



Supreme Court Daily Digest

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Disclaimer: We have made these notes (shared below) based on our understanding of the above Supreme Court judgments. You are requested to read original judgments before using our notes for any purpose. You can click on the case names below to access original judgment. Some more judgments delivered today will be covered in our next digest.

**Iqbal Ahmed (D) vs Abdul Shukoor 2025 INSC 1027 -
Order XLI Rule 27(1) CPC - Pleadings**

Code of Civil Procedure 1908 - Order XLI Rule 27(1) -

Before undertaking the exercise of considering whether a party is entitled to lead additional evidence under Order XLI Rule 27(1), it would be first necessary to examine the pleadings of such party to gather if the case sought to be set up is pleaded so as to support the additional evidence that is proposed to be brought on record. In absence of necessary pleadings in that regard, permitting a party to lead additional evidence would result in an unnecessary exercise and such evidence, if led, would be of no consequence as it may not be permissible to take such evidence into consideration. Besides the requirements prescribed by Order XLI Rule 27(1) of the Code being fulfilled, it would also be necessary for the Appellate Court to consider the pleadings of the party seeking to lead such additional evidence. It is only thereafter on being satisfied that a case as contemplated by the provisions of Order XLI Rule 27(1) of the Code has been made out that such permission can be granted. (Para 8

**Khem Singh (D) vs State Of Uttaranchal 2025 INSC 1024 -
S.372 CrPC - Victim - Legal Heirs**

Code of Criminal Procedure 1973 - Section 372 Proviso -

The expression 'right to prefer an appeal' in the proviso to Section 372 CrPC cannot be limited to mean 'only the filing of an appeal' - The expression 'the right to prefer an appeal' to also include the

‘right to prosecute an appeal’ - If during the pendency of an appeal, the original appellant dies, can it be said that his legal heir cannot be substituted so as to prosecute the appeal further? Any curtailing of the legal right to prosecute an appeal on the death of an original appellant by his legal heir would make the proviso to Section 372 CrPC wholly redundant and in fact may result in a situation which is contrary to the entire object with which the Parliament had inserted the proviso to Section 372 CrPC. (Para 9.3) The victim of an offence has the right to prefer an appeal under the proviso to Section 372 CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 CrPC and need not advert to sub-section (4) of Section 378 CrPC. (Para 9.1)

Constitution of India - Article 136 - Code of Criminal Procedure 1973 - Section 372 Proviso - If during the pendency of the special leave petition or the criminal appeal, the appellant (victim) dies, the heir of the appellant must be given an opportunity to prosecute the appeal irrespective of whether the heir is a victim of the criminal offence. (Para 11.5)

Code of Criminal Procedure 1973 - Section 394- Although Section 394 (2) states that “every other appeal under this Chapter shall finally abate on the death of the appellant”, it cannot be related to an appeal filed by a victim or on the death of the victim/appellant. This is because Sections 377 and 378 CrPC respectively deal with an appeal filed by the State Government against sentence and an appeal in case of acquittal. Such appeals are

filed against the accused and therefore, when the accused dies, such appeals would abate. The expression “every other appeal” must therefore, relate to an appeal which is not filed under Section 377 or Section 378 CrPC- Such an appeal is an appeal against a conviction such as under Section 374 CrPC and on the death of the appellant who is the accused, such appeal would abate. (Para 11.1)

Code of Criminal Procedure 1973 - Section 374 - While hearing the appeals under Section 374(2) of the CrPC, the High Court is exercising its appellate jurisdiction. There shall be independent application of mind in deciding the criminal appeal against conviction. It is the duty of an appellate court to independently evaluate the evidence presented and determine whether such evidence is credible. Even if the evidence is deemed reliable, the High Court must further assess whether the prosecution has established its case beyond reasonable doubt. The High Court though being an appellate Court is akin to a Trial Court, must be convinced beyond all reasonable doubt that the prosecution's case is substantially true and that the guilt of the accused has been conclusively proven while considering an appeal against a conviction. (Para 6) As the first appellate court, the High Court is expected to evaluate the evidence including the medical evidence, statement of the victim, statements of the witnesses and the defence version with due care.. While the judgment need not be excessively lengthy, it must reflect a proper application of mind to crucial evidence. Albeit the High Court does not have the advantage to examine the witnesses directly, the High Court should, as an appellate Court, re-assess the facts, evidence on record and findings

to arrive at a just conclusion in deciding whether the Trial Court was justified in convicting the accused or not. (Para 7)

Palm Groves Cooperative Housing Society Ltd. v. Magar Girme and Gaikwad Associates 2025 INSC 1023 - Consumer Protection Act - Interpretation Of Statutes

Consumer Protection Act 1986 - Section 25(1) - Section 25(1) of the 1986 Act shall be read as enumerated below for the period from 15.03.2003 to 20.07.2020 with reference to all pending proceedings at any stage for execution of any order passed under the 1986 Act. “Section 25. Enforcement of orders of the District Forum, the State Commission or the National Commission. (1) Where any order made under this Act is not complied with, the District Forum or the State Commission or the National Commission, as the case may be, enforce the same in the manner as if it were a decree or order made by the Court in a suit and the provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 shall, as far as may be, applicable and may order the property of the person, not complying with such order to be attached.” (Para 38)

Consumer Protection Act 1986 - Section 39,15- Against an order passed by the District Forum in execution petition, an appeal shall lie to the State Commission under Section 15 with no further remedy of appeal or revision. (Para 39)

Interpretation Of Statutes - Normal principle of statutory interpretation is that when the words used in the statute are clear and unambiguous, the same should be given their normal meaning without adding or rejecting any word. However, there is an exception to this general rule. In case, the Court finds that the provision is vague and ambiguous or the normal meaning may lead to confusion, absurdity or repugnancy with other provisions, the court may by using the interpretative tools, set right the situation by adding or omitting or substituting words in the statute. (Para 18)

Court Orders - An order passed by any court, or any forum is merely a kind of paper decree unless effective relief is granted to the party entitled thereto. The consumers of justice should feel that they have received justice in reality and not merely on papers. (Para 30)

Consumer Protection Act 2019 - Sections 71 to 73 - More teeth have been provided to the District, State and the National Commission for enforcement of the orders passed by them. The words used in Section 71 provides for enforcement of 'every order'. Similarly, Section 72 uses the words 'any order'. Beside civil proceedings for enforcement of orders, for non-compliance thereof, criminal liability has also been provided. The words, as used in the aforesaid sections, clearly include 'interim orders' and the 'final orders'. (Para 14.5)

Vikram Bakshi vs R.P. Khosla 2025 INSC 1020 - Ss.362.340 CrPC -Scope Of Review

Code of Criminal Procedure 1973 - Section 362 : Bhartiya Nagrik Suraksha Sanhita, 2023 - Section 403- The criminal courts, as envisaged under the CrPC, are barred from altering or review their own judgments except for the exceptions which are explicitly provided by the statute, namely, correction of a clerical or an arithmetical error that might have been committed or the said power is provided under any other law for the time being in force. As the courts become functus officio the very moment a judgment or an order is signed, the bar of Section 362 CrPC becomes applicable, this, despite the powers provided under Section 482 CrPC which, this veil cannot allow the courts to step beyond or circumvent an explicit bar- It is only in situations wherein an application for recall of an order or judgment seeking a “procedural review” that the bar would not apply and not a substantive review” where the bar as contained in Section “362 CrPC is attracted. Numerous decisions of this Court have also elaborated that the bar under said provision is to be applied *stricto sensu* - The following exceptional circumstances may be identified, wherein a criminal court is empowered to alter or review its own judgment or a final order under Section 362 CrPC: a. Such power is expressly conferred upon court by CrPC or any other law for the time being in force or; b. The court passing such a judgement or order lacked inherent jurisdiction to do so or; c. A fraud or collusion is being played on court to obtain such judgment or order or; d. A mistake on the part of court caused prejudice to a party or; e. Fact relating to non-serving of necessary party or death leading to estate being non-represented, not brought to notice of court while passing such

judgment or order- All these exceptions are only exercisable for seeking a recall or review of an order or judgment, if a ground that is raised was not available or existent at the time of original proceedings before the Court. Mere fact that the said ground, although available, was not raised or pressed during the concerned proceedings, does not provide for an exemption to the parties to assert it as a ground. Moreover, the said power cannot be invoked as a means to circumvent the finality of the judicial process or mistakes and/or errors in the decision which are attributable to a conscious omission by the parties (Para 34-34A)

Code of Criminal Procedure 1973 - Section 340 - A proceeding initiated under section 340 of CrPC is in the nature of criminal proceeding and governed by the provisions of the CrPC, as a consequence, thereof, all the procedural safeguards, consequences, and effects thereto associated with a criminal proceeding under CrPC are also attracted to it- There is no scope for application of provisions of any other procedural law until specifically provided under such law. (Para 38-39)

In Re: “City Hounded By Strays, Kids Pay Price” 2025 INSC 1018 - Modified Directions

Stray Dogs Matter - Earlier Directions in “City Hounded By Strays, Kids Pay Price” Modified: a. Municipal authorities shall continue to comply with the directions contained in paras 12(i) and 12(ii) of the subject order. b. The directions contained in paras

12(iii) and 12(iv), to the extent that they prohibit the release of the picked up strays, shall be kept in abeyance for the time being. The dogs that are picked up shall be sterilised, dewormed, vaccinated, and released back to the same area from which they were picked up. It is, however, clarified that this relocation shall not apply to the dogs infected with rabies or suspected to be infected with rabies, and those that display aggressive behaviour. Such dogs shall be sterilised and immunised, but under no circumstances should they be released back onto the streets. Furthermore, as far as possible, such stray dogs shall be kept in a separate pound/shelter after sterilisation and immunisation. c. The directions contained in para 12(v) shall remain subject to the directions given by us in paras (a) and (b). d. Municipal authorities shall forthwith commence an exercise for creating dedicated feeding spaces for the stray dogs in each municipal ward. The feeding areas shall be created/identified keeping in view the population and concentration of stray dogs in the particular municipal ward. Gantries/notice boards shall be placed near such designated feeding areas, mentioning that stray dogs shall only be fed in such areas. Under no condition shall the feeding of stray dogs on the streets be permitted. The persons found feeding the dogs on the streets in contravention of the above directions shall be liable to be proceeded against under the relevant legal framework. The aforesaid directions are being issued in view of the reports regarding untoward incidents caused by unregulated feeding of stray dogs and to ensure that the practice of feeding dogs on roads and in public places is eliminated, as the said practice creates great difficulties for the common man walking on the

streets. e. Each municipal authority shall create a dedicated helpline number for reporting incidents of violation of the above directions. On such a report being received, appropriate measures shall be taken against the individuals/NGOs concerned. f. The direction given in para 13 of the order dated 11th August 2025, is reiterated with a slight modification that no individual or organisation shall cause any hindrance or obstruction in the effective implementation of the directions given above. In case any public servant acting in compliance with the aforesaid directions is obstructed, then the violator/s shall be liable to face prosecution for obstructing the public servant acting in discharge of official duty. g. Each individual dog lover and each NGO that has approached this Court shall deposit a sum of Rs.25,000/- and Rs.2,00,000/-, respectively, with the Registry of this Court within a period of 7 days, failing which they shall not be allowed to appear in the matter any further. The amounts so deposited shall be utilised in the creation of the infrastructure and facilities for the stray dogs under the aegis of the respective municipal bodies. h. The desirous animal lover/s shall be free to move the application to the concerned municipal body for adoption of the street dogs, upon which the identified/selected street dog/s shall be tagged and given in adoption to the applicant. It shall be the responsibility of the applicant(s) to ensure that the adopted stray dogs do not return to the streets. i. The municipal authorities shall file an affidavit of compliance with complete statistics of resources, viz., dog pounds, veterinarians, dog catching personnel, specially modified vehicles/cages available as on date for the purpose of compliance of the ABC Rules.

Tankadhar Tripathy v. Dipali Das 2025 INSC 1017 - S.83
Representation of the People Act - Substantial Compliance

Representation of the People Act, 1951 - Section 83 - In cases of total and complete non-compliance with Section 83, the pleading could not be regarded as an Election Petition and was liable to be rejected at the outset - Although a defective affidavit may not, by itself, render an Election Petition non-maintainable, the High Court must ensure that the defect was cured prior to the commencement of trial so as to enable the returned candidate to effectively meet the allegations and not be taken by surprise at that stage- Filing an affidavit under the proviso to Section 83(1)(c) of the RP Act is not of a mandatory character, and that 'substantial compliance' therewith would suffice. Indeed, where an affidavit is already on record, albeit not in the prescribed Form 25, the proper course would be to afford the Election Petitioner an opportunity to file a corrected affidavit in conformity with the prescribed form - Rules to Regulate Proceedings under Section 80-A of the Representation of the People Act, 1951 -At the stage of presenting an Election Petition, it must be examined by the prescribed officer of the High Court, alongwith its accompanying documents, so as to ensure that the same conforms with the requirements of law and the applicable rules. During this process, if it is found that the Election Petition or its accompanying documents suffer from any defects or omissions, the same shall be placed before the learned Judge-cum Election Tribunal. The judicial proceedings thereafter shall be

conducted in accordance with the rules and procedures described in Rule 21 above. Such procedure also contemplates compliance with the contents and format of an affidavit elaborately described in Chapter VI of the High Court Rules. (Para 17- 20)

Words and Phrases - Substantial Compliance - Substantial compliance in ordinary terms means, almost, actual compliance with the essence of the enactment, or perhaps, in simpler terms, to do all that is reasonably expected, which satisfies the substance of the Statute. It, however, cannot be inferred to mean mere lip service to the requirements of the law. (Para 22)

K. Pounammal v. State 2025 INSC 1014 - Sentencing - Prolongation Of Criminal Case

Criminal Trial - Sentencing - In determining the final sentence and the nature thereof, variety of factors that would operate would include the intervening time between the commission of offence and the actual award of the sentence, age of the accused, the stress which he or she might have suffered because of passage of time during each case has remained pending and undecided, the family circumstance and such other factors, without becoming exhaustive. The process of sentencing by the courts is guided by theories such as punitive, deterrent or reformatory. Each school of thought has its own object and purpose to explain awarding of sentence and its utility. Amongst these theories, reformatory approach has become increasingly acceptable to the modern jurisprudence. Reformation

is something always considered progressive. When there are mitigating circumstances, the court would lean towards reducing of the sentence. The focus would be on the crime, and not on the criminal. The society and system would nurture the guilt with positivity, while selecting the sentence. (Para 6-7) The prolongation of a criminal case for an unreasonable period is in itself a kind of suffering. It amounts to mental incarceration for the person facing such proceedings. For a person who is convicted and who has appealed against his or her conviction and sentence and who everyday awaits the fate of litigation, spends time in distress. In the present-day system of administration of justice, in which proceedings have often go on protracted unreasonably and therefore unbearably, the passage of long time itself makes the person suffer a mental agony. (Para 9)

Irfan vs State of Uttar Pradesh 2025 INSC 1012 - Bail

Bail - Allahabad HC in *Prabhat Gangwar vs. State of U.P.* observed: In an application for grant of bail, the Court is competent to set an accused on liberty in order to afford him an opportunity to frame his defence and gather evidence, to enable him to refute the prosecution case and establish his innocence. However, the Court cautioned that such liberty on the said ground cannot be applied mechanically and would require to be considered in the facts and circumstances of each case - On this, SC observed: The view expressed in *Prabhat Gangwar* (supra) may be applied in rare cases but that too would have to be considered in the light of the

observations made therein [**Context:** SC set aside Allahabad HC order that granted bail to an accused solely on the ground that further incarceration will deprive the accused from an effective defence strategy]

Employer In Relation To Management Of Katras Area Of M/S Bharat Coking Coal Limited, Dhanbad vs Workman-Shahdeo Das 2025 INSC 1011

Service Law - Supreme Court set aside Jharkhand High Court Division Bench's order and restored the Single Judge's decision, refusing to allow a change in the workman's date of birth after 25 years of service. The Court found that the request for correction, based on a school certificate issued decades after joining, was unjustified, especially given the workman's own declaration and family details at the time of employment.

Geojit Financial Services Ltd. v. Sandeep Gurav - Ss. 33 & 34 Arbitration Act - Limitation

Arbitration and Conciliation Act - Section 33 and 34 - Where an application under Section 33 for correction and interpretation of award is filed, irrespective of whether the arbitral tribunal upon considering such application, either makes or does not make any correction or modification or choose to render or to not render an additional award in terms of Section 33, the starting point for the

period of limitation for challenging the same under Section 34 (3) would be the date of disposal of such application under Section 33 by the arbitral tribunal, as long as the application under Section 33 had been filed within the prescribed period of limitation under sub-section (1) thereto AND with notice to the other party- Neither the date of passing of the original award or date of receipt of the same by the party nor the date of receipt of the corrected award or date of receipt of the decision of the arbitrator disposing the application under Section 33 is of any significance. What is of significance, under Section 34 (3) is the date on which the application or request under Section 33 came to be disposed by the arbitral tribunal - Where a request is made under Section 33, it is immaterial for the purpose of computation of limitation under Section 34 (3) whether such request fell within the purview of the said provision or not. What is material is only that such request was made in the manner delineated under Section 33 i.e., it fulfilled the twin conditions of being made; (I) “within thirty days from the receipt of the arbitral award” and (II) “with notice to the other party” stipulated therein. (Para 35)

Limitation - The fundamental cannons of law of limitation demands, as a thumb rule, that any period of commencement and end of limitation should be determinable and ascertainable in an objective parameter. The law of limitation, at least insofar as the computation of the prescribed period of limitation is concerned, cannot be read in a hyper-technical or subjective manner. The same must in most cases, if not always, adorn a formulaic understanding that is comprehensible to the litigants. (Para 31)
