1908 -Order VII Rule 13 – Rejection of earlier suit under Order VII Rule 11 does not bar fresh suit on the same cause of action provided the right of action is not barred by the law of limitation. (Para 7.4)

Limitation Act 1963 – Article 113 – If a suit is not covered by any of the specific articles prescribing a period of limitation, it must fall within the residuary article. The purpose of the residuary article is to provide for cases which could not be covered by any other provision in the Limitation Act. The residuary article is applicable to every variety of suits not otherwise provided for under the Limitation Act. It prescribes a period of three years from the date when the “right to sue” accrues- The expression “when the right to sue accrues” in Article 113 of the Limitation Act need not always mean “when the right to sue first accrues”. For the right to sue to accrue, the right sought to be vindicated in the suit should have already come into existence and there should be an infringement of it or at least a serious threat to infringe the same – the right to sue accrues only when the cause of action arises, that is, the right to prosecute to obtain relief by legal means. The suit must be instituted when the right asserted in the suit is infringed or when there is a clear and unequivocal threat to infringe that right by the defendant against whom the suit is instituted. Article 113 of the Schedule to the Limitation Act provides for a suit to be instituted within three years from the date when the right to sue accrues and not on the happening of an event as stated in Article 54 of the Schedule to the Limitation Act. (Para 9)

Limitation Act 1963 – Section 9 – Section 9 is based on the general principle that when once limitation has started to run, it will continue to do so unless it is arrested by reason of any express statutory provision. Period of limitation can be extended, inter alia, when cause of action was cancelled such as by dismissal of a suit. Ordinarily,

limitation runs from the earliest time at which an action can be brought and after it has commenced to run, there may be revival of a right to sue where a previous satisfaction of a claim is nullified with the result that the right to sue which has been suspended is reanimated. (Para 9.10)

Om Prakash @ Israel @ Raju @ Raju Das Vs Union Of India 2025 INSC 43 – Juvenile Justice Act

Juvenile Justice Act 2015- Section 9(2) -The plea of juvenility can be raised before any Court, meaning thereby that there is no question of finality in this regard until and unless an application filed, invoking this provision, is determined in accordance with the 2015 Act and the relevant rules. When such a plea is raised, it shall be recognised and cannot be brushed aside in a casual or whimsical manner. A due determination must be made by judiciously considering the material available on record. The Court is expected to travel an extra mile to satisfy its conscience as to whether the case on hand would attract the provisions of the 2015 Act and, for the aforesaid purpose, the process enumerated thereunder will have to be necessarily followed- .Merely because a casual adjudication has taken place, it does not mean that a plea of juvenility cannot be raised subsequently. This is for the simple reason that the plea of juvenility has not attained finality. So long as the right of a party subsists, one can never say that finality has been attained. In a case where a plea has been raised, but not adjudicated upon, the decision rendered thereunder would not amount to attaining finality. Likewise, when such a plea is not treated as one under Section 9(2) of the 2015 Act in compliance with the procedural mandate specified thereunder, an order rejecting such a plea would not be termed as a final one. To put it differently, even assuming a plea of juvenility was raised but not considered appropriately at the time of disposal of a Special Leave Petition/Statutory Criminal Appeal, a Review Petition, or a Curative Petition thereafter, it would not bar a competent Court from deciding the said issue by following due procedure.- If an adjudication is based on due determination, then there may not be any room for another round of litigation. But, in a case where the plea was not treated as an

application under Section 9(2) of the 2015 Act and, the procedure mandated thereunder was not followed, the principle as aforesaid would certainly apply as the right of raising the plea of juvenility has not ceased and, therefore, subsists. (Para 22)

Constitution of India – Article 32, 226, 72 and 161 – Power under Article 72 and 161 of the Constitution is not appellate or revisional in nature. It is an executive power travelling on a different channel, which cannot be termed as a power of appeal or review. A challenge to the exercise of power under Article 72 and 161 of the Constitution would involve limited judicial review on grounds such as inadequate application of mind, amongst others. (Para 30-31)

Juvenile Justice Act, 2015 -Section 9(2) – When a challenge is made to an executive order, with an independent prayer for exercising the power under Section 9(2) of the 2015 Act, they being distinct and independent, refusal of judicial review of the former will not obliterate the mandatory duty pertaining to the latter. (Para 32)

Truth, Court and Law – Justice is nothing but a manifestation of the truth. It is truth which transcends every other action. The primary duty of a Court is to make a single-minded endeavour to unearth the truth hidden beneath the facts. Thus, the Court is a search engine of truth, with procedural and substantive laws as its tools- When procedural law stands in the way of the truth, the Court must find a way to circumvent it. Similarly, when substantive law, as it appears, does not facilitate the emergence of the truth, it is the aramount duty of the Court to interpret the law in light of its teleos. Such an exercise is warranted in a higher degree, particularly while considering a social welfare legislation- In its journey, the Court must discern the truth, primarily from the truth, primarily from the material available on record in the form of pleadings, and arguments duly supported by documents. It must be kept in mind that the entire judicial system is meant for the discovery of the truth, it being the soul of a decision. For doing so, a Presiding Officer is expected to play an active role, rather than a passive one. (Para 4-6)

Juvenile Court- Court is expected to play the role of *parens patriae* by treating a child not as a delinquent, but as a victim, viewed through the lens of reformation, rehabilitation and reintegration into the society – Thus, a Juvenile Court is a species of a parent. A delinquent, who appears before the Court, is to be protected and re-educated, rather than be judged and punished. It is for this purpose, that the Court will have to press into service the benevolent provisions for rehabilitation introduced by the Legislature. A Juvenile Court assumes the role of an institution rendering psychological services. It must forget that it is acting as a Court, and must don the robes of a correction home for a deviant child. (Para 10-11)

Legal Maxims – Actus Curiae Neminem Gravabit – No one shall be prejudiced by an act of the Court. A mistake committed by the Court cannot stand in the way of one's rightful benefit. It is not the party which commits a mistake, but rather the Court itself. Hence, such a mistake cannot act as a barrier for the party to get its due relief. However, we make it clear that the mistake must be so apparent that it does not brook any adjudication on the foundational facts. (Para 28)

Chief Revenue Controlling Officer Cum Inspector General Of Registration vs P. Babu 2025 INSC 44 -S 47A Stamp Act

Indian Stamp Act 1899 – Section 47A – Registering Officer, after registration of the document, can refer the same for adjudication before the Collector, if he has reason to believe that there was deliberate undervaluation of the property. Such a reference is not a mechanical act, but the Registering Officer should have a basis for coming to *prima facie* finding of undervaluation of the property. Duty is enjoined upon the Registering Officer to ensure that Section 47-A(1) does not work as an engine of oppression nor as a matter of routine, mechanically, without application of mind as to the existence of any material or reason to believe the fraudulent intention to evade payment of proper Stamp Duty. The expression 'reason to believe' is not synonymous with subjective satisfaction of the officer. The belief must be held in good faith, it cannot

be merely a pretence. It is open to the Court to examine the question whether the reasons for the belief must have a rational connection or a relevant bearing to the formation of the belief and are not irrelevant or extraneous to the purpose of the section -The word 'reason to believe' means some material on the basis of which the department can re-open the proceedings. However, satisfaction is necessary in terms of material available on record, which should be based on objective satisfaction arrived at reasonable (Para 21)

S. Rajaseekaran vs Union Of India 2025 INSC 45 – Golden Hour Scheme – S 162 MV Act

Motor Vehicles Act, 1988 – Section 162 – The provision made in Section 162 for framing a scheme for providing cashless treatment in the golden hour seeks to uphold and protect the right to life guaranteed by Article 21 of the Constitution- Central Government directed make a scheme in terms of Sub- Section (2) of Section 162 of the MV Act as expeditiously as possible and, in any event, by 14th March 2025. (Para 8)

Ramesh vs State Of Rajasthan 2025 INSC 46 – Probation Of Offenders Act

Summary: Supreme Court allowed appeal by directing the release of the appellant by extending the benefit of Section 4 in exercise of powers conferred under Section 11 of the Probation of Offenders Act, 1958 and Article 142 of the Constitution of India.

Goverdhan vs State Of Chhattisgarh 2025 INSC 47 – Criminal Trial – Reasonable Doubt

Criminal Trial – “Reasonable doubt”- It means that such doubt must be free from suppositional speculation. It must not be the result of minute emotional detailing, and the doubt must be actual and substantial and not merely vague apprehension. A reasonable doubt is not an imaginary, trivial or a merely possible doubt, but a fair doubt based upon reason and common sense (Para 21) -The concept of reasonable doubt has

to be also understood in the Indian context, keeping in mind the social reality and this principle cannot be stretched beyond a reasonable limit to avoid generating a cynical view (Para 23) -The requirement of law in criminal trials is not to prove the case beyond all doubt but beyond reasonable doubt and such doubt cannot be imaginary, fanciful, trivial or merely a possible doubt but a fair doubt based on reason and common sense. (Para 26)

Criminal Trial – Non recovery of the weapon of crime is not fatal to the prosecution case and is not sine qua non for conviction, if there are direct reliable witnesses. (Para 70) the testimony of the police personnel involved in recovery of articles need not be disbelieved and testimony of police personnel is to be treated similarly as testimony of any other witness. (Para 71) Merely because the witnesses turn hostile does not necessarily mean that their evidence has to be thrown out entirely and what is supportive of the prosecution certainly be used. (Para 76)

Constitution of India – Article 136 -Unless the findings are perverse and rendered in ignorance of material evidence, this Court should be slow in interfering with concurring findings. (Para 2)

State Of Uttar Pradesh vs R.K. Pandey 2025 INSC 48 – Arbitration Act – Arbitration Agreement

Arbitration and Conciliation Act 1996 -An arbitration agreement is sine qua non for arbitration proceedings, as arbitration fundamentally relies on the principle of party autonomy; – the right of parties to choose arbitration as an alternative to court adjudication – ‘Existence’ of the arbitration agreement is a prerequisite for an award to be enforceable in the eyes of law. (Para 20)

Mamta Kaur Vs State Of Punjab 2025 INSC 49 – Anticipatory Bail

Summary: HC rejected anticipatory bail – Allowing appeal, SC grants anticipatory bail.

State Of Punjab vs Hari Kesh 2025 INSC 50 – S 482 CrPC – S 19 PC Act – Sanction Order Quashing

Code of Criminal Procedure 1973 – Section 482 – Prevention of Corruption Act, 1988- Section 19 – High Court quashed Sanction Order – Allowing Appeal, SC observed: Whether the Sanction has been granted by the competent authority or not, would be a matter of evidence. Further, as per the Explanation to sub-section (4), for the purpose of Section 19, error includes “competency of the authority to grant Sanction.”- High Court should not have quashed the Sanction Order and the consequent proceedings, unless it was satisfied that the failure of justice had occurred by such error or irregularity or invalidity. There is not a whisper in the impugned order about any failure of justice having occurred on account of the impugned Sanction Order. The High Court also should not have entertained the petition for quashing the Sanction Order when the prosecution had already examined seven witnesses- Referred to State of Karnataka, Lokayukta Police Versus S. Subbegowda. (Para 8)

Inspector, Railway Protection Force, Kottayam vs Mathew K Cherian 2025 INSC 51 – S 143 Railways Act – S 482 CrPCb

Railways Act, 1989 – Section 143 –Taking active steps, however faithfully, in order to acquire and provide tickets to third parties but without being a railway servant or an authorised agent would attract the expression ‘procure and supply’ as in Section 143 – Section 143 makes no distinction between physical and online sale of tickets and criminalises unauthorised procurement and supply, irrespective of the mode of procurement and supply- Mere fact of the system of e-reservation and e-tickets being introduced after the enactment of the Act does not render the provision in Section 143 toothless to combat the illegal sale of e-tickets- The net of its coverage is wide enough to encompass regulation of the conduct of ticketing agents and to protect the public from unscrupulous elements trying to defraud them by sale of valueless tickets. (Para 27-29)

Railways Act, 1989 – Section 143 – Section 143 does not criminalise creating multiple user IDs. It penalises the actions of only the unauthorised agents and not unauthorised actions of the authorised agents – Any breach has to be remedied by civil action and not criminal action.

Interpretation of Statutes – No court can refuse to enforce a provision on the sole basis of the provision predating any subsequent development- If it can be demonstrated that a statutory provision is broad enough to envelop the subsequent developments, even if the developments were not envisioned by the legislature, the provision would stay operational. (Para 21) – If the language of the particular statute under consideration is clear and unambiguous, it is not for the courts to add to or delete any words from the statute in the guise of ascertaining what could have been the legislative intent. (Para 26)

Code of Criminal Procedure 1973 – Section 482 – Quashing of a criminal proceeding can take place, inter alia, if the first information report does not reveal a crime or if the fact situation be such that continuance of the criminal proceedings would result in abuse of the process causing injustice to the accused. This power of quashing, however, is not unfettered or unlimited and as the old adage goes – “judicial discretion has to be exercised judiciously”. (Para 33)

Vijay Prabhu vs S.T. Lajapathie 2025 INSC 52 – S 12(3) Specific Relief Act – Relinquishment

Specific Relief Act 1963- Section 12 (3)- Relinquishment could be made at any stage of the litigation including the appellate stage. The claim of the plaintiff appellant for grant of benefit under Section 12(3) of the Act not to be rejected on the simple ground that it was not made at the trial stage and had been made for the first time at the appellate stage - The claim can also not be rejected on the short ground that it was not

incorporated in the plaint or was not get forth in writing before the Trial Court. (Para 21)

Specific Relief Act 1963 - Section 12 (3)- The words ‘**unable to perform**’ suggest that the sub-section is applicable only when the party cannot for any reason perform the whole of what he has promised. The inability may arise by any cause whatsoever including any statutory limitations. The inability to perform may arise by— (i) deficiency in quantity of the subject-matter, or (ii) variance in quality, or (iii) defect in title; or (iv) some legal prohibition; or (v) other causes- The expression ‘**considerable part**’ implies that the part which will be left unperformed is either large as regards quantity or as regards quality. In other words, it is material and not insignificant, so that a reasonable objection can be taken by the promisee to accept performance. The phrase ‘**does not admit of compensation**’ implies that there is no data for ascertaining a fair and reasonable amount as the money value of the difference between what can be performed and the express subject-matter of the contract. The amount need not be mathematically accurate. If a reasonable estimate of the amount as the money value can be made, it will not be a case where the compensation is unascertainable. (Para 10-13)

H.Guruswamy vs A. Krishnaiah 2025 INSC 53 – S 5 Limitation Act – Condonation Of Delay

Limitation Act 1963- Section 5 –While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay – The question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the ‘Sword of Damocles’ hanging over the head of a litigant for an indefinite period of time- Concepts such as

“liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of limitation- The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not- The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly. (Para 13-17)

NBCC (India) Ltd vs State Of West Bengal 2025 INSC 54 – S 18 MSMED Act – Referred To Larger Bench

Micro, Small and Medium Enterprises Development Act, 2006 – Section 18
– Whether an MSME cannot make a reference to the Facilitation Council for dispute resolution under Section 18 of the Act if it is not registered under Section 8 of the Act before the execution of the contract with the buyer? – Section 18 is not restrictive and is a remedy for the resolution of disputes, and as such, it is kept open-ended to enable ‘any party’ to refer the dispute to seek redressal. For the reasons to follow- Rejected the submission that ‘any party to a dispute’ is confined to a ‘supplier’ who has filed a memorandum under Section 8 of the Act- Issue referred to larger bench.

Constitution of India – Article 141 – Supreme Court performs the twin functions of decision-making and precedent-making. A substantial portion of our jurisdiction under Article 136 is reflective of regular appellate disposition of decision making. Every judgment or order made by this Court in disposing of these appeals is not intended to be a binding precedent under Article 141. Though the arrival of a dispute for this Court’s consideration, either for decision-making or precedent-making is at the same tarmac, every judgment or order which departs from this Court lands at the doorstep of the High Courts and the subordinate courts as a binding precedent. (Para 28)

Rina Kumari @ Rina Devi @ Reena vs Dinesh Kumar Mahto @ Dinesh Kumar Mahato 2025 INSC 55

Code of Criminal Procedure 1973 – Section 125(4) – Mere passing of a decree for restitution of conjugal rights at the husband's behest and non-compliance therewith by the wife would not, by itself, be sufficient to attract the disqualification under Section 125(4) Cr.P.C. It would depend on the facts of the individual case and it would have to be decided, on the strength of the material and evidence available, whether the wife still had valid and sufficient reason to refuse to live with her husband, despite such a decree. There can be no hard and fast rule in this regard and it must invariably depend on the instinctive facts and circumstances obtaining in each particular case. In any event, a decree for restitution of conjugal rights secured by a husband coupled with non-compliance therewith by the wife would not be determinative straightaway either of her right to maintenance or the applicability of the disqualification under Section 125(4) Cr.P.C.

Code of Criminal Procedure 1973 – Section 125- Even if non-compliance with an order for payment of maintenance entails penal consequences, as may other decrees of a Civil Court, such proceedings would not qualify as or become criminal proceedings. Nomenclature of maintenance proceedings initiated under the Code of Criminal Procedure, as those provisions find place therein, cannot be held to be conclusive as to the nature of such proceedings. (Para 30)

Code of Criminal Procedure 1973 – Section 125- A wife, who suffered a decree of divorce on the ground of deserting her husband, would not be entitled to maintenance under Section 125 Cr.P.C. as long as the marriage subsisted, but she would be entitled to such maintenance once she attained the status of a divorced wife, in the light of the definition of a 'wife' in Explanation (b) to Section 125(1) Cr.P.C.

My Preferred Transformation & Hospitality Pvt. Ltd. vs Faridabad Implements Pvt. Ltd. 2025 INSC 56 – S 34(3) Arbitration Act -S 4 Limitation Act

Arbitration and Conciliation Act 1996- Section 34(3) ; Limitation Act 1963 – Section 4 ; General Clauses Act, 1897 – Section 10 – Section 4 of the Limitation Act applies to Section 34(3) of the ACA.- Section 4 of the Limitation Act benefits a party only when the “prescribed period”, i.e. the 3-month limitation period under Section 34(3) expires on a court holiday. In such a situation, the application under Section 34 will be considered as having been filed within the limitation period if it is filed on the next working day of the court- Section 4 of the Limitation Act does not come to the aid of the party when the 3-month limitation period expires on a day when the court was working. The 30-day condonable period expiring during the court holidays will not survive and neither Section 4, nor any other provision of the Limitation Act, will inure to the benefit of the party to enable filing of the Section 34 application immediately after reopening- Since Section 4 of the Limitation Act applies to proceedings under Section 34 of the ACA, the applicability of Section 10 of the GCA stands excluded in view of the express wording of its proviso that excludes the applicability of the provision when the Limitation Act applies. (Para 35)

Premshila Kuer vs Dr. Amrendra Narayan Yadav & Connected Cases – 2025 INSC 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 68 – Service Law

Summary: Contempt Petitions aggrieved by the alleged non-compliance of the order dated 31.08.2017 in Krishna Nand Yadav & others Vs. Magadh University & others” disposed.

State Of West Bengal vs PAM Developments Private Limited 2025 INSC 69 - Ss 12, 80 CPC

Code of Civil Procedure 1908 - Section 12 & Order XXIII Rule 1 - No suit lies on the same cause of action if the plaintiff has abandoned their claim - This principle is

not attracted when the circumstances give rise to a continuous cause of action resulting in a situation where both the amendment applications were filed at different points of time and the former was not adjudicated on merits. - A cause of action is continuing when the act alleged to be wrongful is repeating over a period of time, and consequently extending the limitation period. Cause of action is a bundle of facts giving rise to a legal right. (Para 21-24) When subsequent events form a continuous cause of action for which a fresh suit is not to be filed, as it does not change the nature and character of the Civil Suit. (Para 22)

Code of Civil Procedure 1908 - Section 80 - When amendment sought amounts to a continuous cause of action and maintains the nature and character of the suit and to that extent, Section 80 of the CPC is irrelevant. (Para 26)

Dr. Sharmad vs State Of Kerala 2025 INSC 70 – Service Law – KS & SSR

Kerala State and Subordinate Services Rules, 1958 – Rule 10 is entirely irrelevant and immaterial for appointment on promotion in the Administrative and Teaching Cadres of the Medical Education Services – Rule 10(ab) (Para 20)-‘Recruitment Rules’ is used in Rule 10(ab) as an alternative to Special Rules, without the same being defined. To understand what ‘Recruitment Rules’ would mean in the context, one may simultaneously read Rule 10(a)(i) extracted supra – Without ‘Recruitment Rules’ being defined, it can take colour from Rule 10(a)(i) and be understood to mean and include executive orders of the Government in a case where Special Rules are absent- in the absence of rules, recourse to recruitment based on executive orders could be taken. (Para 13)

Interpretation of Statutes – No word, no phrase and no expression used in a legislation should be excluded as surplusage, while the courts embark on a course of interpretation. (Para 20) – The intention of the rule framer has to be assessed on both parameters i.e. the words used and that of necessary implication. (Para 26)

Legal Maxim – Expressio unius est exclusio alterius – Whatever has not been included has impliedly been excluded. (Para 22)

Ram Pyarey vs State Of Uttar Pradesh - 2025 INSC 71 - S 113B Evidence Act

Indian Evidence Act 1872 - Section 113B- When the Courts below want to apply Section 113B of the Evidence Act, the condition precedent is that there has to be first some cogent evidence as regards incessant harassment. In the absence of any cogent evidence as regards harassment or abetment in any form like aiding or instigating, the court cannot straightaway invoke Section 113B and presume that the accused abetted the commission of suicide. (Para 13)

Dharmendra Kumar Singh vs Hon'ble High Court Of Jharkhand 2025 INSC 72 - Judicial Service

Jharkhand Superior Judicial Services (Recruitment, Appointment and Condition of Service) Rule, 2001 - High Court dismissed writ petition filed by judicial officers- Allowing appeal, SC observed: The suitability of each candidate has to be tested on his own merit and a comparative assessment cannot be made and the promotion cannot be solely based upon merit list- Referred to Ravikumar Dhansukhlal Maheta Vs. High Court of Gujarat 2024 SCC Online SC 972- When the appellants have successfully qualified the suitability test, they could not have been deprived of their legitimate right of promotion only on account of lower placement in the merit list. (Para 3-5)

Cuddalore Powergen Corporation Ltd. vs Chemplast Cuddalore Vinyls Limited 2025 INSC 73 - Order II Rule 2 CPC

Code Of Civil Procedure 1908- Order II Rule 2 - i. The object of Order II Rule 2 is to prevent the multiplicity of suits and the provision is founded on the principle that a person shall not be vexed twice for one and the same cause. ii. The mandate of Order II

Rule 2 is the inclusion of the whole claim arising in respect of one and the same cause of action, in one suit. It must not be misunderstood to mean that all the different causes of action arising from the same transaction must be included in a single suit. iii. Several definitions have been given to the phrase “cause of action” and it can safely be said to mean – “every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court”. Such a cause of action has no relation whatsoever to the defence that may be set up by the defendant, nor does it depend upon the character of the relief which is prayed for by the plaintiff but refers to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour. iv. Similarly, several tests have been laid out to determine the applicability of Order II Rule 2 to a suit. While it is acknowledged that the same heavily depends on the particular facts and circumstances of each case, it can be said that a correct and reliable test is to determine whether the claim in the new suit is in fact founded upon a cause of action distinct from that which was the foundation of the former suit. Additionally, if the evidence required to support the claims is different, then the causes of action can also be considered to be different. Furthermore, it is necessary for the causes of action in the two suits to be identical in substance and not merely technically identical.v. The defendant who takes shelter under the bar imposed by Order II Rule 2(3) must establish that (a) the second suit was in respect of the same cause of action as that on which the previous suit was based; (b) in respect of that cause of action, the plaintiff was entitled to more than one relief; and (c) being thus entitled to more than one relief, the plaintiff, without any leave obtained from the Court, omitted to sue for the relief for which the second suit had been filed. vi. The defendant must also have produced the earlier plaint in evidence in order to establish that there is an identity in the causes of action between both the suits and that there was a deliberate relinquishment of a larger relief on the part of the plaintiff. vii. Since the plea is a technical bar, it has to be established satisfactorily and cannot be presumed merely on the basis of inferential reasoning. (Para 47) - The stage at which the first suit is, would not be a material consideration in deciding the applicability of the bar under Order II Rule 2. What needs to be looked into is whether the cause of action in both suits is one and the same in substance, and

whether the plaintiff is agitating the second suit for claiming a relief which was very well available to him at the time of filing the first suit. (Para 51)

Code Of Civil Procedure 1908- Order VII Rule 11(d) and Order II Rule 2 -

Before rejecting the plaint under Order VII Rule 11(d), the Courts must ensure that the plaint is read as a whole and its entire averments are looked into. A few lines or passages must not be read in isolation and it is imperative that the pleadings are read as a whole for ascertaining the true import of the averments therein. In performing such a holistic reading, it must be deduced whether the causes of action in both the suits are identical in substance in order to sustain a successful plea under Order II Rule 2. It would be a reductive approach to only cull out the cause of action paragraphs from the respective plaints and decide that they disclose the same cause of action on mere comparative overview. (Para 56)

Baidya Nath Choudhary Vs Dr. Sree Surendra Kumar Singh 2025 INSC 74 - Contempt

Summary: Contempt Petitions aggrieved by the alleged non-compliance of the order dated 31.08.2017 in Krishna Nand Yadav & others Vs. Magadh University & others” disposed.

Rajeeb Kalita vs Union Of India 2025 INSC 75 - Fundamental Right To Toilets

Constitution of India - Article 21 - Toilets / washrooms / restrooms are not merely a matter of convenience, but a basic necessity which is a facet of human rights. Access to proper sanitation is recognized as a fundamental right under Article 21 of the Constitution, which guarantees the right to life and personal liberty (Para 10)
-Directions issued: The High Courts and the State Governments / UTs shall ensure the construction and availability of separate toilet facilities for males, females, PwD, and transgender persons in all Court premises and Tribunals across the Country. (ii) The

High Courts shall oversee and ensure that these facilities are clearly identifiable and accessible to Judges, advocates, litigants, and court staff- Other directions issued. (Para 11)

Access to Justice - Access to justice includes the creation of a pleasant and humanly atmosphere for all the stake holders in the dispensation of justice. (Para 10)

Mahendra Awase vs State Of Madhya Pradesh 2025 INSC 76 - S 306 IPC - Suicide Abetment

Indian Penal Code 1860 - Section 306 - BNS 2023 - Section 108 -Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution- The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306.(Para 20)

Indian Penal Code 1860 - Section 306 - BNS 2023 - Section 108 - To attract the ingredient of Section 306, the accused should have abetted the commission of a suicide. A person abets the doing of a thing who Firstly - instigates any person to do that thing or Secondly - engages with one or more other person or persons in any conspiracy for the

doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing or Thirdly - intentionally aids, by any act or illegal omission, the doing of that thing- In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC. To satisfy the requirement of instigation the accused by his act or omission or by a continued course of conduct should have created such circumstances that the deceased was left with no other option except to commit suicide- A word uttered in a fit of anger and emotion without intending the consequences to actually follow cannot be said to be instigation. (Para 11-18)

Vimal Babu Dhumadiya vs State Of Maharashtra 2025 INSC 77 - Art. 32 Constitution

Constitution of India - Article 32 - SC dismissed writ petition seeking a declaration that Bombay HC judgment is illegal for having been passed without hearing the necessary parties by observing thus: Under Article 32 of the Constitution, the judgment of the Division Bench of the High Court of Judicature at Bombay cannot be declared as illegal. If the petitioners have not been heard and are affected by the said judgment, the remedy available to them is to either file a petition/application for recall of the said order/judgment or to challenge the same by way of a petition under Article 136 of the Constitution before this Court. (Para 3)

Bharat Aambale vs State Of Chhattisgarh 2025 INSC 78 - Ss 52A, 54 NDPS Act

NDPS Act - Section 52A - Mere non-compliance of the procedure under Section 52A or the Standing Order(s) / Rules thereunder will not be fatal to the trial unless there are

discrepancies in the physical evidence rendering the prosecution's case doubtful, which may not have been there had such compliance been done. Courts should take a holistic and cumulative view of the discrepancies that may exist in the evidence adduced by the prosecution and appreciate the same more carefully keeping in mind the procedural lapses - The procedure prescribed by the Standing Order(s) / Rules in terms of Section 52A of the NDPS Act is only intended to guide the officers and to see that a fair procedure is adopted by the officer in-charge of the investigation, and as such what is required is substantial compliance of the procedure laid therein. Any inventory, photographs or samples of seized substance prepared in substantial compliance of the procedure prescribed under Section 52A of the NDPS Act and the Rules / Standing Order(s) thereunder would have to be mandatorily treated as primary evidence as per Section 52A sub- section (4) of the NDPS Act, irrespective of whether the substance in original is actually produced before the court or not. (Para 50)

NDPS Act - Section 52A, 54- Where there has been lapse on the part of the police in either following the procedure laid down in Section 52A of the NDPS Act or the prosecution in proving the same, it will not be appropriate for the court to resort to the statutory presumption of commission of an offence from the possession of illicit material under Section 54 of the NDPS Act, unless the court is otherwise satisfied as regards the seizure or recovery of such material from the accused persons from the other material on record (Para 50)

NDPS Act - Section 52A - Burden of proof - The initial burden will lie on the accused to first lay the foundational facts to show that there was non-compliance of Section 52A, either by leading evidence of its own or by relying upon the evidence of the prosecution, and the standard required would only be preponderance of probabilities- Once the foundational facts laid indicate non-compliance of Section 52A of the NDPS Act, the onus would thereafter be on the prosecution to prove by cogent evidence that either (i) there was substantial compliance with the mandate of Section 52A of the NDPS Act OR (ii) satisfy the court that such non-compliance does not affect its case against the

accused, and the standard of proof required would be beyond a reasonable doubt. (Para 50)

NDPS Act - Section 52A - Mere drawing of samples in presence of a gazetted officer would not constitute sufficient compliance of the mandate under Section 52A sub-section (2) of the NDPS Act- the process of inventorying, photographing and drawing samples of the seized substance shall as far as possible, take place in the presence of the accused, though the same may not be done at the very spot of seizure. (Para 50)

NDPS Act - Section 52A - Section(s) 42 to 57 form a unique scheme of provisions that prescribe several procedural safeguards and conditions that have to be mandatorily adhered to, right from the process of conducting search till the seizure and recovery of the contraband, its safe-keep and handling, yet it does not mean that a mere delay or non-compliance of the same, would result in the trial being vitiated, or the entire case of prosecution crumbling. (Para 23)

**State of Jharkhand vs Vikash Tiwary @ Bikash Tiwary @ Bikash Nath 2025
INSC 79 - Art. 21 Constitution - Prison Reforms**

Constitution of India - Article 21 - The prison administration needs to be reformed for creating a better environment and prison culture to ensure the prisoners enjoy their right to dignified life under Article 21. It is essential to continuously monitor the physical conditions prevailing in the prison, compliance with basic and fundamental rights of the prisoners, etc. The State recognizes that a prisoner loses his right to liberty but still maintains his right to be treated as a human being and as person. His human dignity shall be maintained and all basic amenities should be made available to him. Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life, with due regard to the maintenance of the rights of prisoners. Thus, the objective of reforms and

rehabilitation of the prisoners has to be pursued diligently- The State of Jharkhand shall, if not already done, formulate or expedite the formulation of a Jail Manual incorporating the applicable provisions of the 2016 Model Prison Manual, for effective prison administration and ensure its strict compliance by the prison authorities. (Para 17-18)

Prisoners Act, 1900 - Inspector General of Prisons, has discretion to transfer a prisoner from one prison to another or from one class to another. The only caution, we may add, is that such discretion cannot be exercised arbitrarily- transfer of prisoners from one jail to another is not a matter of routine and must be approached with circumspection-The transfer of convict prisoner from one prison to another is purely an administrative decision and hence, the same cannot be interfered with by the court unless it is arbitrary and contrary to law. (Para 11-16)

Prisons - Prisons are considered as the 'tailend' of the criminal justice system. They have existed since ancient times, where anti-social elements were kept in, for deterrence and retribution. But, in modern days, a prison connotes a correctional mechanism, thereby emphasizing the reform of inmates. Prison life necessitates certain constraints on the freedom of inmates. Therefore, it is imperative on the part of the prison authorities to rehabilitate the prisoners into law abiding citizen, besides maintaining security and rule of law in the prison. (Para 3)

Prison Manual 2016 and Model Prisons and Correctional Services Act, 2023
- if the situation necessitates transfer of the prisoner from one jail to another, it can be done by the authority concerned. (Para 14)

U. Sudheera Vs C. Yashoda 2025 INSC 80 - S 100 CPC - Second Appeal - Interim Order

Code of Civil Procedure 1908 - Section 100 - Second Appeal -High Court acquires jurisdiction to deal with the second appeal on merits only when it frames a substantial

question of law as required to be framed under Section 100 CPC; and it cannot grant an interim order, without framing substantial question of law. (Para 10.2)

Code of Civil Procedure 1908 - Section 151 - The High Court cannot use its inherent power under Section 151 in violation of the express mandates in other provisions of the Code. (Para 10.3)

Code of Civil Procedure 1908 - Section 100 - High Court can proceed to hear a Second Appeal only if the case involves a substantial question of law, implying that when the appeal is taken up for admission, it must satisfy itself that a substantial question of law is involved. Thereafter, the High Court must frame such question and direct the parties to submit their arguments on such question. The scheme of the Code also enables the High Court to hear the parties on any other substantial question of law, not framed by it at the first hearing, but during the course of hearing for the reasons to be recorded. Again, if the court is not satisfied at the first hearing that the case does not involve a substantial question of law, it cannot proceed further. Once such additional question of law is framed during the course of hearing, the parties must be given opportunity to submit their arguments on the other substantial question of law(s) -In some High Courts, there is a practice to order Notice of Motion, whereby even before an appeal is admitted, an opportunity is granted to the respondents therein to contest the case. In such a case, it is implied that the High Court is not satisfied prima facie with the case. Such dissatisfaction could be either for a reason that the case does not involve a substantial question of law or for a reason that in the facts of the case, the question of law, though substantial, would not warrant interference. In such cases, though the High Court in exercise of its power under Section 151 of CPC is generally empowered to grant interim orders to preserve the subject matter of the dispute and to avoid multiplicity of proceedings, we are of the opinion, the court cannot grant any interim protection to the appellant, unless the substantial question of law is framed under Section 100 (4) or as per the Proviso. On the other hand, if the High Court is prima facie of the view that the substantial question of law involved would not require much time for disposal, the court

is bound to frame the substantial question of law at the stage of admission and then order short notice. (Para 10.3)

Balbir Singh Vs Baldev Singh (D) 2025 INSC 81 - S 28 SRA - Doctrine Of Merger

Doctrine of merger - The doctrine of merger is founded on the rationale that there cannot be more than one operative decree at a given point of time. The doctrine of merger applies irrespective of whether the appellate court has affirmed, modified or reversed the decree of the trial court- Once the High Court as an appellate court in second appeal renders its judgment it is a decree of the second appellate court which becomes executable hence, the entitlement of the decree holder to execute the decree of the second appellate court cannot be defeated. (Para 28)

Specific Relief Act - Section 28 - The power under Section 28 of the Act is discretionary and the court cannot ordinarily annul the decree once passed by it. Although the power to annul the decree exists yet Section 28 of the Act provides for complete relief to both the parties in terms of the decree. The court does not cease to have the power to extend the time even though the trial court had earlier directed in the decree that payment of balance price to be made by certain date and on failure the suit to stand dismissed. (Para 26)

Specific Relief Act - A suit for specific performance does not come to an end on passing of a decree and the court which has passed the decree for specific performance retains the control over the decree even after the decree has been passed. The decree for specific performance has been described as a preliminary decree. (Para 25-26)

Bhupal Singh vs State Of Uttarakhand 2025 INSC 82 - S 304B IPC - Dowry Death

Indian Penal Code 1860 - Section 304B ; Bharatiya Nyaya Sanhita 2023- Section 80
- For proving the offence of dowry death, the prosecution must prove that (i) the death of the woman is caused by any burns or bodily injury or has occurred otherwise than in normal circumstances, (ii) the death has occurred within seven years of her marriage, (iii) soon before her death, she was subjected to cruelty or harassment by her husband or his any relative and (iv) the cruelty or harassment was for or in connection with the demand for dowry. (Para 9)

Criminal Trial - Though the Investigating Officer collected the alleged admitted handwriting of the deceased, the said alleged handwriting, along with the letter, were not sent to a handwriting expert to secure his opinion. Therefore, an adverse inference needs to be drawn against the prosecution. (para 6)

Bhupinderpal Singh Gill Vs State Of Punjab 2025 INSC 83 - Constitutional Courts - Judicial Review Of Disciplinary Proceedings - Natural Justice

Practice and Procedure - Constitutional Courts - Issuing limited notice at the stage of admission does not bar a Constitutional Court having inherent powers to pass such orders as the justice of the case before it demands to enlarge the scope of a petition/appeal at the stage of final hearing. Any observation that the court may choose to make while entertaining the petition/appeal by issuing limited notice ought to be regarded as tentative. Such observation cannot limit the court's jurisdiction to consider the controversy, as raised, in its entire perspective. Whether or not the court would enlarge the scope is, however, a question which is largely dependent on the facts and circumstances of each case. If the court seized of the petition/appeal considers that the justice of the case before it demands enlargement of the scope, notwithstanding that a limited notice had been issued earlier, the court's powers are not fettered particularly when enforcement of any Fundamental/Constitutional right is urged by the party approaching it. (Para 19)

Constitution of India - Article 226 - Disciplinary Proceedings - Administrative order punishing a delinquent employee is not ordinarily subject to correction in judicial review because the disciplinary authority is the sole judge of facts. If there is some legal evidence on which the findings can be based, then adequacy or even reliability of that evidence is not a matter for canvassing before the high court in a writ petition filed under Article 226 of the Constitution. However, should on consideration of the materials on record, the court be satisfied that there has been a violation of the principles of natural justice, or that the inquiry proceedings have been conducted contrary to statutory regulations prescribing the mode of such inquiry, or that the ultimate decision of the disciplinary authority is vitiated by considerations extraneous to the evidence and merits of the case, or that the conclusion of the disciplinary authority is ex facie arbitrary or capricious, so much so that no reasonable person could have arrived at such conclusion, or there is any other ground very similar to the above, the high court may in the exercise of its discretion interfere to set things right. After all, public servants to whom Article 311 of the Constitution apply do enjoy certain procedural safeguards, enforcement of which by the high court can legitimately be urged by such servants depending upon the extent of breach that is manifestly demonstrated. (Para 34) Validity of any disciplinary action, whenever questioned, has to be tested on the touchstone of Articles 14, 16 and 21 as well as Article 311(2), wherever applicable. To test whether interference is warranted, this Court has laid down that the scrutiny ought to be confined to finding out whether the disciplinary proceedings have been conducted fairly; if not, an inference can be drawn that this has caused prejudice to the charged employee. Be that as it may, there can be no gainsaying that the consequences of violation of a fair procedure, which principles of natural justice embody, in a given situation has to be considered on a case-by-case basis bearing in mind that judicial review is not intended to be an appeal in disguise. (Para 35)

Natural Justice - The traditional concept of natural justice comprises of the two rules that prohibit anyone from being condemned unheard and anyone from being a judge of his own cause - In relation to disciplinary proceedings, subject to just exceptions,

natural justice would envisage observance of procedural fairness before holding a public servant guilty of misconduct and imposing a punishment on him for such misconduct. While it is true that principles of natural justice supplement, and not supplant, the law, such principles have been declared by this Court to be a constituent feature of Article 14. (Para 35)

Bharat Petroleum Corporation Ltd. vs Commissioner of Central Excise Nashik Commissionerate 2025 INSC 84 - Ss 4,11A Central Excise Act

Central Excise Act, 1944 - Section 4 - For applicability of clause (a) of Section 4(1), the following conditions must be fulfilled: a. The assessee sells the goods for delivery at time and place of the removal; b. The assessee and the buyer are not related; and c. The price is the sole consideration for the sale- Only if all three conditions are fulfilled, the value of the goods for the purpose of computation of excise duty will be the transaction value. In a given case, if it is not proved that the price was the sole consideration for sale, clause (a) of Section 4(1) would not apply. In that case, clause (b) of Section 4(1) would apply. (Para 23)

Central Excise Act, 1944 - Section 11A - Under the proviso to sub-section (1) of Section 11-A, an extended period of limitation can be invoked when there is a non- levy or non-payment or short levy or short payment of the excise duty by a reason of fraud or collusion or any wilful mis-statement or suppression of facts or contravention of any of the provisions of 1944 Act or the rules made thereunder with the intent to evade payment of duty. (Para 32)

Biswajit Das vs Central Bureau Of Investigation 2025 INSC 85 - Art. 136 Constitution - Limited Notice

Constitution of India - Article 136 - Since exercise of jurisdiction under Article 136 is discretionary, notices on appeals/petitions are not frequently issued by this Court. Nonetheless, if in a given case, notice is issued which is limited on terms but the party

approaching the Court is otherwise persuasive in pointing out that the case does involve a substantial question of law deserving consideration and the Bench is so satisfied, we see no reason why the case may not be heard on such or other points. In such a case, the jurisdiction to decide all legal and valid points, as raised, does always exist and would not get diminished or curtailed by a limited notice issuing order. However, whether or not to exercise the power of enlarging the scope of the petition/appeal is essentially a matter in the realm of discretion of the Bench and the discretion is available to be exercised when a satisfaction is reached that the justice of the case so demands. (Para 16)

Laxmi Das vs State Of West Bengal 2025 INSC 86 - S 306 IPC - S 108 BNS - Abetment Of Suicide

Indian Penal Code 1860 - Section 306 : Bharatiya Nyaya Sanhita 2023 - Section 108 - A remark such as asking the deceased to not be alive if she cannot live without marrying her lover will also not gain the status of abetment. There needs to be a positive act that creates an environment where the deceased is pushed to an edge in order to sustain the charge of Section 306 IPC (Para 14)- When Section 306 IPC is read with Section 107 IPC, it is clear that there must be (i) direct or indirect instigation; (ii) in close proximity to the commission of suicide; along with (iii) clear mens rea to abet the commission of suicide. (Para 8) [In this case, the accused was mother of the person who was allegedly in a love affair with the deceased - SC quashed proceedings against her]

Jyostnamayee Mishra vs State Of Odisha 2025 INSC 87- Art. 14 Constitution - Negative Equality - Responsible Drafting & Diligent Pleadings

Constitution of India - Article 14 - A litigant coming to the Court cannot claim negative discrimination seeking direction from the Court to the department to act in violation of the law or statutory Rules - Article 14 does not envisage negative equality. (Para 31)

Pleadings - The importance of responsible drafting and diligent pleading - Referred to this observation in *Saumya Chaurasia v. Directorate of Enforcement* - Though it is true that the advocates would settle the pleadings and argue in the courts on instructions given by their clients, however their duty to diligently verify the facts from the record of the case, using their legal acumen for which they are engaged, cannot be obliterated. (Para 28.1)

State Of Punjab vs Om Prakash Brick Kiln Owner 2025 INSC 88 - Punjab Minor Mineral Concession Rules - Royalty - Brick Earth - Ownership Of Land

Punjab Minor Mineral Concession Rules, 1964 - Rule 3- Rule 3 provides for exemptions from payment of royalty - Rule 3 does not provide for an exemption in respect of the excavation of brick earth for manufacturing bricks - Once it is shown that under the Mineral Rules, State Government was entitled to levy royalty on the activity of mining of brick earth, the issue of ownership of the said lands becomes irrelevant- owners of the said lands in which the excavation is made are not in the exempted category specified in Rule 3 of the Mineral Rules. (Para 10-13)

General Manager Personnel Syndicate Bank vs BSN Prasad 2025 INSC 89 - Disciplinary Proceedings - Bank Officials- Judicial Review

Disciplinary Proceedings - An acquittal in a criminal case is no ground to exonerate a delinquent in disciplinary proceedings as the standard of proof differs in these proceeding- (Para 16) the exercise of powers by the disciplinary authority is always subject to principles of proportionality and fair play. (Para 23)

Constitution of India - Article 226 -Adequacy of the evidence adduced during disciplinary inquiry cannot be gone into in writ jurisdiction. (Para 16)

Bank Officials - Bank officers are expected to maintain a higher standard of honesty, integrity, and conduct. (Para 17)

Vijay @ Vijayakumar vs State 2025 INSC 90 - S 300 IPC - Exception 1 - Grave and Sudden Provocation

Indian Penal Code 1860 - Section 300 : Bharatiya Nyaya Sanhita - Section 101- Exception 1 - Before Exception 1 can be invoked, the accused must establish the following circumstances: (i) there was a provocation which was both grave and sudden; (ii) such provocation had deprived the accused of his power of self-control; and (iii) whilst the accused was so deprived of his power of self-control, he had caused the death of the victim- **Sudden** -(i) Whether the provocation was sudden or not does not present much difficulty. The word 'sudden' involves two elements. First, the provocation must be unexpected. If an accused plans in advance to receive a provocation in order to justify the subsequent homicide, the provocation cannot be said to be sudden. Secondly, the interval between the provocation and the homicide should be brief. If the man giving the provocation is killed within a minute after the provocation, it is a case of sudden provocation. If the man is killed six hours after the provocation, it is not a case of sudden provocation- **Grave** -(ii) A bare statement by the accused that he regarded the provocation as grave will not be accepted by the court. The court has to apply an objective test for deciding whether the provocation was grave or not. A good test for deciding whether a certain provocation was grave or not is this: "Is a reasonable man likely to lose self-control as a result of such provocation?" If the answer is in the affirmative, the provocation will be classed as grave. If the answer is in the negative, the provocation is not grave. In this context, the expression 'reasonable man' means a normal or an average person. A reasonable man is not the ideal man or the perfect being. A normal man sometimes loses temper. There is, therefore no inconsistency in saying that, a reasonable man may lose self-control as a result of grave provocation. A reasonable or normal or average man is a legal fiction. The reasonable man will vary from society to society. A Judge should not impose his personal standards in this

matter. By training, a Judge is a patient man. But the reasonable man or the normal man need not have the same standard of behaviour as the judge himself. The reasonable man under consideration is a member of the society, in which the accused was living. So, education and social conditions of the accused are relevant factors. An ordinary exchange of abuse is a matter of common occurrence. A reasonable man does not lose self-control merely on account of an ordinary exchange of abuses. So, courts do not treat an ordinary exchange of abuses as a basis for grave provocation. On the other hand, in most societies, adultery is looked upon as a very serious matter. So, courts are prepared to treat adultery as a basis for grave provocation- (iii) **Loss of self-control** - the question of loss of self-control comes up indirectly in deciding whether a particular provocation was grave or not. So, if it is proved that the accused did receive grave and sudden provocation, the court is generally prepared to assume that homicide was committed while the accused was deprived of the power of self-control. In some cases, it may be possible for the prosecution to prove that the accused committed the murder with a cool head in spite of grave provocation. But such cases will be rare. So, when the accused has established grave and sudden provocation, the court will generally hold that he has discharged the burden that lay upon him under Exception 1 to Section 300 IPC. (Para 17-26)

Indian Evidence Act, 1872 - Section 105 - Bharatiya Sakshya Adhiniyam - Section 108 - It is for the accused who seeks to reduce the nature of his crime by bringing his case under Exception 1, to prove that the provocation received by him was such as might reasonably be deemed sufficient to deprive him of self- control, and that the act of killing took place whilst that absence of control was in existence and may fairly be attributed to it. (Para 27)

Tamil Nadu Cements Corporation Limited vs Micro And Small Enterprises Facilitation Council 2025 INSC 91 - Arbitration Act - S 18 MSMED Act - Art. 226 Constitution

Constitution of India - Article 226 - Micro, Small and Medium Enterprises Development Act, 2006 - Section 18 - Whether a writ petition under Article 226 of

the Constitution would be maintainable against an order passed by the Micro and Small Enterprises Facilitation Council¹ in exercise of power under Section 18 MSMED Act- Questions referred to larger bench: (i) Whether the ratio in *M/s India Glycols Limited and Another v. Micro and Small Enterprises Facilitation Council, Medchal - Malkajgiri* that a writ petition could never be entertained against any order/award of the MSEFC, completely bars or prohibits maintainability of the writ petition before the High Court? (ii) If the bar/prohibition is not absolute, when and under what circumstances will the principle/restriction of adequate alternative remedy not apply? (iii) Whether the members of MSEFC who undertake conciliation proceedings, upon failure, can themselves act as arbitrators of the arbitral tribunal in terms of Section 18 of the MSMED Act read with Section 80 of the A&C Act? The first and second question will subsume the question of when and in what situation a writ petition can be entertained against an order/award passed by MSEFC acting as an arbitral tribunal or conciliator.

Constitution of India - Article 226 -The access to High Courts by way of a writ petition under Article 226 of the Constitution of India, is not just a constitutional right but also a part of the basic structure. It is available to every citizen whenever there is a violation of their constitutional rights or even statutory rights. This is an inalienable right and the rule of availability of alternative remedy is not an omnibus rule of exclusion of the writ jurisdiction, but a principle applied by the High Courts as a form of judicial restraint and refrain in exercising the jurisdiction. The power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and the same is not limited by any provision of the Constitution and cannot be restricted or circumscribed by a statute- Writ courts, despite the availability of alternative remedies, may exercise writ jurisdiction at least in three contingencies – i) where there is a violation of principles of natural justice or fundamental rights; ii) where an order in a proceeding is wholly without jurisdiction; or iii) where the vires of an Act is challenged. (Para 13)

Sunkari Tirumala Rao Penki vs Aruna Kumari 2025 INSC 92 - S 69 Partnership Act

Partnership Act, 1932 - Section 69 - Section 69 assumes a mandatory character- a suit filed by an unregistered partnership firm and all proceedings arising thereunder, which fall within the ambit of Section 69 would be without jurisdiction- a suit instituted by a plaintiff in respect of a right which was vested in him by virtue of a contract and entered into in his capacity as a partner of a partnership firm, would be void, if such a firm was unregistered. (Para 8-9)

Sadashiv Dhondiram Patil Vs State Of Maharashtra 2025 INSC 93 - S 25,27,106 Evidence Act - Motive -Village Police Patil - Extra Judicial Confession

Indian Evidence Act 1872 - Section 106 - The prosecution has to first lay the foundational facts before it seeks to invoke Section 106 of the Evidence Act. If the prosecution has not been able to lay the foundational facts for the purpose of invoking Section 106 of the Evidence Act, it cannot straightaway invoke the said Section and throw the entire burden on the accused to establish his innocence. (Para 55)

Indian Evidence Act 1872 - Section 27 - Just because the panch witnesses have turned hostile does not mean that such discovery should be disbelieved. From the plain reading of the oral evidence of the Investigating Officer if the discovery is believable and inspires confidence, the same can definitely be looked into as one of the incriminating pieces of evidence against the accused - In this case, all that the I.O. did was to depose that he had drawn the panchnama and in the end identified his signature on the same and that of the panch witnesses, SC held: This cannot be said to be proving the contents of the panchnama in accordance with law. (Para 49-50)

Indian Evidence Act 1872 - Section 25- Extra-judicial confession - By its very nature, extra judicial confession is rather a weak type of evidence and requires

appreciation with a great deal of care and caution. Where extra-judicial confession is surrounded by suspicious circumstances, its credibility becomes doubtful and would lose its importance. (Para 41)

Indian Evidence Act 1872 - Section 25 ; Maharashtra Village Police Act- Section 14 - Village Police Patil cannot be said to be a Police Officer. (Para 42)

Criminal Trial - Motive - Motive is a double-edged weapon. Motive cannot be the sole basis for convicting the accused and that too for a serious offence like murder. Motive may be considered along with other pieces of reliable evidence in the form of incriminating circumstances. (Para 51)

State Of Jharkhand vs Dr. Nishkant Dubey 2025 INSC 94 - Aircraft Act - S 482 CrPC - Ss 336,441,447,448 IPC

Aircraft Act, 1934 - Aircraft Act, 1934 as well as the Rules framed thereunder [including Rule 14(ix) of Airport (Security) Rules, 2011] is a complete Code which deals with safety and security of civil aviation and aerodrome. The Aircraft Act, 1934 also prescribes a special procedure for taking cognizance of any offence punishable under the Aircraft Act, 1934 i.e, the complaint must be made by or with the prior sanction of the Aviation authorities. Section 12B is in the nature of a pre-condition for taking cognizance by a Court- as a complaint can be made/filed by an authorised officer alone under the Special Act i.e. the Aircrafts Act, 1934, before the concerned Court, the local police can only forward the material collected by it during the investigation to such authorised officer. It shall be open to the authorised officer to take a decision in accordance with law with regard to filing or non-filing of a complaint (Para 39-41)

Code of Criminal Procedure 1973 - Section 482 - In exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers under Section 482 of the Code, it is open to the High Court to quash an FIR either to prevent abuse of the process of any Court or otherwise to secure the ends of justice- An FIR can

be quashed if the allegations made in the FIR or the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out a case against the accused or where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings. (Para 30)

Indian Penal Code 1860 - Section 336 - Section 336 IPC seeks to punish a person who does an act rashly or negligently and endangers human life or personal safety of others. To attract Section 336 IPC, the prosecution must allege that the accused did the act in question; that it was done rashly or negligently and that it was such as to endanger the life or personal safety of others. (Para 33)

Indian Penal Code 1860 - Section 441,447 - Every trespass by itself is not criminal. To constitute criminal trespass the prosecution has to allege that the trespass was committed with one of the intents enumerated in Section 441 IPC. Accordingly, the prosecution has to prove that the complainant had possession of the property in question and that the accused entered into or upon the property; or after having lawfully entered unlawfully remained there with the intention (a) to commit an offence; or (b) to intimidate, insult, or annoy the person in possession. In the absence of any such allegation, the offence under Section 441/447 IPC cannot be sustained. (Para 35)

Indian Penal Code 1860 - Section 448- ATC office is not a place used as a human dwelling or a place of worship or a place for the custody of goods, the ingredients of Section 448 IPC are not attracted to the present case (Para 37)

Central Bank Of India vs Prabha Jain 2025 INSC 95 - Ss 17,34 SARFAESI Act

SARFAESI Act - Section 17, 34 - In this case, the plaintiff in her suit has prayed for 3 reliefs: For a declaration that the sale deed executed by one Sumer Chand Jain in favour

of Parmeshwar Das Prajapati is illegal (“first relief”) 2. For a declaration that the mortgage deed executed by Parmeshwar Das Prajapati in favour of the Bank is illegal (“second relief”) 3. For being handed over the possession (“third relief”) - Civil Court Rejected the plaint holding that its jurisdiction is excluded by Section 34 SARFAESI Act - HC set aside Civil Court's order - Dismissing Appeal, SC observed: When reliefs sought in civil suit are in relation to the actions taken prior to the secured creditor stepping into the picture and well prior to the secured creditor invoking the provisions of the SARFAESI Act, the Tribunal would have no jurisdiction under Section 17 of the SARFAESI Act to grant the declarations sought in the first and the second reliefs. (Para 16) The SARFAESI Act has not been enacted for providing a mechanism for adjudicating upon the validity of documents or to determine questions of title finally- The jurisdiction to declare a sale deed or a mortgage deed being illegal is vested with the civil court under Section 9 CPC - DRT can never have the jurisdiction to decide such civil disputes of title between a third person and a borrower. (Para 18-19)

SARFAESI Act - Section 17(3) - There is no power conferred on DRT to hand over the property to someone who was never in possession. (Para 23)

SARFAESI Act - Section 17 (unamended) - While it is true that Section 17(1) uses the words “any person (including the borrower) aggrieved”, Section 17(3) does not explicitly empower the DRT to restore the possession to anyone other than the borrower. Yes, in a given case, if the borrower has put someone else in possession, then perhaps, it could be contended that under Section 17(3), the DRT’s power to restore possession to the “borrower” would include the power to restore possession to the person who was holding it on behalf of the borrower or claiming through the borrower. However, it cannot be contended that under Section 17(3), the DRT can hand over possession to someone whose claim is adverse to that of the borrower- Under Section 17(3), the DRT has the power to “restore” possession which would mean that it has the power to return possession to the person who was in possession when the bank took over possession. DRT only has power to “restore” possession; it has no power to “hand

over” possession to a person who was never in possession when the bank took over possession. (Para 23)

Code of Civil Procedure 1908 - Order VII, Rule 11 - There cannot be a partial rejection of the plaint -Even if one relief survives, the plaint cannot be rejected- If the civil court is of the view that one relief (say relief A) is not barred by law but is of the view that Relief B is barred by law, the civil court must not make any observations to the effect that relief B is barred by law and must leave that issue undecided in an Order VII, Rule 11 application. This is because if the civil court cannot reject a plaint partially, then by the same logic, it ought not to make any adverse observations against relief B. (Para 24-25)

Code of Civil Procedure 1908 - Section 9- The bar of jurisdiction of the civil court is not to be readily inferred. Such a provision requires strict interpretation - Court would lean in favour of construction which would uphold the retention of the civil court's jurisdiction. (Para 43)

Banks - Banks should remain very careful with inadequate title clearance reports, more particularly, when such reports are obtained cheaply and at times for external reasons. This concerns the protection of public money and is in the larger public interest. Therefore, it is essential for the Reserve Bank of India and other stakeholders to collaborate in developing a standardized and practical approach for preparing title search report before sanctioning loans and also for the purpose of determining liability (including potential criminal action) of the Officer who approves loan. Additionally, there should be standard guidelines for fees and costs associated with title search reports so as to ensure that they maintain high quality. (Para 44)

Rakesh Kumar Raghuvanshi Vs State Of Madhya Pradesh 2025 INSC 96 - S 54 NDPS Act- Conscious Possession

NDPS Act - Conscious possession - Possession under the NDPS Act should not only be physical but also conscious. Conscious possession implies that the person knew that he had the illicit drug or psychotropic substance in his control and had the intent or knowledge of its illegal nature- Conscious possession refers to a scenario where an individual not only physically possesses a narcotic drug or psychotropic substance but is also aware of its presence and nature. In other words, it requires both physical control and mental awareness. (Para 21)

NDPS Act - Section 54 - Unless and until the contrary is proved in trials of cases involving offences coming within the purview of the NDPS Act, it may be presumed that the accused has committed an offence under the Act in respect of any articles prohibited to be possessed by him and for the possession of which, he failed to account satisfactorily. Therefore, it is the burden of the prosecution to establish that the contraband was seized from the conscious possession of the accused. Only when that aspect has been successfully proved by the prosecution, the onus will shift to the accused to account for the possession legally and satisfactorily. (Para 16)

Baban Shankar Daphal vs State Of Maharashtra 2025 INSC 97- Criminal Trial - Interested Witness

Criminal Trial - The law nowhere states that the evidence of the interested witness should be discarded altogether. The law only warrants that their evidence should be scrutinized with care and caution. It has been held by this Court in the catena of judgments that merely if a witness is a relative, their testimony cannot be discarded on that ground alone- In criminal cases, the credibility of witnesses, particularly those who are close relatives of the victim, is often scrutinized. However, being a relative does not automatically render a witness "interested" or biased. The term "interested" refers to witnesses who have a personal stake in the outcome, such as a desire for revenge or to falsely implicate the accused due to enmity or personal gain. A "related" witness, on the other hand, is someone who may be naturally present at the scene of the crime, and

their testimony should not be dismissed simply because of their relationship to the victim. Courts must assess the reliability, consistency, and coherence of their statements rather than labelling them as untrustworthy. (para 27-29)

Criminal Trial- Conviction can be based upon the version put forth by the eyewitness and the medical evidence must be considered only for the purpose of corroboration of the ocular evidence. (Para 33)

Criminal Trial- Minor contradictions or inconsistencies in testimony do not necessarily render it unreliable, as long as the core facts remain intact. The role of the court is to discern the truth by considering the evidence in its totality and not by isolating individual inconsistencies to discredit an entire narrative. (Para 35) In order to render any witnesses' testimony as unreliable, the inconsistencies shall be material ones and of such a nature that they create substantive doubts in the mind of the court towards the story or the chain of events as sought to be established by the prosecution. (Para 38) the benefit of the doubt must be based on rational and cogent grounds. Mere conjectures or hypothetical inconsistencies cannot form the basis for acquittal when the evidence, viewed as a whole, points to the guilt of the accused. (Para 42)

Ruhi Agrawal Vs Nimish S. Agrawal 2025 INSC 99 - Child Custody - Visitation Rights

Child Custody & Visitation - Wife's appeal against HC order granting specified visitation rights to the husband- Modifying the order, SC observed: We emphasize the need for both parents to cooperate and communicate effectively to ensure the smooth implementation of the visitation arrangement. Mutual respect and collaboration are essential for the child's well-being- Both parents are reminded of their duty to prioritize the child's welfare and work collaboratively to create a nurturing and supportive environment for the child. (Para 13-16)

Mohd. Tahir Hussain vs State Of NCT Of Delhi 2025 INSC 100 - Interim Bail - Contesting & Campaigning For Election

Summary: Supreme Court delivered split verdict in AIMIM candidate's plea for interim bail in Delhi Riots case.

Interim Bail - Interim bail is not permissible for the purposes of contesting elections, much less for campaigning-Right to campaign or canvass is neither a fundamental right nor a constitutional or a human right. It is not even a right recognized under any statute- The reasons and factors whereunder interim bail may be permitted may include cases where there is death in the family of the accused and the cremation has to take place; to attend the wedding of son/daughter or of any close relative of the accused but such a right has not been recognized on the plea of contesting or canvassing for the election. - The grant of interim bail for contesting elections would mean permitting the accused to cast his/her vote, which would be antithesis to the provisions of Section 62(5) of the Representation of People Act, 1951- Distinguished Arvind Kejriwal vs ED- There the petitioner was holding the post of Chief Minister and was the President of a national party and therefore, the Court opined that he is one of the main campaigners, which is not the situation in the case at hand. [Para 9-19 of Justice Pankaj Mittal's order] -I do not doubt the propositions of law eloquently recorded in Brother Mithal's opinion. -Learned Brother Mithal has rightly opined that a Pandora's Box cannot be permitted to be opened by letting a horde of convicts and/or undertrial prisoners seek release for the purpose of trying their luck at the electoral hustings. Likewise, the learned ASG's apprehension that others, whether similarly- situated or not, may seek to (mis)use this Judgment, is not unjustified. (Para 25-34 of Justice Ahsanuddin Amanullah's order)

Vidyawati Construction Company vs Union Of India 2025 INSC 101 - S 16 Arbitration Act - Plea Of Lack Of Jurisdiction

Arbitration and Conciliation Act 1996- Section 16 - There is a clear bar on raising a plea of the lack of jurisdiction of the Arbitral Tribunal after submission of the statement of defence. (Para 12-13)

Surendra G. Shankar vs Esque Finamark Pvt. Ltd 2025 INSC 102 - Practice and Procedure

Practice and Procedure - Real Estate Appellate Tribunal refused to condone the delay in preferring the appeals - In appeal , HC commented on merits - Allowing appeal, SC observed: When merits of the orders impugned in the appeal was not touched upon by the Appellate Tribunal, the High Court ought not to have commented on the merits.

Venkatesha vs State Of Karnataka 2025 INSC 103 - Ss 361,363 IPC - Kidnapping - TIP

Indian Penal Code 1860 - Section 361,363- an offence punishable under Section 361 IPC would be made out only when a person takes or entices any minor under the age of 16 years, if he is a male or under 18 years, if female. Section 361 IPC, defines kidnapping from lawful guardianship and Section 363 IPC provides a sentence for the offence of kidnapping a person from lawful guardianship- If the victim was above 18 years at the time of the alleged offence, the provision of Sections 361 and 363 IPC could not have been invoked. (Para 9-12)

Criminal Trial - Test Identification Parade - While identification by a witness in a given case for the first time in witness box would be permissible, the substantial gap of approximately eight years raises serious concern regarding identification. If no identification parade of the unknown accused persons took place, their identification in the Trial Court, for the first time, would cast a serious doubt on the veracity of the prosecution's case. (Para 15)

Harshit Harish Jain Vs State Of Maharashtra 2025 INSC 104 - Maharashtra Stamp Act - CCRA - Review Power

Maharashtra Stamp Act, 1958 - Chief Controlling Revenue Authority- A quasi-judicial authority can only exercise such powers as the statute confers. There is no provision in the Act enabling the CCRA to sit in review of its own orders - Jurisdiction cannot be created by consent or waiver. The law does not permit a statutory functionary to assume powers not conferred upon it, regardless of how the parties engage in subsequent litigation.

Administrative Law - A measure of discretion or consideration for good faith conduct is not alien to statutory processes that safeguard citizens from unjust enrichment by the State. (Para 11)

Maharashtra Stamp Act, 1958 - Section 48 - HC dismissed Writ petition challenging rejection of the Appellants' claim for refund of stamp duty under the provisions of the Maharashtra Stamp Act, 1958 - Allowing appeal, SC observed: the Appellants are entitled to the benefit of the un-amended proviso of Section 48(1) of the Act. Their refund application, therefore, cannot be repelled as time-barred merely because the deed's registration was post-amendment. Equally, the subsequent orders recalling the already sanctioned refund stand vitiated, given the CCRA's lack of statutory mandate to review its own final orders.

Madhushree Datta vs State Of Karnataka 2025 INSC 105 - Ss 323,503,504,506, 509 IPC

Indian Penal Code 1860 - Section 323 - For a conviction under Section 323 of the IPC, there must be a voluntary act of causing hurt, i.e., bodily pain, disease, or infirmity, to another person. Therefore, it is essential that actual hurt is caused. (Para 16)

Indian Penal Code 1860 - Section 504- Mere act of insulting someone does not fulfil its requirements; the insult must be of such a nature that it provokes the person insulted to breach the public peace or engage in criminal conduct. Therefore, to establish the ingredients of Section 504 of the IPC, it must be demonstrated, based on the available material, that there was intentional insult with the intent or knowledge that such insult would provoke either disturbance of the public peace or the commission of any other offence. (Para 22) When it is nowhere alleged that this act of using filthy language and insulting the complainant by the appellants, has provoked the complainant to commit breach of public peace or to commit any other offence, the ingredients of the offence under Section 504 are not satisfied. (Para 24)

Indian Penal Code 1860 - Section 506- There must be an act of threatening to another person, of causing an injury to the person, reputation, or property of the person threatened, or to the person in whom the threatened person is interested and the threat must be with the intent to cause alarm to the person threatened or it must be to do any act which he is not legally bound to do or omit to do an act which he is legally entitled to do. (Para 34)

Indian Penal Code 1860 - Section 509 - It will be essential for this Court to carefully assess the evidence presented, in order to determine whether there is sufficient material to establish the intention and knowledge on the part of the appellants, to insult the modesty of the complainant or, to put it pithily, whether any act was intended to shock the sense of decency of the complainant being a woman- The term "filthy language," when examined in isolation, and without any contextual framework or accompanying words, indicating an intent to insult the complainant's modesty, does not fall within the purview of Section 509 of the IPC. (Para 27-28)

M. Venkateswaran vs State 2025 INSC 106 - S 498A IPC - S 4 DP Act

Indian Penal Code 1860 - Section 498A ; Dowry Prohibition Act 1961 -

Section 4- Appeal against conviction under 498A IPC and Section 4 DP Act - Disposing appeal, SC held: The ingredients of Section 498-A of IPC and Section 4 of DP Act are clearly made out - The sentence imposed is set aside and substituted with that of the period already undergone- The appellant shall deposit a sum of Rs. 3,00,000 which shall be paid as compensation to complainant.

T. Rajamoni vs Manager, Oriental Insurance Company Limited 2025 INSC 107 -Motor Accident Compensation

Motor Accident Compensation - The employability of a person with serious head injuries is a circumstance which ought to have been kept in the perspective for determining the loss of income. (Para 11)

Thammaraya vs State Of Karnataka 2025 INSC 108 - Criminal Trial - Circumstantial Evidence - TIP

Criminal Trial - Circumstantial Evidence -Conviction on a charge of murder may be based purely on circumstantial evidence, provided that such evidence is deemed credible and trustworthy. In cases involving circumstantial evidence, it is crucial to ensure that the facts leading to the conclusion of guilt are fully established and that all the established facts point irrefutably towards the accused person's guilt. The chain of incriminating circumstances must be conclusive and should exclude any hypothesis other than the guilt of the accused- A court can convict an accused only if their guilt is established beyond reasonable doubt and not merely on the possibility of guilt. The gap between "may be guilty" and "must be guilty" is significant, separating uncertain speculations from definitive conclusions. Thus, it is the duty of the prosecution to elevate its case from the realm of 'may be true' to 'must be true'- Every piece of relevant fact needs to be sewn via the golden thread of duly proved circumstances, in order to ultimately formulate the fabric of guilt. (Para 25)

Criminal Trial - Significance of Test Identification Parade(TIP) discussed - in Ramkishan Mithanlal Sharma v. State of Bombay and Munna Kumar Upadhyay alias Munna Upadhyaya v. State of Andhra Pradesh - when the case of prosecution is based solely upon recoveries of articles, not conducting a Test Identification held as material omission on part of the Investigating Officer. (Para 24)

Ramesh Baghel vs State Of Chhattisgarh 2025 INSC 109 - Burial Place Dispute

Summary: HC dismissed Writ petition seeking direction to the State of Chhattisgarh to allow the appellant to bury his father at the same site where his ancestors were buried in the village of Chhindwada - In appeal, SC delivered split verdict - However, it disposed appeal by issuing following directions: (i) The appellant shall conduct the funeral rites and bury his deceased father at the burial ground at village Karkapal. (ii) The respondent-State and its local authorities shall ensure that the appellant and his family are provided with all logistical support for the purpose of transferring the body of the deceased from the mortuary at the Medical College situated in Jagdalpur to the Christian burial ground situated at village Karkapal, if so desired by the appellant. (iii) Adequate police protection shall be accorded in this regard. (iv) The respondent-State and its authorities shall ensure that the burial of the deceased father shall take place at the earliest.

Justice SC Sharma's judgment - The fact that procedures pertaining to last rites; and ceremonies involved, form a part of the right(s) protected under Part III of the Constitution of India. However, to claim that such right(s) would encompass the unqualified right to choose the “place” of such ceremony (including burial) would prima facie appear to stretch constitutional limits beyond what was envisaged.

Justice Nagarathna's judgment: *It is said that death is a great leveller. It is necessary for us to remind ourselves time and again about this solemn truth*(Para 2) -

Secularism together with the concept of fraternity, as envisaged under our Constitution, is a reflection of harmony between all religious faiths leading to common brotherhood and unity of the social fabric in the country. It is therefore incumbent on all citizens as well as institutions, whether of governance or otherwise, to foster fraternity amongst the citizens. It is brotherhood and fraternity among citizens which would make the country stronger and more cohesive given the diversity of the land and the need for unity. (Para 22.11)

K. Samba Moorthy vs Sanjiv Chadha 2025 INSC 110 - Contempt Of Court

Summary: High Court dismissed appellant's Contempt Petition holding that the orders the violation of which, was complained of, have been duly complied with by the alleged contemnor-respondents - Allowing appeal, SC issued direction to authority to remedy the situation by granting promotion to the appellant from Manager Scale-II to Scale-III from 28.07.2001 and grant him all monetary benefits with interest at the rate of 6% per annum, from the respective dates the monetary benefits fell due.

Deen Dayal Tiwari vs State Of Uttar Pradesh 2025 INSC 111 - Death Sentence Commuted

Death Sentence - The imposition of capital punishment is an exception and not the rule. Even where multiple murders have been committed, if there is evidence or at least a reasonable possibility of reform, a lesser sentence must be preferred - In this case, the Appellant was convicted for the murders of his wife and four minor daughters -While commuting death sentence, SC observed: We must scrutinize not only the nature of the offence but also the totality of the offender's circumstances - While the offence is undoubtedly brutal, certain mitigating factors, especially the Appellant's lack of criminal antecedents and his reported conduct in prison, tilt the scales in favour of commutation. There is no material demonstrating that he would remain a perpetual threat to society or that he is beyond reform. Indeed, the Probation Officer's input and the

Superintendent of District Jail's report show a potentially reformable individual- while the crime is heinous and deserves the highest degree of condemnation, it does not meet the threshold of "the rarest of rare" so as to irrevocably foreclose the option of life imprisonment- IPC, we consider it appropriate to commute the death sentence to one of life imprisonment till his last breath. (Para 21)

Constitution of India - Article 136 - while exercising its appellate jurisdiction under Article 136 of the Constitution of India, SC possesses the authority to scrutinize not only the conviction of an accused but also the appropriateness of the sentence imposed. (Para 23)

Sentencing - The alternate punishment for offences punishable by death, such as imprisonment for a specific term exceeding 14 years or until the natural life of the convict, remains within the judicial conscience of this Court and the High Court. (Para 23)

Jagwant Kaur vs Union Of India 2025 INSC 112 - LPG Distributorship

Summary : HC dismissed writ petition challenging the allotment of L.P.G. distributorship at Balachaur; applications to which were invited by the Indian Oil Corporation- SC dismissed appeal- Consent, as we discern, would be required only if the land offered in the application is one with either joint ownership or joint lease. Such a jointly owned or jointly leased out property when offered for the distributorship, by one of the co-owners or a co-lessee, then a consent from all the other co-owners or co-lessees would be required. That situation does not arise here.

Somdatt Builders –NCC – NEC(JV) vs National Highways Authority Of India 2025 INSC 113 - Ss 34,37 Arbitration Act

Arbitration and Conciliation Act - Section 34 - a great deal of restraint is required to be shown while examining the validity of an arbitral award when such an award has

been upheld, wholly or substantially, under Section 34 of the 1996 Act- Frequent interference with arbitral awards would defeat the very purpose of the 1996 Act (Para 42) - The court exercising jurisdiction under Section 34 does not sit as a court of appeal over the decision of an arbitral tribunal, further reiterating the proposition that a contract has to be interpreted by the arbitrator who is the chosen judge of the parties. So long as the view of the arbitrator is a plausible one though it may not be the only possible view, there should be no interference by the court under Section 34 of the 1996 Act. (Para 25) - Interference under Section 37 cannot travel beyond the restrictions laid down under Section 34. In other words, the court cannot undertake an independent assessment of the merits of the award and must only ascertain that the exercise of power by the court under Section 34 has not exceeded the scope of the provision. (Para 36)

Arbitration and Conciliation Act - Section 34 -Public policy of India -It means the fundamental policy of Indian law. Violation of Indian statutes linked to public policy or public interest and disregarding orders of superior courts in India would be regarded as being contrary to the fundamental policy of Indian law. It would also mean that the arbitral award is against basic notions of justice or morality. An arbitral award can be set aside on the ground of patent illegality i.e. where the illegality goes to the root of the matter but re-appreciation of evidence cannot be permitted under the ground of patent illegality.

Constable 907 Surendra Singh State Of Uttarakhand 2025 INSC 114 - S 34 IPC - S 378 CrPC

Indian Penal Code 1860 - Section 34 - For convicting the accused with the aid of Section 34 of the IPC the prosecution must establish prior meetings of minds. It must be established that all the accused had preplanned and shared a common intention to commit the crime with the accused who has actually committed the crime. It must be established that the criminal act has been done in furtherance of the common intention of all the accused.(Para 18)

Code of Criminal Procedure 1973 - Section 378 - The scope of interference in an appeal against acquittal- the interference with the finding of acquittal recorded by the learned trial judge would be warranted by the High Court only if the judgment of acquittal suffers from patent perversity; that the same is based on a misreading/omission to consider material evidence on record; and that no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record. (Para 11-12) [In this case, SC restored acquittal of accused]

Ivan Rathinam vs Milan Joseph 2025 INSC 115 - S 112 Evidence Act - DNA Test - S 7 Family Courts Act

Indian Evidence Act - Section 112 -Legitimacy determines paternity under Section 112 of the Indian Evidence Act, 1872, until the presumption is successfully rebutted by proving 'non-access' (Para 70) The contention that 'paternity' and 'legitimacy' are distinct or independent concepts is a misdirected notion - An 'additional' access or 'multiple' access does not automatically negate the access between the spouses and prove non-access thereof- There exists a strong presumption that the husband is the father of the child borne by his wife during the subsistence of their marriage. This section provides that conclusive proof of legitimacy is equivalent to paternity - Access and non-access under Section 112 do not require a party to prove beyond reasonable doubt that they had or did not have sexual intercourse at the time the child could have been begotten. 'Access' merely refers to the possibility of an opportunity for marital relations - In such a scenario, while parties may be on non-speaking terms, engaging in extra-marital affairs, or residing in different houses in the same village, it does not necessarily preclude the possibility of the spouses having an opportunity to engage in marital relations- Non-access means the impossibility, not merely inability, of the spouses to have marital relations with each other. (Para 32-33)

Indian Evidence Act - Section 112 - DNA Test - When dealing with the eminent need for a DNA test to prove paternity, this Court balances the interests of those involved and must consider whether it is possible to reach the truth without the use of such a test.- First and foremost, the courts must, therefore, consider the existing evidence to assess the presumption of legitimacy. If that evidence is insufficient to come to a finding, only then should the court consider ordering a DNA test. Once the insufficiency of evidence is established, the court must consider whether ordering a DNA test is in the best interests of the parties involved and must ensure that it does not cause undue harm to the parties. There are thus, two blockades to ordering a DNA test: (i) insufficiency of evidence; and (ii) a positive finding regarding the balance of interests.

Family Courts Act, 1984 - Section 7-8 -Family Court has exclusive jurisdiction over a suit or proceeding for a declaration as to the legitimacy of a person. However, the Family Court cannot entertain any proceedings for a declaration of legitimacy without a claim on the marital relationship.

Code of Civil Procedure 1908 - Section 11 -The principle of res judicata is a salutary and pragmatic edict to reinforce the doctrine of finality. When a matter, whether on a question of fact or question of law, has been decided between two parties in a suit and the decision is final, neither party will be allowed to canvass the matter again in a future suit or proceeding. Without this bar, parties would be immobilized for all eternity, due to the uncertainty regarding their rights and entitlements. Res judicata infuses predictability in legal adjudication. The courts are thus, under a bounden duty to enforce this statutory embargo where the facts of the case overwhelmingly satisfy the ingredients of Section 11 of the CPC. (Para 65)

Chandrabhan Sudam Sanap Vs State Of Maharashtra 2025 INSC 116 - Death Sentence Acquittal - S 65B Evidence Act -Extra Judicial Confession

Indian Evidence Act 1872 - Section 65B- Certificate under Section 65-B(4) is a condition precedent to the admissibility of evidence by way of electronic record (Para 49) - Objection about Section 65-B(4) of the Indian Evidence Act, not being complied, cannot be taken at the appellate stage since that will deny an opportunity for the prosecution or the opposite party to rectify the defect. It was also held that the documents were not inherently inadmissible in evidence. (Para 40)

Criminal Trial - Extra judicial confession, by its very nature, has been held to be a weak piece of evidence. Normally it is given to persons who enjoyed the confidence and trust of the accused. (Para 108)

Summary: HC confirmed death sentence of accused in rape and murder case - Allowing appeal, Supreme Court acquitted the accused

S Shobha Vs Muthoot Finance Ltd. 2025 INSC 117 - Art. 226 Constitution - Maintainability Of Writ Petition Against Non-Banking Finance Company

Constitution of India - Article 12, 226 - Although a non-banking finance company is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the company- body - It has no duty towards the public. Its duty is towards its account holders, which may include the borrowers having availed of the loan facility. It has no power to take any action, or pass any order affecting the rights of the members of the public. The binding nature of its orders and actions is confined to its account holders and borrowers and to its employees. Its functions are also not akin to Governmental functions. (Para 7) - A private company carrying on banking business as a Scheduled bank cannot be termed as a company carrying on any public function or public duty. (Para 9)

Constitution of India - Article 226 - For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Governmental or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental- A writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.- Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.-Merely because a statute or a rule having the force of a statute requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body - If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action- According to Halsbury's Laws of England, 3rd Ed. Vol.30, p.682, "a public authority is a body not necessarily a county council, municipal corporation or other local authority which has public statutory duties to perform, and which perform the duties and carries out its transactions for the benefit of the public and not for private profit". There cannot be any general definition of public authority or public action. The facts of each case decide the point. (Para 9)

Ajay Malik vs State of Uttarakhand 2025 INSC 118 - Domestic Workers' Rights - Ss 227,320,482 CrPC - S 343, 120B IPC

Protection of rights of domestic workers- Domestic workers in India remain largely unprotected and without any comprehensive legal recognition. As a result, they frequently endure low wages, unsafe environments, and extended hours without effective recourse - Govt. of India directed to jointly constitute a Committee comprising subject experts to consider the desirability of recommending a legal framework for the benefit, protection and regulation of the rights of domestic workers- We once again repose our faith in the Legislature, and the elected representatives of the Indian people, to take the imperative steps towards ensuring an equitable and dignified life for domestic workers. (Para 41-55)

Code of Criminal Procedure 1973 - Section 482- High Court, in exercising its extraordinary powers under Section 482 of the CrPC, may issue orders to prevent the abuse of court processes or to secure the ends of justice. These inherent powers are neither controlled nor limited by any other statutory provision. However, given the broad and profound nature of this authority, the High Court must exercise it sparingly. The conditions for invoking such powers are embedded within Section 482 of the CrPC itself, allowing the High Court to act only in cases of clear abuse of process or where intervention is essential to uphold the ends of justice. (Para 8)

Indian Penal Code 1860 - Section 343 - This offence requires the satisfaction of two prongs: (i) the voluntary restraint of any person; and (ii) the act being done in a manner such that it prevents the said person from proceeding beyond circumscribing limits. (Para 12)

Indian Penal Code 1860 - Section 120B - principal ingredient of this offence is the agreement to commit an offence.⁶ The charge of conspiracy must be explicitly evidenced, and should be easily discernable in the acts of the conspiring parties. This Court has also previously held, in no uncertain terms, that conspiracy cannot be made out without some kind of physical manifestation of the alleged agreement being established. (Para 22)

Code of Criminal Procedure 1973 - Section 320 -A delicate balance ought to be struck in cases wherein the parties seek compounding of the offences. Though well-intentioned, an excessively moralistic order may unnecessarily prolong criminal proceedings, which have no logical conclusion and only serve to further distress the parties. (Para 32)

Code of Criminal Procedure 1973 - Section 227 - The discharge stage acts as a critical filter to eliminate cases lacking legal merit, sparing the accused from unnecessary proceedings, while ensuring that credible cases proceed to trial. Thus, discharge under Section 227 of the CrPC is justified when the material on record fails to disclose a prima facie case against the accused to proceed for trial. The legislative spirit behind this provision envisions the rights of the accused being balanced with public interest, so as to ultimately prevent abuse of the legal process. (Para 34)

Separation of powers - Ordinarily, the judiciary should not stray too far out of bounds, and expressly interfere in the legislative domain. The democratic setup of this country may be likened to a tripartite machine, fueled by the doctrine of separation of powers, without which its functioning shall surely come to a grinding halt. (Para 53)

Summary: HC confirmed death sentence of accused in rape and murder case - Allowing appeal, Supreme Court acquitted the accused.

Vinobhai vs State of Kerala 2025 INSC 119- S 27 Evidence Act - Disclosure Statement

Indian Evidence Act 1872 - Section 27 - Disclosure Statements are not so strong a piece of evidence sufficient on its own and without anything more to bring home the charges beyond reasonable doubt. (Para 8) - Quoted from of Manoj Kumar Soni v. State of M.P.

Summary: Murder case - Concurrent conviction by Trial court and HC - SC allows appeal and acquits the accused.

Mahabir Vs State Of Haryana 2025 INSC 120 - S 372 CrPC - Victims' Right To Appeal - Art.20-22 Constitution - S 145 Evidence Act - Public Prosecutors

Code of Criminal Procedure 1973 - Section 372 Proviso - The 'proviso' is a substantive enactment, and is not merely excepting something out of or qualifying what was excepting or goes before. Therefore, by adding the 'proviso' in Section 372 of CrPC by this amendment, a right has been created in favour of the victim -The proviso establishes an independent right and is not an exception to Section 372, but a stand-alone legal provision. The amendment made in Section 372 CrPC by adding a proviso in the year 2009 creating a substantive right of appeal is not retrospective in nature.(Para 54-72)

Constitution of India - Article 21 - In cases where there can be no dispute of facts, the constitutional courts have the power to award compensation in case a person has been deprived of his life and liberty without following the procedure established by law. (Para 84)

Indian Evidence Act 1872 - Section 154 - Code of Criminal Procedure - Section 161,162,164 - the material elicited as contradiction by use of Section 145 of the Indian Evidence Act is not substantive evidence. Even in regard to the statement recorded under Section 164 of the CrPC by authorised Magistrate, it has been held accordingly- Therefore, the fact that the contradictions are proved through the investigating officers though the witnesses have denied having made such statements, does not translate the contradictions into substantive evidence. Unless there is substantive evidence, it cannot be acted upon legally particularly to base a conviction. (Para 81) - The phrase 'if duly proved' in Section 162 of the CrPC indicates that the statements of witnesses recorded by the police cannot be immediately admitted as

evidence or examined. They must first be proven through eliciting admissions from the witness during cross-examination and also during the cross-examination of the Investigating Officer. While statements made to the Investigating Officer can be used for contradiction, this can only be done after strict compliance with Section 145 of the Evidence Act. This requires drawing attention to the specific parts of the statement intended for contradiction. This is what is required under Section 145 of the Evidence Act but even where a witness is confronted by his previous statement and given an opportunity to explain that part of the statement that is put to him does not constitute substantive evidence. (Para 80)

Constitution of India - Article 20-22 - The right to consult an advocate of choice shall not be denied to any person who is arrested. This does not mean that persons who are not under arrest or custody can be denied such right- The service of a lawyer shall be available for consultation to the accused person under circumstances of near custodial interrogation. Moreover, the right against self-incrimination is best practiced & best promoted by conceding to the accused, the right to consult a legal practitioner of his choice. Lawyers' presence is a constitutional claim in some circumstances of our country, and in the context of Article 20(3), is an assurance of awareness and observance of the right to silence. (Para 45)

Legal Maxim - "Actus curiae neminem gravabit" - Judicial actions should not unfairly harm any party and that courts should act judiciously to prevent errors that could lead to injustice."There is no higher principle for the guidance of the court than the one that no act of courts should harm a litigant and it is the bounden duty of the courts to see that if a person is harmed by a mistake of the court he should be restored to the position he would have occupied, but for that mistake." (Para 4-5)

Public Prosecutors - State Governments across the country appoint AGPs and APPs in their respective High Courts solely on political considerations. Favouritism and nepotism is one additional factor for compromising merit - The AGPs and APPs in

respective High Courts should be appointed solely on the merit of the person. The State Government owes a duty to ascertain the ability of the person; how proficient the person is in law, his overall background, his integrity etc- Role of Public Prosecutors explained (Para 92-98)

Interpretation of Statutes - A statute which creates new rights shall be construed to be prospective in operation unless otherwise provided, either expressly or by necessary implication. (Para 72)

KBH Anjanappa vs A Prabhakar 2025 INSC 121 - Ss 96,100 CPC - S 52 TP Act -Leave To Appeal

Code of Civil Procedure 1908 - 96 and 100 - A stranger cannot be permitted to file an appeal in any proceedings unless he satisfies the court that he falls within the category of an aggrieved person- It is only where a judgment and decree prejudicially affects a person who is not a party to the proceedings, he can prefer an appeal with the leave of the court - A person aggrieved, to file an appeal, must be one whose right is affected by reason of the judgment and decree sought to be impugned - The expression “person aggrieved” does not include a person who suffers from a psychological or an imaginary injury- It would be improper to grant leave to appeal to every person who may in some remote or indirect way be prejudicially affected by a decree or judgment -Ordinarily leave to appeal should be granted to persons who, though not parties to the proceedings, would be bound by the decree or judgment in that proceeding and who would be precluded from attacking its correctness in other proceedings.

Code of Civil Procedure 1908 - Order I Rule 10 -Order XXII Rule 10 CPC ; Transfer of Property Act - Section 52 - A lis pendens transferee though not brought on record under Order XXII Rule 10 CPC, is entitled to seek leave to appeal against the final decree passed against this transferor, the defendant in the suit. i. First, for the purpose of impleading a transferee pendente lite, the facts and circumstances

should be gone into and basing on the necessary facts, the Court can permit such a party to come on record, either under Order I Rule 10 CPC or under Order XXII Rule 10 CPC, as a general principle; ii. a transferee pendente lite is not entitled to come on record as a matter of right; iii. Thirdly, there is no absolute rule that such a transferee pendente lite, with the leave of the Court should, in all cases, be allowed to come on record as a party; iv. Fourthly, the impleadment of a transferee pendente lite would depend upon the nature of the suit and appreciation of the material available on record; v. Fifthly, where a transferee pendente lite does not ask for leave to come on record, that would obviously be at his peril, and the suit may be improperly conducted by the plaintiff on record; vi. Sixthly, merely because such transferee pendente lite does not come on record, the concept of him (transferee pendente lite) not being bound by the judgment does not arise and consequently he would be bound by the result of the litigation, though he remains unrepresented; vii. Seventhly, the sale transaction pendente lite is hit by the provisions of Section 52 of the Transfer of Property Act.

Code of Civil Procedure 1908 - Section 96,100 and Order XXII Rule 10- A lis pendens transferee though not brought on record under Order XXII Rule 10 CPC, is entitled to seek leave to appeal against the final decree passed against this transferor, the defendant in the suit. However, whether to grant such leave or not is within the discretion of the court and such discretion should be exercised judiciously in the facts and circumstances of each case. (Para 56)

Code of Civil Procedure 1908 - Section 15- 146 and Order XXII Rule 10 CPC - While deciding an application under Section 146 and Order XXII Rule 10 CPC, the Court is not required to go into the controversy as to whether person sought to be impleaded as party in the suit is either necessary or proper party. If the person sought to be impleaded as party is legal representative of a party to the suit, it is sufficient for the Court to order impleadment/substitution of such person. (Para 55)

MBS Vishnu Ganga vs Oriental Insurance Company Limited - Motor Accident Compensation - Income Tax Returns - 2025 INSC 123

Motor Accident Compensation - Income Tax Returns are reliable evidence to assess the income of a deceased. (Para 11)

Summary: Supreme Court restores MACT award and sets aside HC judgment that had reduced compensation- Merely because the appellants (claimants) stepped into the shoes of the deceased, by such factum itself, the appellants would not be capable of running the Mill. It would be of relevance as to whether due to their lack of experience and maturity, real/expected downfall in the profitability of the firm or the business would ensue. Such factor, while considering a claim pertaining to loss of future income/earnings, would have to be dealt with.

Independent Sugar Corporation Ltd. Vs Girish Sriram Juneja 2025 INSC 124 - IBC - Competition Act

Insolvency and Bankruptcy Code 2016 - Section 31 -For a Resolution Plan containing a combination, the CCI's approval to the Resolution Plan, in our opinion, must be obtained before and consequently, the CoC's examination and approval should be only after the CCI's decision.- The proviso to Section 31(4) of IBC mentions that the approval to the Resolution Plan from CCI shall be obtained 'prior' to its approval by the CoC- Therefore, to interpret the specific word to mean that such an approval can be obtained even 'after' and not necessarily 'prior' to the approval by the CoC would amount to reconstructing a statutory provision, which is not permissible. (Para 65)

Insolvency and Bankruptcy Code 2016 - Sections 61,62 - Once the CIRP is initiated, the nature of proceedings are no longer in personam but rather become in rem- The expression 'any person aggrieved' in the context of the IBC has been held to be indicative of there being no rigid locus requirements to institute an appeal challenging

an order of the NCLT before the NCLAT or an order of the NCLAT before Supreme Court.

Competition Act - Section 53B, 53T - Even those persons that bring to CCI information of practices that are contrary to the provisions of the Competition Act, could be said to be 'aggrieved'. (Para 26)

Insolvency and Bankruptcy Code 2016 - Resolution Professional does not possess any adjudicatory powers under the IBC. In fact, the role of the Resolution Professional, as a facilitator of the CIRP, is almost entirely administrative in nature. (Para 116)

Interpretation of Statutes - Rules of interpretation permit courts to read a certain word, term or phrase in the statute differently from its plain meaning if it leads to absurdity but the courts must always remain conscious of the fine dividing line, separating adjudication and legislation, which must not be crossed. (Para 64)

Dr. Tanvi Behl vs Shrey Goel 2025 INSC 125 - Residence-Based Reservation In PG Medical Courses

Constitution of India - Article 14 - Residence-based reservation is impermissible in PG Medical courses - Reservation at the higher level on the basis of 'residence' would be violative of Article 14 of the Constitution of India- If such a reservation is permitted then it would be an invasion on the fundamental rights of several students, who are being treated unequally simply for the reasons that they belong to a different State in the Union - However, the benefit of 'reservation' in educational institutions including medical colleges to those who reside in a particular State can be given to a certain degree only in MBBS courses. (Para 31)

Domicile -The purpose for which domicile is used by Governments is like a substitute for 'permanent residence' or a 'permanent home'. Yet 'domicile' is primarily a legal concept for the purposes of determining what is the 'personal law' applicable to an

individual. Therefore, even if an individual has no permanent residence or permanent home, he is still invested with a 'domicile' albeit by law or implication of law- The concept of domicile acquires importance only when within a country there are different laws or more precisely different systems of law operating. But this is not the case in India. Each citizen of this country carries with him or her, one single domicile which is the 'Domicile of India'. The concept of regional or provincial domicile is alien to the Indian legal system. (Para 19) We are all domiciled in the territory of India. We are all residents of India. Our common bond as citizens and residents of one country gives us the right not only to choose our residence anywhere in India, but also gives us the right to carry on trade & business or a profession anywhere in India. It also gives us the right to seek admission in educational institutions across India. (Para 31)

Krishnadatt Awasthy vs State Of M.P 2025 INSC 126- Natural Justice - Writ Jurisdiction

Natural Justice -Whether the denial of natural justice at the initial stage can be cured by an appellate body? concluded that a defect at the initial stage cannot generally be cured at the appellate stage. Even in cases where a 'full jurisdiction' may be available at the appellate stage, the Courts must have the discretion to relegate it to the original stage for an opportunity of hearing. (Para 67)

Constitution of India - Article 226 - The courts under its writ jurisdiction do not interfere with selections made by expert bodies by reassessing the comparative merits of the candidates. Interference with selections is limited to decisions vitiated by bias, malafides and violation of statutory provisions. Additionally, this Court has also held that administrative action can be reviewed on the ground of proportionality if it affects fundamental rights guaranteed under Article 19 and 21 of the Constitution of India. (Para 16)

Natural Justice - The principle of audi alteram partem is the cornerstone of justice, ensuring that no person is condemned unheard. This principle transforms justice from a mere technical formality into a humane pursuit. It safeguards against arbitrary decision-making, and is needed more so in cases of unequal power dynamics - An allegation of bias, can only be proved if facts are established after giving an opportunity of hearing. This process requires a fair and transparent procedure in which the concerned parties are given an adequate opportunity to present their case. Such an opportunity allows the accused party or the affected individuals to respond to the allegations, provide evidence, and clarify any misgivings regarding the decision-making process. Therefore, for an allegation of bias to be proved, it is imperative that the procedural safeguards of a fair hearing are observed allowing for establishment of the relevant facts.

JM Laboratories Vs State Of Andhra Pradesh 2025 INSC 127- S 204 CrPC

Code of Criminal Procedure 1973 - Section 204- Summoning of an accused in a criminal case is a serious matter - The order of the Magistrate summoning the accused must reflect that he has applied his mind to the facts of the case and the law applicable thereto- Magistrate is required to examine the nature of allegations made in the complaint and the evidence, both oral and documentary in support thereof and as to whether that would be sufficient for proceeding against the accused- Magistrate is not a silent spectator at the time of recording of preliminary evidence before summoning the accused. (Para 35) - Quoted from INOX Air Products Limited Now Known as INOX Air Products Private Limited and Another v. State of Andhra Pradesh

INOX Air Products Limited vs State Of Andhra Pradesh 2025 INSC 128- S 204 CrPC - Ss 18,27 Drugs & Cosmetics Act

Code of Criminal Procedure 1973 - Section 204 - Summoning of an accused in a criminal case is a serious matter - The order of the Magistrate summoning the accused

must reflect that he has applied his mind to the facts of the case and the law applicable thereto- Magistrate is required to examine the nature of allegations made in the complaint and the evidence, both oral and documentary in support thereof and as to whether that would be sufficient for proceeding against the accused- Magistrate is not a silent spectator at the time of recording of preliminary evidence before summoning the accused. (Para 35)

Drugs and Cosmetics Act, 1940 - Section 18,27 - For constituting an offence, what is necessary to establish is that the accused manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale or distributes any drug without a valid license required under clause (a)(vi) of Section 18 of the said Act. As such, what the prosecution will have to establish is that the accused sold the drug without accused aving the valid license for the further sale of the same- The term 'manufacture' is an inclusive term and has a wide scope. It includes any process or part of a process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug or cosmetic with a view to its sale or distribution. (Para 18-23)

Dr. Priyambada Sharma vs Board Of Governors In Supersession Of Medical Council Of India 2025 INSC 130

Note- Review petitions - No legal aspect involved in this judgment.

Vellore District Environment Monitoring Committee vs District Collector 2025 INSC 131 - Environment Law - Tanneries

Tanneries- tanneries are among the most polluting industries and the damage caused by them by discharging untreated or partially treated effluents into the River Palar and surrounding areas, has resulted in irreversible damage to the water bodies, groundwater, and agricultural lands. This environmental degradation has impoverished

local farmers and has caused immense suffering to the local residents and the tannery workers, thereby endangering public health and life - Directions issued.

Environmental Law - Three foundational principles **(i) Doctrine of Public Trust** - vital natural resources such as rivers, seashores, forests, and air are held in trust by the State for the benefit and enjoyment of the public. This doctrine places a fiduciary duty on governments to protect them from privatization or exploitation that compromises public interests. It imposes three key restrictions viz., (a)resources must remain accessible for public use, (b)cannot be sold for private gain, and (c)must be preserved in their natural state. Courts internationally, have extended its scope to protect wetlands, riparian forests, and ecologically fragile lands, emphasizing the need for environmental preservation in light of modern ecological challenges-**(ii) Principle of Sustainable Development**- The doctrine of sustainable development was evolved to strike a balance between economic advancement and environmental safeguards. It envisions development that can be sustained by nature / environment. While the advancement of industries and infrastructure is indispensable for fostering employment and generating revenue, such growth cannot come at the cost of irreparable ecological damage-**(iii) Right to healthy environment** - Right to life inherently includes the right to enjoy, pollution free environment, which are essential for the full enjoyment of life. If anything endangers or impairs the quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution to address the pollution of environment which may be detrimental to the quality of life. The concept of 'right to healthy environment' as part of the 'right to life' under Article 21 - The 'right to clean drinking water' as a fundamental right. Infact, environmental rights, which encompass a group of collective rights, are now described as "third generation" rights. Therefore, the State, so as to sustain its claim of functioning for the welfare of its citizens, is bound to regulate water supply by safeguarding, maintaining and restoring the water bodies to protect the right to healthy water and prevent health hazards -The States shall ensure that the water bodies are free from encroachments and steps must be taken to restore the water bodies. (Para 60-64)

Polluters pay principle- The universal principle followed for fastening liability on the polluter for the proportionate damage caused to the environment, resulting in violation of right to clean and healthy environment as guaranteed under Article 21 of the Constitution of India -When an activity is inherently hazardous or dangerous, the individual or entity engaging in such activity bears absolute liability for any harm caused, regardless of the care exercised. Polluting industries, therefore, are under an obligation to fully compensate for the damage caused to affected communities - Polluter Pays Principle extended beyond compensating victims of pollution; it included the cost of reversing environmental degradation, in other words, they are required to undertake all necessary remedial measures to remove pollutants and restore the environment. This principle, along with the Precautionary Principle, has been recognized as part of the law of the land, drawing strength from Article 21 of the Constitution, which guarantees the right to life and personal liberty. It underscores that environmental protection is not merely a regulatory obligation but a constitutional imperative aimed at safeguarding the fundamental rights of individuals and preserving ecological balance. (Para 71)

Government Pay Principle - While polluters bear absolute liability to compensate for environmental damage, the Governments (both Union and State) share an equally significant responsibility to prevent environmental degradation and ensure the implementation of effective remedial action- In situations where authorities fail to regulate polluters adequately, the resultant environmental degradation underscores a shared responsibility. The 'Government Pay Principle' emerges from this context, aiming to hold governments accountable for regulatory and enforcement lapses. (Para 82-83)

Karuppudayar vs State 2025 INSC 132 - SC-ST Act - Public View - S 482 CrPC

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(1)(r) and 3(1)(s) -For constituting an offence, it has to be established that the accused intentionally insults or intimidates with intent to humiliate a member

of a Scheduled Caste or a Scheduled Tribe in any place within public view. Similarly, for constituting an offence under Section 3(1)(s) of the SC-ST Act, it will be necessary that the accused abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view- To be a place 'within public view', the place should be open where the members of the public can witness or hear the utterance made by the accused to the victim. If the alleged offence takes place within the four corners of the wall where members of the public are not present, then it cannot be said that it has taken place at a place within public view. [Referred to Swaran Singh v. State (2008) 8 SCC 435 and Hitesh Verma v. State of Uttarakhand (2020) 10 SCC 710] (Para 9-11)

Code of Criminal Procedure 1973 - Section 482 - The power under Section 482 of the CrPC is required to be exercised sparingly and with circumspection and that too in the rarest of rare cases- The court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint. However, the court would be justified in exercising its discretion if the case falls under any of the clauses carved out by this Court in Paragraph 102 in the case of State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335. (para 17)

Summary: SC quashed criminal proceedings under SC-ST Act - In this case that when the complainant was in his office the accused came there; enquired with the complainant; not being satisfied, started abusing him in the name of his caste; and insulted him. Thereafter, three colleagues of the complainant came there, pacified the accused and took him away. It is thus clear that even as per the FIR, the incident has taken place within the four corners of the chambers of the complainant. The other colleagues of the complainant arrived at the scene after the occurrence of the incident- that since the incident has not taken place at a place which can be termed to be a place within public view, the offence would not come under the provisions of either Section 3(1)(r) or Section 3(1)(s) of the SC-ST Act.

Karan Singh vs State Of Haryana 2025 INSC 133 - S 304B IPC - S 113B Evidence Act - Dowry Death

Indian Evidence Act 1872 - Section 113B - The presumption under Section 113-B will apply when it is established that soon before her death, the woman has been subjected by the accused to cruelty or harassment for, or in connection with, any demand for dowry. Therefore, even for attracting Section 113-B, the prosecution must establish that the deceased was subjected by the appellant to cruelty or harassment for or in connection with any demand of dowry soon before her death. Unless these facts are proved, the presumptions under Section 113-B of the Evidence Act cannot be invoked. (Para 8)

Indian Penal Code 1860 - Section 304B - Essential ingredients : a) The death of a woman must have been caused by any burns or bodily injury, or must have occurred otherwise than under normal circumstances; b) The death must have been caused within seven years of her marriage; c) Soon before her death, she must have been subjected to cruelty or harassment by the husband or any relative of her husband; and d) Cruelty or harassment must be for, or in connection with, any demand for dowry- If the aforesaid four ingredients are established, the death can be called a dowry death, and the husband and/or husband's relative, as the case may be, shall be deemed to have caused the dowry death. Section 2 of the Dowry Prohibition Act, 1961 provides that dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to the other party to the marriage or to any other person. The dowry must be given or agreed to be given at or before or any time after the marriage in connection with the marriage of the said parties. The term valuable security used in Section 2 of the Dowry Prohibition Act, 1961 has the same meaning as in Section 30 of IPC. (Para 7) Section 304-B of the IPC was brought on the statute book in 1986. This Court has repeatedly laid down and explained the

ingredients of the offence under Section 304-B. But, the Trial Courts are committing the same mistakes repeatedly. It is for the State Judicial Academies to step in. (Para 17)

Summary: SC allowed appeal and set aside concurrent conviction of appellant under Section 498A and 304B IPC.

Parimal Kumar vs State Of Jharkhand 2025 INSC 134- Public Employment - NCTE Guidelines - TET

Public Employment - The recruitment process commences from the issuance of the advertisement, and that eligibility criteria as laid down therein cannot be changed mid-way during the recruitment process unless the extant rules or the advertisement permit such a change after the issuance. Even if such a power to amend is reserved in the advertisement or the rules, it must be tested on the anvil of Article 14 and pass the test of non-arbitrariness. (Para 55)

NCTE Guidelines - For a school covered by para 10(b)(i) & (ii), discretion has been conferred to accept the TET certificate awarded by another State/UT. But for the same school, if the State decides not to conduct TET, then discretion has been given to consider the TET conducted by the Central Government for eligibility. (Para 48)

Education - To educate is not merely to impart information, but to instil the ability to think critically, to inspire curiosity and to foster the love of learning. By imparting knowledge and life skills, teachers shape the foundation for lifelong learning and responsible citizenship. The importance of education and the paramount role of teachers in today's day and age cannot be underplayed. (Para 1)

Jiya vs Kuldeep 2025 INSC 135 - Permanent Alimony

Permanent alimony - Relevant factors for consideration -Referred to Rajnesh v. Neha (2021) 2 SCC 324.

Summary: SC upheld HC order to the extent of finalising the grant of divorce decree to the parties and observed: awarding an amount of Rs. 10,00,000/- (Rupees Ten Lakhs only) as a one-time settlement in favour of the appellant-wife shall serve the purpose of equity and meet the ends of justice.

Rakesh Kumar Charmakar vs State Of Madhya Pradesh 2025 INSC 136 - Service Law - Regular Pay Scale

Summary: HC denied the extending the benefit of regular pay-scale to Appellants - SC allowed appeal - No legal aspect discussed in the judgment.

Kuldeep Singh vs State Of Punjab 2025 INSC 137 - S 375 - Marital Rape Exception

Indian Penal Code 1860 - Section 375 - Sexual intercourse by a man with his own wife cannot be termed as rape - Criminal proceedings against accused quashed.

C & C Constructions Ltd. vs IRCON International Ltd 2025 INSC 138 - S 37 Arbitration Act

Arbitration and Conciliation Act 1996 - Section 37 - Scope of interference in an appeal - Quoted from Larsen Air Conditioning and Refrigeration Company v. Union of India: In appeal, Section 37 of the Act grants narrower scope to the appellate court to review the findings in an award, if it has been upheld, or substantially upheld under Section 34. (Para 27)

Om Prakash Ambadkar Vs Maharashtra 2025 INSC 139 - S 156(3) CrPC - Changes Brought By BNSS

Code of Criminal Procedure 1973 - Section 156(3) - Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 175(3) - Three prominent changes that have been introduced by the enactment of BNSS: First, the requirement of making an

application to the Superintendent of Police upon refusal by the officer in charge of a police station to lodge the FIR has been made mandatory, and the applicant making an application under Section 175(3) is required to furnish a copy of the application made to the Superintendent of Police under Section 173(4), supported by an affidavit, while making the application to the Magistrate under Section 175(3). b. Secondly, the Magistrate has been empowered to conduct such enquiry as he deems necessary before making an order directing registration of FIR. c. Thirdly, the Magistrate is required to consider the submissions of the officer in charge of the police station as regards the refusal to register an FIR before issuing any directions under Section 175(3)- The changes introduced by Section 175(3) of the BNSS to the existing scheme of Section 156(3) merely codify the procedural practices and safeguards which have been introduced by judicial decisions aimed at curbing the misuse of invocation of powers of a Magistrate by unscrupulous litigants for achieving ulterior motives- Further, by requiring the Magistrate to consider the submissions made by the concerned police officer before proceeding to issue directions under Section 175(3), BNSS has affixed greater accountability on the police officer responsible for registering FIRs under Section 173. Mandating the Magistrate to consider the submissions of the concerned police officer also ensures that the Magistrate applies his mind judicially while considering both the complaint and the submissions of the police officer thereby ensuring that the requirement of passing reasoned orders is complied with in a more effective and comprehensive manner.

Code of Criminal Procedure 1973 - Section 156(3) - Whenever any application is filed by the complainant before the Court of Judicial Magistrate seeking police investigation under Section 156(3) of the Cr.P.C., it is the duty of the concerned Magistrate to apply his mind for the purpose of ascertaining whether the allegations levelled in the complaint constitute any cognizable offence or not. In other words, the Magistrate may not undertake the exercise to ascertain whether the complaint is false or otherwise, however, the Magistrate is obliged before he proceeds to pass an order for

police investigation to closely consider whether the necessary ingredients to constitute the alleged offence are borne out on plain reading of the complaint. (Para 11)

Indian Penal Code 1860 - Section 294 - The act of a police officer assaulting the complainant within public view or public - Obscene act for the purpose of Section 294 has a particular meaning. Mere abusive, humiliating or defamatory words by themselves are not sufficient to attract the offence under Section 294 of the IPC. (Para 15)

Indian Penal Code 1860 - Section 504,506 -Quoted from Mohammad Wajid v. State of U.P. (Para 18)

Code of Criminal Procedure 1973 - Section 200,156(3) - It is not necessary that in every case where a complaint has been filed under Section 200 of the Cr.P.C. the Magistrate should direct the Police to investigate the crime merely because an application has also been filed under Section 156(3) of the Cr.P.C. even though the evidence to be led by the complainant is in his possession or can be produced by summoning witnesses, with the assistance of the court or otherwise. The issue of jurisdiction also becomes important at that stage and cannot be ignored. (Para 24) If the allegations made in the complaint are simple, where the Court can straightaway proceed to conduct the trial, the Magistrate is expected to record evidence and proceed further in the matter, instead of passing the buck to the Police under Section 156(3) of the Cr.P.C. Ofcourse, if the allegations made in the complaint require complex and complicated investigation which cannot be undertaken without active assistance and expertise of the State machinery, it would only be appropriate for the Magistrate to direct investigation by the police authorities. The Magistrate is, therefore, not supposed to act merely as a Post Office and needs to adopt a judicial approach while considering an application seeking investigation by the Police. (Para 25)

Summary: SC set aside order passed by the Magistrate directing police investigation under Section 156(3) of the Cr.P.C.

2025 INSC 140 Ajai Kumar Chauhan vs State Of Uttar Pradesh - Murder Conviction Modified To S 304 IPC

Indian Penal Code 1860 - Section 300 - Concurrent murder conviction - Allowing appeal, SC observed: The possibility of the incident occurring in the spur of the moment and the appellant assaulting the deceased on account of sudden provocation, due to a sudden fight between them cannot be ruled out. We find that the appellant would be entitled to the benefit of Exception 4 of Section 300 of the IPC. As such, the conviction of the appellant under Part I of Section 304 IPC would meet the ends of justice.

Directorate Of Enforcement vs Subhash Sharma 2025 INSC 141 - S 45 PMLA - S 57 CrPC - Art. 22 Constitution - Bail - Illegal Arrest

PMLA - Section 45 - When arrest is illegal or is vitiated, bail cannot be denied on the grounds of non-fulfillment of twin tests under clause (ii) of sub-section 1 of Section 45 of PMLA (Para 9)

Constitution of India - Article 22 - Code of Criminal Procedure 1973 - Section 57 - PMLA - Section 45, 65 - The requirement of clause 2 of Article 22 has been incorporated in Section 57 CrPC - There is no inconsistency between the provisions of the PMLA and Section 57 of Cr.P.C. Hence, by virtue of Section 65 of the PMLA, Section 57 of the Cr.P.C applies to the proceedings under the PMLA. (Para 7)

Constitution of India - Article 21,22- Bail - The continuation of the accused in custody without producing him before the nearest Magistrate within the stipulated time of 24 hours is completely illegal and it infringes fundamental rights under clause 2 of Article 22 of the Constitution of India- Since there is a violation of Article 22(2) of the Constitution, even his fundamental right to liberty guaranteed under Article 21 has been violated- Once a Court, while dealing with a bail application, finds that the fundamental rights of the accused under Articles 21 and 22 of the Constitution of India have been violated while arresting the accused or after arresting him, it is the duty of the Court

dealing with the bail application to release the accused on bail. The reason is that the arrest in such cases stands vitiated. It is the duty of every Court to uphold the fundamental rights guaranteed under Articles 21 and 22 of the Constitution. (Para 6-9)