



**Supreme Court Monthly Digest**

**December 2025**

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## **Rajasthan High Court vs Rajat Yadav 2025 INSC 1503 - Public Employment - Reservation - Open Category - Estoppel**

**Public Employment - Reservation** - Vacant posts which are sought to be filled by earmarking it as 'open' do not fall in any category. For all intents and purposes, the vacancies on posts which are notified/advertised as open or unreserved or general, as the terms suggest, are not reserved for any caste/tribe/class/gender and are, thus, open to all notwithstanding that a cross-section of society can also compete for appointment on vacant posts which are 'reserved' – vertical or horizontal – as mentioned in the notification/advertisement (Para 62)- Mere indication of one's reserved category in the application form does not automatically qualify the candidate for appointment on a reserved vacant post but only enables him/her to stake a claim amongst all reserved candidates based on the inter se merit position. Equally, for a deserving reserved category candidate to be appointed on an unreserved vacant post, it is merit and merit alone that must determine suitability. In other words, for the unreserved vacant posts, the inter se merit among all the competing candidates serves as the benchmark for appointment in public service. (Para 49) Adjustment of a reserve category candidate in the unreserved category based on his/her merit - A meritorious candidate, notwithstanding that he/she belongs to a reserved category, be it Scheduled Caste or Scheduled Tribe or Other Backward Class, must of necessity (arising out of the concept of equality before law and equal protection of the laws in Article 14, and extended to Article 16 in matters of public employment) be treated as a candidate who has competed for the 'unreserved' category and not the 'reserved' category, thereby obviating the need for any 'migration' or, so to say, shift or adjustment. (Para 65) Where adjustment against the unreserved category would result in a more meritorious reserved category candidate being displaced in favour of a less meritorious candidate within the same category for a preferred service or a preferred post within the reserved quota, the former must be permitted to be considered against the service/post in the reserved quota. This would ensure merit being preserved both across categories and within them, and that reservation functions as a means of inclusion rather than an instrument of disadvantage. (Para 74) If, at all, the recruitment rules governing any

selection process ordain otherwise than what is observed above, obviously the recruitment rules would have precedence subject to the condition that such rule passes the test of constitutionality (Para 69) Where adjustment against the unreserved category would result in a more meritorious reserved category candidate being displaced in favour of a less meritorious candidate within the same category for a preferred service or a preferred post within the reserved quota, the former must be permitted to be considered against the service/post in the reserved quota. This would ensure merit being preserved both across categories and within them, and that reservation functions as a means of inclusion rather than an instrument of disadvantage (Para 74) [SC observed that not treating meritorious reserved category candidates as General/Open category candidates, despite noticing that the former had outperformed and outshone the latter is illegal]

**Public Employment - Recruitment - Estoppel** - Candidates who participated in a selection process cannot later challenge the procedure adopted merely because the result is not palatable to them. It has been held there, generally, that the principle of estoppel operates against such a candidate who, having taken a calculated chance of selection by participating in the selection process and failed to secure selection, challenges the process of selection in Court on the ground of a flawed procedure being adopted by the recruiting/selecting authority. (Para 42) This rule is not absolute - Participation of a candidate in a selection process implies acceptance of the prescribed procedure, but not of any illegality in the conduct of the said procedure or constitutional infirmity underlying it. Where the challenge pertains to a misconstruction of statutory rules or violation of constitutional principles, the plea of estoppel cannot operate as a bar. (Para 43) A candidate would be estopped from challenging a selection process post- participation, unless he can show that despite due diligence, he could not have known earlier of the illegality in the procedure that came to be adopted or that the procedural flaw striking at the root of the selection process was hidden and surfaced only after completion of the process of selection; hence, no challenge could have been laid by him prior to his participation in the process. (Para 45)



**Public Employment - Reservation - Migration** - The word 'migration' refers to a candidate claiming benefits or entitlements-“Inter-State Reservation Migration” envisaging a portability of reservation benefits: a person belonging to Scheduled Caste/Scheduled Tribe in relation to his original State, of which he is a permanent or ordinary resident, cannot be deemed to be so in relation to any other State on his migration to that State for the purpose of employment, education, etc. - if a person certified as Scheduled Caste/Scheduled Tribe in one State migrates to another State, then he would not be entitled to the benefit available to Scheduled Caste/Scheduled Tribe in the State to which he has migrated unless he belongs to the Scheduled Caste/Scheduled Tribe in that State. (Para 65)

**Words and Phrases - 'Migration'** - The act of moving from one place to another, often involving a change of residence or location. This can apply to various contexts like human migration, animal migration, data migration, etc. In general, migration involves a change of location, often with the intention of settling or establishing a new presence in the new location. In the context of reservation in public employment, the word 'migration' refers to a candidate claiming benefits or entitlements. (Para 63-64)

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**RattanIndia Power Ltd v. MSEDCL; 2025 INSC 1502 - Electricity Act - CPC - Precedents - Remand Order**

**Precedents-** When a Court or Appellate Tribunal remands a matter to the subordinate court, or adjudicating body, for a fresh decision in the light of observations contained therein, and while doing so refers to certain decisions, it does not mean that the subordinate court or adjudicating body is bound by those decisions and can look no further,

even if, in the interregnum, the law has changed or developed. We must not be understood as saying that such a direction has to be ignored. Rather, such a direction must be given due consideration unless the law on the subject, which is binding on the court or adjudicating body, requires otherwise- When the remand order does not itself settle an issue, the issue remanded is alive and has to be decided as per law applicable on the date of the decision. (Para 41-42)

**Electricity Act 2003- Section 111,125-** APTEL, can exercise suo motu powers under Section 111(6) - But the powers of Supreme Court, under Section 125 of the 2003 Act, are invocable through an appeal filed by a person aggrieved - If the aggrieved person does not file an appeal, or a cross-appeal/ cross-objection, under Section 125, impugning the order, or any portion of it, passed by APTEL, it cannot question the correctness of the same in an appeal preferred by another person questioning that much portion of the order with which it is aggrieved. (Para 31)

**Constitution of India - Article 136,142-** Statutory limitations cannot dilute the constitutional powers vested in Supreme Court under Article 136 of the Constitution of India- Though powers under Article 136/142 can be exercised by Supreme Court even suo motu and/or to do complete justice in a lis, there have to be compelling circumstances for its exercise. (Para 32) commercial matters, where a statutory regime is in place, exercise of constitutional powers should be in exceptional or rare circumstances and not as a matter of course. (Para 52)

**Code of Civil Procedure 1908 - Order XLI Rule 22,33 -** In general, while hearing an appeal, the appellate court, in absence of a provision to the contrary, may allow a respondent to question a finding returned against him by the court against whose order the appeal is filed. However, where the operative order is against the respondent, without filing an appeal or cross-appeal/ cross-objection, the respondent cannot question the correctness of the operative order. More so, when the appellant has limited its prayer in the appeal to only certain part of the operative order - When a person fails to file an appeal or a cross-appeal, it can be taken that he is not aggrieved by the operative part of the order

against which, or some part of which, the appeal is filed by some other person - Referred to Banarsi v. Ram Phal(2003) 9 SCC 606. (Para 47-49)

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**Hasina Yasmin vs National Insurance Co. Ltd. 2025 INSC 1501  
- Motor Accident Compensation - Pranay Sethi - Enhancement  
- Referred to Larger Bench**

**Motor Accident Compensation** - The Constitution Bench in National Insurance Co. Ltd. V. Pranay Sethi (2017) 16 SCC 680 only provided for an enhancement of 10% in every three-year period with respect to accidents which occurred after 2017, the first enhancement being applied in 2020 - The escalation cannot depend upon the date of the order by which the claim petition is finally disposed of, by the Tribunal, by the High Court or by this Court. Many matters, in which the accident occurred in 1998, would have been disposed of prior to 2017, which in any event cannot get any enhancement based on what has been stated by the Constitution Bench in 2017 - Issue referred to Larger bench. (Para 5-8)

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**State of Uttar Pradesh vs Krishna Murari Sharma; 2025 INSC 1500 - Industrial Disputes Act - Reference - Delay**

**Industrial Disputes Act 1947 - Section 10** -Mere failure, or a conscious decision not to challenge, the reference under Article 226 of the Constitution of India before the High Court, on the ground of delay, can neither result in the contention being frustrated in every manner nor can there be a ground of acquiescence taken against such plea. (Para 8) - The failure of the State, or the conscious decision taken not to challenge the order of reference does not deny the employer-State the right to raise that contention before the Labour Court. (Para 11)

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**Sandeep Singh Thakur vs State of Madhya Pradesh 2025 INSC 1499 - Rape By Promise To Marry - Quashed As Parties Married**

**Constitution of India - Article 142** - SC quashed a rape case after noticing that the parties (accused and victim) have married and residing together.

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**Dalip Singh (D) vs Sawan Singh (D) Through 2025 INSC 1498 - TP Act -Usufructuary mortgage - Limitation**

**Transfer of Property Act 1882 - Usufructuary mortgage** - When there is a usufructuary mortgage, the period of limitation does not run from the date of creation of the mortgage but from the date of payment of mortgage- either out of the usufructuary or partly out of the usufructuary or partly on payment of deposit by mortgager as provided under Section 52 of Transfer of Property Act, 1882. Till then the period of limitation would not start under Section 61 (a) of the Schedule to the Limitation Act. As such mere expiry of the period prescribed thereunder could not extinguish the mortgager's right of redemption and thereby the right of mortgagee to seek declaration of title and ownership over the mortgage property stands untouched.[Referred to Singh Ram (D) Vs. Sheo Ram (2014) 9 SCC 185 ] (Para 9)

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**Sahab Singh (D) v. Director General, RPF 2025 INSC 1497 - Disciplinary Proceedings - Dismissal From Service**

**Central Civil Services (Conduct) Rules, 1964 - Disciplinary Proceedings** - While setting aside the punishment of dismissal, SC observed: The misconduct has been proved in the disciplinary inquiry which was in the nature of suppression of the fact of his involvement in a criminal case, and further suppression of his arrest and detention which he was required to bring to the notice of the authority under the

provisions of the Central Civil Services (Conduct) Rules, 1964. But the same not having been done, could not have resulted in dismissal from service. Any other penalty could have been imposed on the appellant herein. In the circumstances, we hold that the punishment of dismissal from service was disproportionate, particularly when the appellant had already completed approximately seventeen years of service and was entitled to further career progression and monetary benefits on his retirement if any other punishment could have been imposed on him. (Para 14)

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### **Maram Nirmala vs State of Telangana - 2025 INSC 1496 - S.498A IPC - Quashing**

**Code of Criminal Procedure 1973 - Section 482- Matrimonial Dispute - Indian Penal Code 1860 -Section 498A-** Quoted from Dara Lakshmi Narayana vs. State of Telangana: A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a wellrecognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution.

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### **Food Court The Company Garden Society v. Universal Sompo General Insurance Co. Ltd.; 2025 INSC 1495 - Insurance - Storm**

**Insurance - Words and Phrases - Storm-** The word 'storm' does not have a restrictive meaning and is not confined to persistent bad weather or heavy rain itself. It may encompass other incidences depending on the facts and circumstances of each case- The word 'storm' should not be interpreted in a restrictive sense to apply it narrowly. It is not limited only to situations involving continuous severe weather or

heavy rainfall. It may encompass broader range of events, depending on the fact situation occurred and vary from case to case. In other words, what qualifies as a storm must be assessed contextually, and may include various related natural disturbances beyond the conventional understanding of rain or persistent bad weather. (Para 14)

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### **Uma Maheswari vs State 2025 INSC 1494 - S.482 CrPC - Quashing**

**Code of Criminal Procedure 1973 - Section 482** - Allowing appeal against HC judgment which refused to quash a complaint, SC observed: we find that the High Court ought to have considered the order dated 05.08.2022 passed in Criminal O.P. No.148 of 2020 and applied the same to the case of the appellants herein. But, there is no reference to the said order in the impugned order. The High Court ought to have applied the aforesaid order in the instant case.

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### **Baburam Gautam vs State of U.P. 2025 INSC 1493 - Irretrievable Breakdown Of Marriage**

**Matrimonial** - SC invokes power under Article 142 of the Constitution of India to dissolve the marriage finding it to have irretrievably broken down.

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### **Phool Singh vs Randheer Singh 2025 INSC 1492 - CPC - Abatement**

**Code of Civil Procedure 1908 - Abatement** - Allowing appeal, SC held: High Court had clearly erred in dismissing the civil revision petition as abated merely because the legal heirs of one of the respondents was not impleaded within time after the death of that respondent -merely because one respondent's legal heirs were not impleaded and the revision stood abated with respect to him, it cannot stand abated against the other respondents. (Para 8)

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**Chandrashekar C v. State of Karnataka 2025 INSC 1491 - S.482 CrPC - Quashing**

**Code of Criminal Procedure - Section 482** - HC refused to quash criminal proceedings- Allowing appeal, SC quashed the proceedings

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**Managing Director, M.P. State Agricultural Marketing Board v. Harpal Singh; 2025 INSC 1490 - Compassionate Appointment**

**Compassionate Appointment** - The policy of compassionate appointment is not a concession, largesse or mercy shown to hapless dependents of a deceased employee, but a structured response of the State to ensure that the death of an employee does not mark the beginning of economic calamity for those left behind (Para 11)- a narrow or mechanical construction of the rules governing compassionate appointment cannot be permitted to override the welfare-oriented purpose of the scheme. Where a procedural rigidity ceases to advance the humanitarian intent of the policy and instead operates as an obstacle to its effective implementation, such a procedure must be construed liberally to ensure that justice is not sacrificed at the altar of technicality.(Para 17) -Compassionate appointment, being a narrowly tailored welfare measure, stands on a distinct footing and does not militate against the principles governing open competition in public employment. (Para 19)

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**Chandra Prakash Gupta v. Shanti Devi (D) 2025 INSC 1489 - Tenancy Matters**

**Tenancy Matters** - While allowing appeal, SC held: When there is no conclusion recorded regarding the default, there could not have been an eviction ordered. The challenge made against the revisional order could not have been disposed of without substituting the deceased-respondent/tenant with his LR's. The order passed against the deceased tenant is non est.

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**Uppaluri Eswaramma v. State of Andhra Pradesh 2025 INSC 1488 - Doctrine Of Merger - Fraud Vitiates Everything**

**Law of Precedents** - There is no merger of the judgment of the High Court, if the SLP has been rejected without any observation on merits, in which event, the parties before the High Court could exercise their right to seek review. (Para 9)

**Fraud** - 'fraud vitiates everything'; even a judgment obtained from a competent court based on such fraud perpetrated. (Para 13)

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**Kousik Pal v. B.M. Birla Heart Research Centre 2025 INSC 1487 - West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act**

**West Bengal Clinical Establishments (Registration, Regulation and Transparency) Act, 2017** - Commission in its jurisdiction would have the power to ensure that the personnel employed by clinical establishments are in accordance with the requirements laid down, thereby, complying with the benchmark - The definition of 'service provider' given in the Act applies to both a medical doctor and other paramedical professional - the power to grant compensation as is given under this Act, is separate and distinct from the power of the State Medical Council to examine the presence or absence of medical negligence on the part of a professional, and it nowhere interferes with the power of the State Medical Council to adjudicate the complaints of medical negligence. (Para 13-14)

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**Amit Arya v. Kamlesh Kumari; 2025 INSC 1486 - S.28 Specific Relief Act - Doctrine Of Merger**

**Specific Relief Act - Section 28** - The power to extend the time granted within the decree for performance of its conditions can be extended on such terms as the Court may deem fit- However, such non-grant of extension of time cannot, in our view, be the end of the transaction. (Para 7)

**Doctrine of merger** - The doctrine of merger means that at one point in time, only one decree can subsist. 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 - when a higher forum entertains an appeal on merits, the doctrine of merger would apply. (Para 9-12)

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**Tarachandra v. Bhawarlal 2025 INSC 1485 - Will - Mutation - MP Land Revenue Code**

**Madhya Pradesh Land Revenue Code, 1959** - There is nothing in the 1959 Code proscribing acquisition of rights in land through a will. As a sequitur, if a will is set up, the application for mutation based thereupon will have to be considered on merits and it cannot be rejected merely because it is based on a will. (Para 15) **Mutation** - Mutation does not confer any right, title or interest on a person. Mutation in the revenue records is only for fiscal purposes , therefore, where there is no serious dispute raised by any natural legal heir, if any, of the tenure holder, in absence of any legal bar, mutation based on a will should not be denied as it would defeat the interest of Revenue. (Para 19)

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**Syed Shahnawaz Ali v. State of Madhya Pradesh 2025 INSC 1484 - CrPC/BNSS - Criminal Revision - Abatement - Substitution**

**Code of Criminal Procedure 1973 - Section 397 -401** - The law of abatement that applies to an appeal does not apply to a revision proceeding, more particularly when revision is not at the instance of an accused - Where the revision is at the instance of an accused/convict, the revisional court may refuse to continue the proceedings on his death, inter alia, where (a) the revisional proceeding emanates from an order passed during trial; or (b) the revisional proceeding is against an order of conviction, or affirmance of conviction. In situation (a) (supra), on death of accused the trial would abate and so would ancillary proceedings emanating therefrom. In situation (b) (supra), the sentence or fine cannot be executed against a dead person, therefore, in absence of any application from a person seeking leave to pursue the revision, the court may terminate the proceedings as having abated. However, where the revision is at the instance of an informant or a complainant, on his death, the proceedings will not abate and, therefore, revisional court may exercise its discretion and proceed to test the correctness, legality or propriety of an order passed by the court subordinate to it. (Para 17) Once a revision is entertained, the Court exercising revisional power has discretion to proceed with the revision and test the correctness, legality or propriety of the order under challenge before it, regardless of the death of the person who had invoked the revisional jurisdiction. However, while doing so, the Court may, in its discretion, allow a person to assist it in discharge of its statutory functions provided that person has no conflict of interest. In that context, a victim of the crime would ordinarily be the most suitable person to provide assistance because of his interest in overturning a decision that went against him- When revisional powers are invoked by a victim of the crime, and he dies during pendency of the revision, other victims of that crime, who fall within the scope of its definition, as provided in Section 2 (wa) of Cr.P.C., may be allowed to assist the Court in effectively discharging its statutory function. In that regard, the Court would be well within its jurisdiction in granting leave to such a person to pursue the revision. However, in absence of a provision for substitution, though a person may not have a legal right to claim substitution as a revisionist, there is no legal restriction on revisional court's power in allowing a person to assist the Court in furthering the cause of justice, more particularly, when strict rule of locus does not apply to a criminal revision. (Para 18)

**Code of Criminal Procedure 1973 - Section 397-401** - Revisional Powers - (a) revisional power under Cr.P.C. is a discretionary power, the exercise of which cannot be claimed as of right; (b) exercise of revisional power is not entirely dependent on who petitions the Court, inasmuch as it can be exercised suo motu; (c) the role of the revisionist is essentially that of a person who invites attention of the Court that an occasion to exercise the revisional power has arisen; (d) once a Rule is issued, ordinarily, that Rule has to be heard and determined in accordance with law, whether or not the petitioner is alive or dead, or whether he is represented in court by a legal practitioner; and (e) the Court while exercising revisional power discharges a statutory function of supervising the administration of justice on the criminal side and in furtherance thereof examines the correctness, legality or propriety of an order passed by the court subordinate to it. (Para 15) Though the strict rule of locus may not apply for invocation of that power, the court must be circumspect in entertaining petitions at the behest of complete strangers to the dispute, otherwise the discretionary power may become a tool in the hands of those who, though have suffered no injury, have an axe to grind. Therefore, in our view, to ensure that revisional power is not abused by those who have an axe to grind, the definition of a victim, contained in Section 2(wa) of the Code, may be used as a guide to determine whether a revision should be entertained at the instance of the person who has invoked the revisional power. (Para 16)

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**Lakshmanan v. State 2025 INSC 1483 - S.15A SC-ST Act - Bail -S.219 CrPC**

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act - Section 15A** - Section 15A(5) incorporates the principle of audi alteram partem for victims under the SC/ST (POA) Act. Where such a right is conferred, the Court must provide the victim or their dependent an opportunity of audience, either personally or through counsel, including the Special Public Prosecutor. The statutory right to be heard presupposes that the victim is made aware of the proceedings and is not excluded therefrom- The provision guarantees an opportunity to be heard, not a right to a favourable outcome or to a detailed

adjudication of every objection raised by the victim. Once the victim has been notified, permitted to participate, and allowed to place objections on record, the statutory mandate stands satisfied-Cancellation of bail on the ground of violation of Section 15A(5) is justified only in cases where no notice of the bail proceedings was served upon the victim, the victim was completely excluded from the proceedings, or the victim was denied any opportunity of audience. In such circumstances, the violation strikes at the root of jurisdiction and renders the bail order legally unsustainable. However, bail cannot be cancelled merely because the court did not accept the victim's submissions, the bail order does not specifically deal with or rebut each objection raised, or the victim alleges that the hearing was "mechanical" despite having been granted an opportunity - Courts, particularly at the stage of bail, are required only to form a prima facie view and bail orders are not expected to contain elaborate or exhaustive reasoning. Section 15A(5) does not mandate a detailed analysis or express rejection of every submission advanced by the victim. (Para 11)

**Bail** - Pendency of civil litigation neither dilutes criminal liability nor overrides considerations of gravity, antecedents, or witness safety. Reliance on the civil nature of the dispute, without addressing the serious criminal dimensions of the case, constitutes a misdirection in law. (Para 12.4)

**Code of Criminal Procedure 1973- Section 219 [Section 242 BNSS]** - Joinder of charges as an exception and not as the rule - separate trial is the norm, and joint trial is permissible only where the offences form part of the same transaction or where the statutory conditions under Sections 219 to 223 Cr.P.C (and corresponding BNSS provisions) are satisfied. This Court further held that even where statutory conditions permitting a joint trial are fulfilled, the conduct of a joint trial is a matter of judicial discretion and not compulsion. The decision must ordinarily be taken at the beginning of the trial, and must be guided by two paramount considerations, namely, whether a joint trial would cause prejudice to the accused and whether it would result in delay or wastage of judicial time. It was also emphasised that evidence recorded in one trial cannot be automatically imported into another and

that procedural complications may arise if distinct trials are improperly clubbed. (Para 13)

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### **Bhika Ram vs State of Rajasthan 2025 INSC 1482 - Policy Decision - Binding Nature**

**Constitution of India - Article 14-** A policy decision though executive in nature binds the Government, and the Government cannot act contrary thereto, unless the policy is lawfully amended or withdrawn. Any action taken in derogation of such a policy, without amendment or valid justification, is arbitrary and violative of Article 14 of the Constitution of India. [**Context:** SC restored HC Single Bench order quashing notification naming Revenue Villages as Amargarh and Sagatsar holding that these names were derived from the names of individuals, namely Amarram and Sagat Singh]

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### **Sharp Business System v. Commissioner of Income Tax-III; 2025 INSC 1481 - S.37 Income Tax Act - Non Compete Fee**

**Income Tax Act, 1961 -Section 37-** Any expenditure incurred wholly and exclusively for the purposes of the business shall be allowed in computing the income chargeable under the head 'profits and gains of business or profession.' For such an expenditure to be allowed, it should fulfill the following criteria: i) it should not be an expenditure described in Sections 30 to 36; ii) it should not be in the nature of capital expenditure or personal expenses of the assessee - Such expenditure should be incurred during the previous year relevant to the assessment year under consideration -the length of time over which the enduring advantage may enure to the payer is not determinative of the nature of expenditure. As long as the enduring advantage is not in the capital field, where the advantage merely facilitates in carrying on the business more efficiently and profitably, leaving the fixed assets untouched, the payment made to secure such advantage would be an allowable business

expenditure, irrespective of the period over which the advantage may accrue to the payer (assessee) by incurring of such expenditure.(Para 27)

**Non-compete fee** - Non-compete fee is paid by one party to another to restrain the latter from competing with the payer in the same line of business. It may be by way of a written agreement or by an oral understanding. The restriction may be limited to a specified territory or otherwise; similarly, it can be for a specified period or otherwise. Purpose of non-compete payment is to give a head start to the business of the payer. It can also be for the purpose of protecting the business of the payer or for enhancing the profitability of the business of the payer by insulating the payer from competition. on-compete fee only seeks to protect or enhance the profitability of the business, thereby facilitating the carrying on of the business more efficiently and profitably. Such payment neither results in creation of any new asset nor accretion to the profit earning apparatus of the payer. The enduring advantage, if any, by restricting a competitor in business, is not in the capital field(Para 25)

**Income Tax Act, 1961 -Section 36** - Assessee is entitled to claim allowance of interest on the funds invested in sister concern for acquiring of controlling interest - The advances were made to the sister concern and its directors would also be covered by the principle of commercial expediency. (Para 39-40)

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**State of U.P. v. Mohd Arshad Khan 2025 INSC 1480 - S.482 CrPC - Quashing Petitions - Time Bound Investigation**

**Code of Criminal Procedure 1973 - Section 482 ; Constitution of India - Article 226-** Can the direction for time bound investigation and protection from arrest while disposing of a petition for quashing ? - Timelines are not drawn by the Court to be followed by the investigators/the executive right from the beginning, for that would clearly amount to stepping on the toes of the latter. Timelines are therefore imposed at a point where not doing so would have adverse consequences i.e., there is material on record demonstrating undue delays, stagnation, or the like. In sum, timelines are imposed reactively and not prophylactically - Directing a timebound investigation must

remain the exception rather than the norm. Investigation is, as can be seen from the above discussion, a product of many factors and happenings apart from the crime itself, that lend to it a sense of uncertainty and the law therefore accords investigating agencies a reasonable degree of latitude. At the same time, the Constitution does not permit investigations to remain open-ended - Courts respect the practical realities of investigation, yet intervene where delay itself threatens fairness, liberty, or the integrity of the criminal justice process. (Para 7-11)

**Code of Criminal Procedure 1973 - Section 482 ; Constitution of India - Article 226-** In this case, while dismissing a quashing petition, HC directed that during the period of investigation and till cognizance is taken on the police report by the court concerned, the accused shall not be arrested - SC set aside this direction and quoted from Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra: We caution the High Courts again against passing such orders of not to arrest or “no coercive steps to be taken” till the investigation is completed and the final report is filed, while not entertaining quashing petitions. (Para 12-16)

**Precedent** -When a Court in its order or judgment, or when a counsel appears before a court reference to and reliance upon a judgment is made, it is not a mechanical exercise. It needs to and should reflect application of mind. This application of mind is in connection with the evaluation of material facts of the two cases, since they are essential to decision making. Only those facts that bear a direct nexus to the legal principle applied constitute the material factual substratum of the precedent. (Para 15)

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### **Union of India vs Pranab Kumar Nath; 2025 INSC 1479 - CISF Rules - Disqualification - Disciplinary Proceedings**

**CISF Rules, 2001 - Chapter IV - Section 18- Disqualification -** Rules are premised on an institutional requirement for all members of the force(s) to maintain the highest standards of discipline, public confidence and integrity. It is generally understood that acts, whether in

personal or professional life, if they involve the possibility of domestic discord, financial vulnerability or divided responsibilities, they have the potential to adversely impact operational efficacy given mental/psychological stability is key. It is also to be noted that these rules are not a moral censure, but simply a service condition, which, it need not be stated, an employer is perfectly within their rights to prescribe, so long as such conditions are not arbitrary, disproportionate or violative of constitutional protections, which in any event stand taken before us. For instance, where the personal law applicable to a service member permits either polygamy or polyandry or the first marriage of such a service member was void, voidable or the like, then, regulation by the employer without due regard therefor would step into the undesirable realms of overregulation, removed from the paramount interests of service discipline. (Para 7)

### **Constitution of India - Article 226 - Disciplinary Proceedings -**

Under Article 226 jurisdiction, the court is not akin to an appellate Court, its powers are limited to the extent of judicial review. They cannot set aside punishment or impose a different punishment unless they find that there is substantial non-compliance of the rules. (Para 8)

**Interpretation of Statutes** -Any provision of law or rule framed under a statute prescribing penal consequences, has to be strictly construed for the conditions that can trigger such a clause must be flowing from the words employed therein. When such a rule presents any ambiguity, the interpretation which favours the person sought to be penalised, is to be preferred. (Para 9)

**Legal Maxim - Dura lex sed lex** - “The law is hard, but it is the law” - Inconvenience or unpleasant consequences of violation of law cannot detract from the prescription of the law. (Para 9)

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### **Patchaiperumal @ Patchikutti & Anr. v. State 2025 INSC 1478 - Evaluation Of Testimony Of Witnesses**

**Criminal Trial - Witnesses** - When oral evidence of eye-witnesses is scrutinised, especially when certain alterations of their previous



statements appear during the trial, the court is normally required to focus on the factors of consistency (whether the current statements match the previous statements), 19 credibility (whether they are reliable, or are there reasons to doubt them), corroboration (whether there is other evidence on record supporting their testimony) and motive (whether there is a reason for them to change their version). Should there be discrepancies or contradictions that are glaring, their testimony has to be viewed as suspect. Since, however, the goal of the criminal justice system is to secure justice for both the victim and the accused, each case has to be evaluated on its own merits, appreciating and analysing all the evidence that is presented. Evaluating testimony of witnesses in the Indian context, acknowledging human imperfections and contextual factors - While looking at statements of witnesses given in court, every detail need not be nitpicked; the overall impact that the testimony generates has to be considered. Witnesses are prone to forget events and things; they are likely to exaggerate or even have motives to change their story. This seems to be normal especially for uneducated witnesses who might struggle to describe events perfectly (Para 34- 37)- The witnesses add embroidery to the prosecution story, perhaps for the fear of being disbelieved- any embroidery found cannot per se be a ground for throwing the prosecution case overboard, if there is a ring of truth in the main. It is the duty of the court to sift the grain from the chaff unless there is reason to believe that the inconsistencies or falsehood are so glaring as utterly to destroy confidence in the witnesses. (Para 50)

**Evidence - Hostile Witness** - The evidence of a hostile witness would not be outright rejected but would rather have to be subjected to closer scrutiny. (Para 42)

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**Ratnank Mishra v. High Court of Judicature at Allahabad; 2025 INSC 1477 - Administrative Functioning of High Courts - Equality & Fairness**

**Constitution of India - Article 14,16,21 - Administrative Functioning of High Courts** - High Courts, being Constitutional

Courts entrusted to uphold equality and fairness, are expected to encompass such principles within their own administrative functioning as well, and must exemplify the standards of a model employer. Such principles are at the risk of being undermined when discriminatory treatment is meted out to employees similarly situated within the same establishment. Such actions pose grave threat to the sacrosanct principles of nonarbitrariness and reasonableness as enshrined under Articles 14, 16 and 21 of the Constitution of India. (Para 29)

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### **Mahesh Kumar Agarwal vs Union of India, 2025 INSC 1476 - Passport Act -Renewal - Pendency Of Criminal Case**

**Passports Act, 1967 – Section 6(2)(f) - GSR 570(E)** - GSR 570(E) notification does not create a new substantive bar beyond Section 6(2)(f), or to insist that the criminal court must, in every case, grant a prior blanket permission to “depart from India” for specified dates as a jurisdictional precondition to the very issue or re-issue of a passport -where the criminal court permits the applicant to depart from India and the period of validity can be anchored either in the court’s order or in the default periods mentioned in the notification, the embargo in Section 6(2)(f) stands lifted to that extent- GSR 570(E) does two things. First, it recognises that persons facing criminal proceedings are not to be treated as absolutely disentitled to a passport. Instead, it permits such persons to obtain a passport, notwithstanding Section 6(2)(f), where the concerned criminal court has applied its mind and passed an order in relation to issuance or use of the passport and where the applicant furnishes an undertaking to appear before the court as and when required. Secondly, it structures the exercise of that exemption by tying the validity and use of the passport to the terms of the court’s order. Thus, where the court specifies a period for which the passport is to be issued, the passport authority must honour that period. Where the court does not stipulate any period, the notification provides default rules, including issuance for a shorter period, ordinarily one year, in appropriate cases.[Context: The Calcutta High Court treated Section

6(2)(f) as an unyielding bar so long as any criminal proceeding is pending, unless the criminal court simultaneously authorises a specific foreign trip for a defined period -Allowing appeal, SC held: That reading unduly narrows the effect of GSR 570(E). Nothing in the Passports Act requires the criminal court to convert every permission into a one-time licence to undertake a particular journey. The statute equally permits the court to allow renewal of the passport while retaining complete control over each instance of foreign travel by insisting on its prior leave] (Para 10-15)

**Passports Act** - Section 6(2)(f) speaks of “proceedings in respect of an offence alleged to have been committed” and is directed at the pre-conviction stage. Once there is a conviction, the situation falls, if at all, within Section 6(2)(e), which uses a different threshold and language. (Para 19)

**Passport** - Distinction between the possession of a valid passport and the act of travelling abroad: A passport is a civil document that enables its holder to seek a visa and, subject to other laws and orders, to cross international borders. Whether a person who is on bail or facing trial may actually leave the country is a matter for the criminal court, which can grant or withhold permission, impose conditions, insist on undertakings, or refuse leave altogether.-To refuse renewal on the speculative apprehension that the appellant might misuse the passport is, in effect, to second-guess the criminal courts’ assessment of risk and to assume for the passport. (Para 22)

**Constitution of India - Article 21** - The right to travel abroad and the right to hold a passport are facets of the right to personal liberty under Article 21 of the Constitution of India. Any restriction on that right must be fair, just and reasonable, and must bear a rational nexus with a legitimate purpose -Liberty, in our constitutional scheme, is not a gift of the State but its first obligation. The freedom of a citizen to move, to travel, to pursue livelihood and opportunity, subject to law, is an essential part of the guarantee under Article 21 of the Constitution of India. (Para 1)

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## **Mayankkumar Natwarlal Kankana Patel vs State of Gujarat 2025 INSC 1475 - S.311 CrPC - Minor Witness Recall**

**Code of Criminal Procedure 1973 - Section 311-** Though the power under Section 311 is wide, it is to be exercised sparingly and only when the evidence sought is indispensable for arriving at the truth. [**Context:** High Court allowed Section 311 CrPC application seeking permission to examine the minor daughter of the deceased, as a prosecution witness - Allowing appeal, SC observed: child was of a very tender age at the time of the incident. More than seven years have elapsed since then. Memory at such a young age is vulnerable to distortion and external influence. The fact that the child has been residing with her maternal grandparents throughout this period raises a reasonable apprehension of tutoring. This significantly affects the reliability and evidentiary value of her proposed testimony-The application was filed after examination of 21 prosecution witnesses and at an advanced stage of trial. Allowing the examination of the child witness would only protract the trial and cause prejudice to the accused.] (Para 10)

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## **Sri Om Sales v. Abhay Kumar @ Abhay Patel - 2025 INSC 1474 BNSS/CrPC - Quashing - Cheque Bounce Complaint**

**Code of Criminal Procedure 1973- Section 482 -** While considering a prayer to quash the criminal complaint and the consequential proceedings at the threshold, the Court is required to examine whether the allegations made in the complaint along with materials in support thereof make out a prima facie case to proceed against the accused or not. If upon reading the complaint allegations and perusing the materials filed in support thereof, a prima facie case is made out to proceed against the accused, the complaint cannot be quashed, particularly, by appreciating the evidence/ materials on record because the stage for such appreciation is at the trial. No doubt, in exceptional circumstances, the Court may take notice of attending

circumstances to conclude that continuance of the proceedings would amount to an abuse of the process of the Court, or where quashing of the proceedings is necessary to secure the ends of justice - [**Context:** While setting aside HC judgment that quashed a cheque bounce complaint under Section 138 Negotiable Instruments Act, SC observed: , under Section 139 of the N.I. Act, there is a presumption that the holder of a cheque received the cheque of the nature referred to in Section 138 for the discharge, in whole or in part, of any debt or other liability. This presumption can be rebutted by evidence led in trial. A fortiori, the said issue can appropriately be decided either at the trial, or later, upon conclusion of trial, by the appellate/ revisional court]

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### **K.P. Kirankumar @ Kiran v. State ; 2025 INSC 1473 - Minor Victim - Immoral Trafficking**

**Criminal Trial - Minor Victim of Trafficking - Evidence** - While appreciating the evidence of a minor victim of trafficking, the Court ought to bear in mind: i. Her inherent socio-economic and, at times, cultural vulnerability when the minor belongs to a marginalised or socially and culturally backward community. ii. Complex and layered structure of organised crime networks which operate at various levels of recruiting, transporting, harbouring and exploiting minor victims. Such organised crime activities operate as apparently independent verticals whose insidious intersections are conveniently veiled through subterfuges and deception to hoodwink innocent victims. Such diffused and apparently disjoint manner in which the crime verticals operate in areas of recruitment, transportation, harbouring and exploitation make it difficult, if not impossible for the victim, to narrate with precision and clarity the interplay of these processes as tentacles of an organised crime activity to which she falls prey. Given this situation, failure to promptly protest against ostensibly innocuous yet ominous agenda of the trafficker ought not to be treated as a ground to discard a victim's version as improbable or against ordinary human conduct. iii. Recounting and narration of the horrible spectre of sexual exploitation even before law enforcement agencies and the Court is an unpalatable experience leading to secondary victimisation. This is more acute when the victim is a minor

and is faced with threats of criminal intimidation, fear of retaliation, social stigma and paucity of social and economic rehabilitation. In this backdrop, judicial appreciation of victim's evidence must be marked by sensitivity and realism. iv. If on such nuanced appreciation, the version of the victim appears to be credible and convincing, a conviction may be maintained on her sole testimony. A victim of sex trafficking, particularly a minor, is not an accomplice and her deposition is to be given due regard and credence as that of an injured witness.

**Immoral Traffic (Prevention) Act, 1956 - Section 15** - At the time of search, the police officer shall call upon two or more respectable inhabitants of the locality, including a woman (who may not be a member of the locality) to attend and witness the search and may issue an order in writing to such persons to do so- Infraction of such provision is an irregularity and does not per se vitiate the trial unless it is shown that there has been a failure of justice. (Para 16)

**Age Determination** - Date of birth recorded in the certificate from the school first attended by the victim would take precedence over medical opinion i.e. ossification test - Age determined through ossification test is a mere approximation and cannot be held to have better probative value than a certificate issued by the school.

**M.K. Ranjitsinh v. Union of India 2025 INSC 1472 - Great Indian Bustard Conservation - Directions Issued**

**Environment** - Godawan, The Great Indian Bustard - Direction issued for conservation of these species. (Para 76)

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**Belide Swagath Kumar v. State of Telangana & Anr., 2025 INSC 1471 - S.498A IPC - Financial Dominance Of Husband - Lack Of Care**

**Indian Penal Code 1860 - Section 498A** - The monetary and financial dominance of the accused as alleged by the complainant cannot qualify as an instance of cruelty, especially in the absence of any tangible

mental or physical harm caused. The said situation is a mirror reflection of the Indian society where men of the households often try to dominate and take charge of the finances of the women but criminal litigation cannot become a gateway or a tool to settle scores and pursue personal vendettas - Lack of care on the part of the husband-accused during pregnancy and postpartum and constant taunts about her afterbirth weight at best reflect poorly upon the character of the accused but the same cannot amount to cruelty - The term “cruelty” cannot be established without specific instances. The tendency of invoking these sections, without mentioning any specific details, weakens the case of prosecution and casts serious aspersions on the viability of the version of the complainant - In such cases involving allegations of cruelty and harassment, there would normally be a series of offending acts, which would be required to be spelt out by the complainant against perpetrators in specific terms to involve such perpetrators into the criminal proceedings sought to be initiated against them and therefore mere general allegations of harassment without pointing out the specifics against such persons would not be sufficient to continue criminal proceedings. (Para 23-24)

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**Secretary to Government, Social Welfare and Nutritious Meal Programme (SW1) Department v. P. Perumal; 2025 INSC 1470 - Disciplinary Proceedings**

**Disciplinary Proceedings - Tamil Nadu Civil Services (Discipline and Appeal) Rules — Rule 36** -There is a clear limitation of six months provided for revision to be made suo motu or otherwise, calling for the records of any enquiry and after consultation with the Tamil Nadu Public Service Commission, to cause revision of the orders of punishment already passed. When there is a six-month limitation provided for the decision to be taken, it cannot be said that after the decision is taken, the State could take its own sweet time to issue the show cause notice - The proposal to revise and enhance the punishment if not immediately communicated to the employee, the delay

and the change in circumstances would inure to the benefit of the delinquent, by reason first of the limitation and then the prejudice occasioned and more importantly this would weaken and erode the State's authority and undermine public interest. (Para 7-8)

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**A. Jyothi vs. ICICI Lombard General Insurance Company Area Manager 2025 INSC 1469 - S.163A MV Act - Negligence Of Insured - Larger Bench Reference**

**Motor Vehicles Act - Section 163A** - There is considerable difference of opinion with respect to whether Section 163A of the MV Act could be invoked in the case of such accidents caused by the negligence of the insured himself - Appeal directed to be tagged along with Larger bench reference. (Para 4-5)

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**Rajesh Upadhayay v. State of Bihar 2025 INSC 1468 - S.389 CrPC - Suspension Of Sentence- Murder Cases**

**Code of Criminal Procedure - Section 389 - Suspension Of Sentence - Murder Cases** - The benefit of suspension of sentence, if at all to be granted in the cases involving conviction under Section 302, IPC, it has to be only in exception cases -in considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302, IPC, the court should consider relevant factors like the nature of accusation made against the accused, the manner in which crime is alleged to have been committed and the seriousness of offence (Para 6.5)- Appellate Court should not reappreciate evidence at stage of Section 389, CrPC and try to pick some lacunae or loopholes here and there in the case of prosecution. The presumption of innocence of the accused which is a principle applied in criminal jurisprudence, holds good only until the accused is tried. Once the accused is convicted at the



end of the trial, the presumption of innocence does not continue. (Para 6.1)

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**Srinibas Goradia v. Arvind Kumar Sahu -2025 INSC 1467 - Industrial Disputes Act - Workman - Dominant Nature Test**

**Industrial Disputes Act -Section 2(s)** - In the modern-day nature of management, in every industrial organisation the employees of a particular class may be required and also expected to do the work which may have blend of supervision with clerical or manual duties. An incidental performance of supervisory work and vice versa may not become decisive to bring an employee within the meaning of ‘workmen’ or to get him out of the purview - **Dominant Nature Test:** It is the dominant nature of work or the main employment to which the employee is engaged, that would make or unmake the status as a “workman” for such employee. This test is based on the realistic consideration of the principal nature of work performed by the employee. On the other hand, incidental trapping of supervisory work does not make an employee the supervisor. Even in manual duties, certain supervisory work would be in-built, but it cannot be a ground to exclude the employee from the definition of workman. What is to be applied is the acid test of dominant nature. Supervisor may have to perform clerical work attendant to his principal job- Furthermore, the designation or nomenclature is also not the guiding consideration. One has to look and assess only the prominent and dominant nature of work in which the employee is engaged by the employer. The designations and nomenclatures are often designed by the management to suit itself and to embellish the post with high sounding names such as manager or supervisor or executive, as in the present case. When an employee so designated substantially and essentially works manually without any supervisory domain, he cannot be termed as supervisor, to put him out of the purview of the definition in Section 2(s) of the Act. Such an employee, notwithstanding the designation given to him, would be a

“workman” for the reason that the substantial and essential nature of duties assigned to him and performed by him, are manual and non-supervisory, who possesses no command over other. (Para 6) [Context: In this case, SC held that merely because the management named the post of the appellant as manager in the front office, it would not ipso facto take him out of the purview of workman, for, he was not entrusted with any independent supervisory authority or work, except incidental to manual work. ]

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### **Manoj @ Munna v. State of Chhattisgarh; 2025 INSC 1466 - S.106 Evidence Act - Last Seen Theory**

**Indian Evidence Act, 1872 - Section 106** - When a fact lies especially within the knowledge of a person, the burden of proving that fact rests upon him- When an accused is shown to have been last seen in the company of the deceased, it becomes incumbent upon him to explain how and when they parted ways. The explanation furnished must be reasonable, probable, and satisfactory in the opinion of the Court. If such an explanation is offered, the burden cast by Section 106 of the Evidence Act stands discharged. However, if the accused fails to present a credible explanation regarding facts within his special knowledge, this failure constitutes an additional link in the chain of circumstantial evidence established against him. At the same time, it must be emphasized that Section 106 of the Evidence Act does not shift the primary burden of proof, which in a criminal trial always remains on the prosecution-Thus, any adverse inference under Section 106 of the Evidence Act is to be drawn against the accused person when the prosecution has been able to establish the case beyond a reasonable doubt- This provision does not dilute or substitute the prosecution’s fundamental obligation to prove the guilt of the accused beyond reasonable doubt. Rather, it comes into operation only in situations where the prosecution has already established a reasonable inference against the accused. (Para 31-32) **Last Seen Theory:** The doctrine of last seen rests on the logical presumption that where an individual is last seen alive in the close

company of an accused, and is soon thereafter found dead, the accused must reasonably account for the circumstances in which they parted ways, as such facts fall particularly within his knowledge. Thus, it rests on the presumption that human behavior follows natural probabilities, and, hence, the person who was last seen with the deceased must be able to explain the facts that resulted in the subsequent death of the deceased.- It applies only when the time gap between the last seen point and the discovery of the death is so small that no one else could have committed the crime. Even then, this circumstance alone is insufficient and the prosecution must establish a complete chain of circumstances proving the accused's guilt. (Para 24-28)

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**State of Telangana v. Mir Jaffar Ali Khan (D)2025 INSC 1465 - Art. 227 Constitution - Supervisory Jurisdiction - Telangana Forest Act**

**Constitution of India - Article 227** - The supervisory jurisdiction confers power on the High Court to set aside orders where the finding of fact is so manifestly perverse or irrational that no reasonable judicial mind could have arrived at it; often described as a perversity apparent to the face of the record. Ancillary and incidental to the above two illustrations, the High Court corrects orders passed in grave dereliction of duty or in flagrant abuse of fundamental principles of law or justice by the court or tribunal subordinate to it. The limitation is that the High Court, in exercise of supervisory jurisdiction, ought not enter into a factual dispute, reweigh the evidence, or substitute its own view for the finding of fact recorded by the subordinate court or tribunal - High Court can and should interfere with findings of fact arrived at by the subordinate court, if they are not based on evidence or based on a manifest misreading of evidence. (Para 20.1)

**Telangana Forest Act, 1967 - Section 10** -The inquiry under Section 10 is summary in nature because, upon considering the claim and objection, the FSO does not decide rival claim but merely admits or rejects the claim to a right in or over any land. (Para 25.2)

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**Bhagyashree Bisi v. Animesh Padhee; 2025 INSC 1464 - Marriage Irretrievably Broken Down**

**Matrimonial** - While dissolving marriage, SC observed: Parties have been living separately for a considerable length of time. Efforts at reconciliation have not yielded any positive outcome, and both parties have expressed their unequivocal desire to bring the marital relationship to an end. In the circumstances, the marriage has irretrievably broken down, and there remains no scope for restoration of the matrimonial bond. (Para 7)

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**Jatinder Kumar v. Jeewan Lata; 2025 INSC 1463 - Irretrievable Breakdown Of Marriage**

**Matrimonial** - While dissolving marriage, SC observed: Parties have been living separately for about twenty years. The strain in the marital relationship is evident from the facts of the case and the averments made by the husband. Despite opportunities, including reference to the Supreme Court Mediation Centre, no amicable settlement could be arrived at- There appears to be no possibility of reconciliation between the parties. The continuance of the marital bond, in such circumstances, would serve no meaningful purpose and would only prolong the agony of both parties.

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**Radhika T. v. Cochin University of Science and Technology & Ors., 2025 INSC 1462 -CUSAT Act- Waiting List - Lien - Harmonious Construction**

**Recruitment -Waiting List** - A waiting list is not a ready reservoir for the recruitment, but it is equally true that when it is made operative for a particular period under any provision, rule or circular, it has to be acted upon for the contingency when any of the selected candidate does not join or the appointee resigns. The waiting list is intended to pave way for the next ranked candidate to be appointed in such situation provided the vacancy occurs - The wait list by itself is not a source of recruitment, and

that generally a candidate placed in the wait list has no vested right to invariably claim appointment therefrom, however when the wait list is made valid for a stipulated period, it would operate for such period. (Para 7.4-5)

**Service Law** - The concept of lien in service jurisprudence implies a right of an employee or civil servant to hold the post substantively to which he or she is appointed - The lien of an employee stands automatically terminated without requiring any formal order, once the employee gets appointed on other post. (Para 5.1)

**Cochin University of Science and Technology Act, 1986- Section 31-** The Rank List continues to be valid for a period of two years as per section 31(10), and within this period, every appointment made therefrom must adhere to the communal rotation mandated by section 31(11) of the University Act provided that the said vacancy stood satisfied in form and substance by the candidate for whom the said vacancy was reserved - The interpretation that communal rotation clause will come to operation only after expiration of Rank list after two years period as per section 31(10) upon which the vacancy arose would make the mandate of section 31(11) redundant and dead letter. (Para 5.5)

**Interpretation of Statutes - Doctrine of harmonious construction-** Two provisions of a statute seemingly in conflict or the two separate limbs in a particular provision have to be interpreted so as to avoid conflict in their operation, what is known as the construction which reduces any provision in the statute to a futility has to be eschewed- Maxim - *ut res magis valeat quam pereat* which means that it is better for a thing to have effect than for it to be made void. (Para 5.4) ‘(a) A construction which reduces the statute to a futility has to be avoided. A statute of any enacting provision therein has to be so construed as to make it effective and operative. (b) A statute is designed to be workable and the interpretation thereof by a court should be to secure the object unless crucial omission or clear direction makes that end unattainable. (c) The courts will have to reject that construction which will defeat the plain intention of the legislature even though there may be some inexactitude in the language used. (d) If the choice is between two interpretations, the narrower of which would fail to achieve

the manifest purpose of the legislation, has to be avoided which would reduce the legislation to futility, and rather bolder construction should be accepted based on the view that Parliament would legislate only for the purpose of bringing about an effective result. The statute must be read as a whole, and one provision of the act should be construed with reference to other provision in the same act so as to make a consistent enactment of the whole statute (e) The court must ascertain the intention of the legislature by directing its attention not merely to the clauses to be construed but to the entire statute. (f) It should not be lightly assumed that the Parliament had given with one hand what it took away with other. (g) The provisions of one Section of the statute cannot be used to defeat those of the another unless it is impossible to effect reconciliation between them. Thus, a direction that reduces one of the provisions to a “useless lumber” or “dead letter” is not a harmonised construction.’ (Para 5.4.2)

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**State of Karnataka v. Gandhi Jeevan Collective Farming Co-operative Society Limited; 2025 INSC 1461 - Forest (Conservation) Act**

**Forest (Conservation) Act, 1980 - Section 2** - Granting permission to cultivate the forest land would essentially require clearing of forest and such a course of action is in the teeth of Section 2 which precludes de-reservation or use of forest land for non-forestry purposes without prior approval of the Central Government. (Para 14) [**Context:** SC directed Forest Department, State of Karnataka to restore the forest on the 134 acres of released land by planting indigenous plants, trees in due consultation with the experts.]

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**Ranjeet Baburao Nimbalkar v. State of Maharashtra - 2025 INSC 1460 - States Reorganisation Act - Judiciary - Judicial Review - Administrative Matters**

**States Reorganisation Act, 1956 - Section 51** - The power under Section 51(3) is an independent and continuing power vested in the Chief

Justice of a High Court to appoint additional places of sitting for the more convenient transaction of judicial business, subject to the approval of the Governor. The exercise of this power is not dependent upon the establishment of a permanent Bench under Section 51(2), nor is it constrained by administrative decisions taken in the past under different circumstances - The power of the Union Government under Section 51 (2) would be available at all times, and we expressly make it clear that exercise of power under Section 51 (3) would not denude or dilute such power of the Union Government under Section 51(2) of the Act in the facts of the case- The Union Government would be at liberty to exercise such power if it deems fit, notwithstanding the power exercised by the Chief Justice of the High Court under Section 51 (3) of the Act. (Para 55) [Context: SC upheld the notification appointing Kolhapur as a place at which the Judges and Division Courts of the Bombay High Court may sit]

**Constitution of India - Article 14** - Article 14 guarantees equality before the law and equal protection of the laws. It does not require absolute uniformity in administrative decision-making, nor does it prohibit reasonable differentiation based on relevant considerations-Differential treatment, when founded on objective considerations, does not offend Article 14. (Para 46)

**Constitution of India - Article 226 - Judicial review in matters involving administrative and policy decisions** - Judicial review is concerned with the legality of the decision-making process, not with the merits of the decision itself. Courts do not sit in appeal over administrative choices, nor do they substitute their own views for those of the authority entrusted with the discretion by law. (Para 42)

**Administrative Law-** Administrative and policy decisions do not attain finality for all time to come. They remain open to reconsideration as circumstances evolve. The passage of time, the accumulation of demand, improvement in infrastructure, changes in connectivity, and shifts in litigation patterns may legitimately warrant a fresh assessment. A subsequent decision taking a different view, when informed by changed conditions, does not, by itself, render the exercise arbitrary or unreasonable. (Para 40)

**Judiciary** - Chief Justice is the master of the roster and that the allocation of judicial work is an exclusive prerogative of the Chief Justice. That principle extends, in substance, to decisions concerning the sittings of the Court, which are intimately connected with the distribution and management of judicial work. (Para 36)

**Precedents** - While dismissal of SLP does not amount to a declaration of law under Article 141 of the Constitution, it lends finality to the judgment and adds weight to the view. (Para 33)

**Interpretation of Statutes** - Courts cannot import into the statute a limitation which the legislature has consciously chosen not to enact. To do so would be to substitute judicial apprehension for legislative judgment, a course impermissible in constitutional adjudication. (Para 27)

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### **Bharat Mittal v. State of Rajasthan ; 2025 INSC 1459 - S.148 NI Act - Company Director - Referred to Larger Bench**

**Negotiable Instruments Act 1881 - Section 138,141, 148** - The issue referred to the Larger Bench: Whether, upon a conviction under Section 138 read with Section 141, the appellate deposit contemplated by Section 148 may be directed against a convicted director/authorized signatory, or whether such deposit is confined to the juristic “drawer/company” alone in all scenarios? - Disagreed with the view in Shri Gurudatta Sugars Marketing Pvt. Ltd. v. Prithviraj Sayajirao Deshmukh and Bijay Agarwal v. Medilines which has the effect of granting a blanket exemption from the deposit contemplated under Section 148 to the category of persons referred to in Section 141 of the Act in situations where the company cannot be prosecuted. (Para 71-74)

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### **Siddhant Mahajan and Ors. v. State of Rajasthan and Ors.; 2025 INSC 1458 - Revised BDS Course Regulations - Promissory Estoppel**



**Revised BDS Course Regulations, 2007** - the minimum qualifying percentile for admission to the BDS course is 50th percentile in NEET for 45 candidates in the unreserved category, 40th percentile for SC/ST/OBC candidates and 45th percentile for candidates with locomotory disability of the lower limbs - The said can be reduced in accordance with the proviso attached to the sub-regulation 5(ii) of Regulation II of the 2007 Regulations, only when a sufficient number of candidates in the respective categories fail to secure the prescribed minimum cut-off marks for the concerned academic year- The power to undertake such a reduction in the qualifying percentile is only vested in the Central Government, to be exercised in consultation with the DCI- Such a power cannot be exercised by any other authority or the State Government. (Para 42)

**Admissions - MBBS and BDS Courses** - Admissions to MBBS and BDS courses in all government and private medical colleges are to be undertaken solely on the basis of NEET merit. (Para 40) The NEET examination functions as a mechanism which not only upholds the high standards of medical education across the country through its recognition of merit but also ensures a levelplaying field for medical aspirants. Consequently, all admissions to medical institutions must strictly conform to the standards and regulations prescribed for the conduct of NEET, so as to safeguard the primacy of merit. (Para 41)

**Doctrine of promissory estoppel** - The doctrine of promissory estoppel cannot be invoked to sustain an action taken in contravention of a statutory mandate. (Para 49)

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**Ramesh Kumar Jain v. Bharat Aluminium Company Limited (BALCO); 2025 INSC 1457 - S.34 Arbitration Act - S.70 Contract Act**

**Arbitration and Conciliation Act 1996- Section 34,37 - Scope discussed - Patent Illegality** - The terminology of ‘patent illegality’ indicates more than one scenario such as the findings of the arbitrator must shock the judicial conscience or the arbitrator took into account matters he shouldn’t have, or he must have failed to take into account

vital matters, leading to an unjust result; or the decision is so irrational that no fair or sensible person would have arrived at it given the same facts. A classic example for the same is when an award is based on “no evidence” i.e., arbitrators cannot conjure figures or facts out of thin air to arrive at his findings. If a crucial finding is unsupported by any evidence or is a result of ignoring vital evidence that was placed before the arbitrator, it may be a ground the warrants interference. However, the said parameter must be applied with caution by keeping in mind that “no evidence” means truly no relevant evidence, not scant or weak evidence. If there is some evidence, even a single witness’s testimony or a set of documents, on which the arbitrator could rely upon or has relied upon to arrive at his conclusions, the court cannot regard the conclusion drawn by the arbitrator as patently illegal merely because that evidence has less probative value. This thin line is stood crossed only when the arbitral tribunal’s conclusion cannot be reconciled with any permissible view of the evidence. (Para 35) where the contract is simply silent on a legitimate claim which is inherently linked to the natural corollary of contractual obligation of the parties the arbitrator will be well within his powers to interpret the contract in the light of principles of the contractual jurisprudence and apply the equity to that situation. (Para 36)

**Indian Contract Act 1872 - Section 70** - This provision creates a statutory right independent of contract, often termed quantum meruit or unjust enrichment remedy. It comes into play when one party confers a benefit on another in circumstances not governed by a contract, without intent to act gratuitously. Hence in such situation, the party taking the benefit is bound to pay compensation to the party who had gratuitously taken the benefits and the courts including arbitral tribunals, can award compensation under Section 70 if the conditions are met. (Para 36-37)

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**Surguja Bricks Industries Co. v. State of Chhattisgarh, 2025  
INSC 1456 - Judicial Review - Tender Matters**

**Constitution of India - Article 226 - Tender** - Tender inviting authority is the best judge to understand and appreciate its requirements and interpret its documents- Ordinarily constitutional courts should defer to the understanding of the tender inviting authority of the tender documents. However, if the interpretation of the tender inviting authority or its understanding of the tender conditions is vitiated by mala fides or perversity, there is no question of a constitutional court showing deference to such understanding. Likewise, if the interpretation of the tender inviting authority of a particular condition of tender, such as, an eligibility criteria is irrational or absurd leading to arbitrary consequences, it would be the duty of a constitutional court to interdict such a decision making process. (Para 27)

**Tender** -The expression 'prime contractor' in the context of the NIT would mean the tenderer who has submitted the tender in terms of the instant NIT. If there is more than one contractor bidding together then it would mean the contractor who is primarily responsible for the contract offer. (Para 20) - The expression 'joint venture' connotes a legal entity in the nature of a partnership engaged in the joint undertaking of a particular transaction for mutual profit or an association of persons or companies jointly undertaking some commercial enterprise wherein all contribute assets and share risks. It requires a community of interest in the performance of the subject matter and to share both in profit and losses. (Para 21.4)

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**Carborandum Universal Ltd. v. ESI Corporation; 2025 INSC 1455 - Ss.45A,75 ESI Act**

**Employees' State Insurance Act, 1948 - Section 45A,75** - The foundation for exercise of the power under Section 45A, is either non-production of records or absence of cooperation or obstruction of inspection. The power is conceived as a best judgment determination akin to similar provisions in taxing statutes -When records are produced and cooperation is forthcoming, assessment must be carried out under Section 75(2)(a) and not under Section 45A.(Para 24)- Mere inadequacy of the record would not confer jurisdiction upon the corporation to

invoke Section 45A. (Para 26)- Dissatisfaction with the completeness or quality of documents does not convert production into non-production, nor does it permit the corporation to invoke a power meant for exceptional situations. If the corporation, after examining the materials produced, believes that the computation made by the employer is incorrect or that further evidence is needed to decide the true nature of particular entries, the proper course is to raise a dispute under Section 75. To enlarge Section 45A so as to cover situations of partial dissatisfaction or perceived inadequacy would tantamount to rewriting the statute in a manner plainly contrary to its text and structure - The statutory scheme does not allow the corporation to bypass Section 75 merely because it finds verification inconvenient or time consuming. (Para 30)

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### **Punimati vs State of Chhattisgarh 2025 INSC 1454 - Interested/Related Witness**

**Criminal Trial - Evidence** - Merely because the witness is an interested or related witness, his/her deposition cannot be discarded. Further, deposition of such witnesses is required to be scrutinized closely. (Para 13)

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### **Kiran v. State of Karnataka; 2025 INSC 1453 - Ss.428,432-435 CrPC - Remission - Set Off- Sessions Court Power**

**Code of Criminal Procedure - Section 432-435 -[Sections 473-477 BNSS]:**The sentence of life imprisonment means the entire life, subject only to the remission and commutation provided under Cr. PC and also to Articles 72 and 161 of the Constitution of India, which cannot be curtailed by a Sessions Court -The power to grant remission and commutation under Sections 432 to 435 Cr.PC cannot be curtailed by the Sessions Court, when the remission as provided under the Constitution was declared to be not permissible of interference by the Constitutional Courts - The power of alternate sentencing to cover the hiatus between 14 years and death, cannot be applied by the Sessions

Courts. Hence, the sentence of life imprisonment cannot be directed to be till the end of natural life, by the Sessions Court which direction would be in conflict with the provisions of the Cr. PC. (Para 15)

**Code of Criminal Procedure - Section 428 [Section 468 BNSS]**

- The statutory imprimatur in Section 428, Cr. PC is that the period of detention undergone by an accused during the investigation, inquiry or trial of a case, before the date of conviction in the case shall be set-off against the term of imprisonment imposed on the accused, as the sentence on such conviction - Sessions Court, a creation of the Cr.PC cannot curtail the provision under Section 428, Cr.PC, available in the Code which created it. (Para 9)

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**Telangana State Level Police Recruitment Board v. Penjarla Vijay Kumar 2025 INSC 1452 - S.14 Motor Vehicles Act - Expiry Of Driving Licence**

**Motor Vehicles Act 1988 - Section 14,15** - A Licence no more automatically extends beyond the period of its expiry, as was provided for in the unamended last proviso to Section 14- After the Amendment Act, 2019, from the very next day after the date of expiry, without renewal, the person holding an expired licence is incompetent to drive the vehicles he had such licence for, meaning thereby, that there is a legal disability for driving - The first proviso to sub-section (1) of Section 15, gives a window to a person for renewal of his existing licence, which starts one year prior to the date of the expiry of the licence and continues for one year post-expiry. The theory that once a licence is renewed, even after a gap, the renewal would operate from a back date implying that the licence was continuing and valid even for and during the interregnum cannot be countenanced - (Para 30-33)

**Interpretation of Statutes** - The deliberate omission by the Legislature cannot be labelled cosmetic. (Para 31)

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## **K. S. Dinachandran v. Shyla Joseph 2025 INSC 1451 -Will - Evidence**

**Will** - We cannot put the testator in our shoes, and we should step into his. We cannot substitute our opinions in place of that of the testator; his desire prompted by his own justifications. As is trite, we would only ensure that, sitting in the arm-chair of the testator the rule of prudence is satisfied for the exclusion; which on the facts of this case amply satisfies the judicial conscience. (Para 28) When the examination of the witness twenty-four years later (after execution of Will), it would be puerile to think that the witness would have remembered the visits made to the testator's house, even for execution of a will, with mathematical precision. (Para 27)

**Evidence** - Leading questions are permitted in cross-examinations and the response elicited cannot be said to have lesser probative value. (Para 29)

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## **Obalappa vs Pawan Kumar Bhihani 2025 INSC 1450 - Injunction Suit - Identification Of Suit Property**

**Civil Suit - Injunction suit** - Ambiguity in the identification of the schedule property and the location of Site - While restoring the order dismissing suit, SC observed: The plaintiff has not proved the title, nor was Site properly identified on the ground, based on survey numbers- It was incumbent upon the plaintiffs/respondents, hence, to have identified the property by seeking deputation of a Commissioner who could have identified the same with the assistance of a Surveyor

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## **Shaik Shabuddin v. State of Telangana; 2025 INSC 1449 - S.27 Evidence Act -SC-ST Act**

**Indian Evidence Act 1872 - Section 27** - On an arrest, when the material objects could have been seized from the body of the accused on a mere search by the police, the attempt to convert it as a recovery under Section 27 cannot at all accepted- The disclosure relied upon can only

relate to the concealment and the recovery of material objects on such disclosure made, which recovery has to be made in the persons of witnesses.

**Criminal Trial - Rape and Murder** -The medical evidence regarding the homicidal death and the rape committed on the victim, the time of death as stated in the postmortem report, the accused having been found in the same vicinity as the victim and the failure of the accused to establish the alibi as spoken of under Section 313 questioning, would provide a complete chain of circumstances to convict the accused under Sections 302 & 376D read with Section 34 of the IPC. (Para 12)

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(2)(v) , 3(1)(w)(i)** - The knowledge of the caste status of the victim; which is an essential ingredient under both the provisions under the SC/ST Act.

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**Mool Chand v. State Govt. of NCT of Delhi 2025 INSC 1448 - Quashing On Settlement**

**Code of Criminal Procedure 1973 - Section 482** - HC refused to quash criminal proceedings based on settlement - Allowing appeal, SC observed; we find that there has been a settlement of the dispute which is essentially a civil dispute between the appellant and respondent. (Para 22)

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**Andhra Pradesh Power Generation Corporation Ltd. v. Tecpro Systems Ltd.; 2025 INSC 1447 - S.11 Arbitration Act - Consortium Member**

**Arbitration and Conciliation Act, 1996- Section 11-** The enquiry under Section 11 is confined to a prima facie determination of the existence of an arbitration agreement and no further. The referral court is required to undertake only a prima facie determination of the existence of an arbitration agreement, and refrain from entering into

contentious factual or legal issues related to authority, capacity, arbitrability, maintainability, or merits of claims- The question whether a member of a consortium can itself invoke Section 11 of the Act, 1996 is not one that admits of a monolithic or a uniform answer. Answer to that question will necessarily depend on enquiry into the terms of the principal contract, as well as the Consortium Agreement. The specific terms of the Consortium Agreement, parties to that agreement, and the nature of the rights and mutual obligations that the agreement creates will have to be examined in detail. Reference court will, however, confine its enquiry only to a prima facie satisfaction as to whether a member of a consortium qualifies as a “party” to the arbitration agreement. This prima facie satisfaction is sufficient for the referral court to constitute and refer the dispute to the Arbitral Tribunal (AT). Thereafter, it is for the AT to undertake the detailed enquiry as to whether a member of the consortium is in fact a veritable party to the arbitration agreement or not. Beyond the prima facie enquiry, it should be the discipline of the referral court to refrain from undertaking a detailed enquiry on basis of evidence to arrive at a finding of fact in the nature of a ‘proof’. (Para 15-17)

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**North Eastern Development Finance Corporation Ltd. v. L. Doulo Builders and Suppliers Co. Pvt. Ltd., 2025 INSC 1446 - SARFAESI Act vs Constitutional Provisions**

**Constitution of India - Article 371A ; SARFAESI Act - Section 35**  
- Section 35 of the SARFAESI Act, though gives overriding effect to the provisions thereof notwithstanding anything to the contrary contained in any other enactment for the time being in force or any instrument having effect by virtue of any such law, the same cannot and does not override any provision of the Constitution, to wit, Article 371A thereof which contains special provisions for the State of Nagaland- Notification dated 10th December, 2021 - provisions of the SARFAESI Act could be



implemented in the State of Nagaland with effect from 10th December, 2021. (Para 20)

**SARFAESI Act 2002 - Recovery of Debts and Bankruptcy Act, 1993-** For invocation of the provisions of the SARFAESI Act, mortgage is a must which, however, is not so for filing an original application under the Recovery of Debts and Bankruptcy Act, 1993 An original application under the RDB Act can be filed for recovery of both secured as well as unsecured loans. Under the SARFAESI Act, however, security interest can be enforced without intervention of Court while the procedure under the RDB Act is for execution of the decree passed by the jurisdictional Debts Recovery Tribunal upon reaching a satisfaction of there being outstanding dues of the lender which need to be recovered from the borrower. (Para 25) [**Context:** In this case, no property was mortgaged by the Company in favour of the Corporation - SC held: No security interest in respect of any property (secured asset) was created in favour of the Corporation within the meaning of the SARFAESI Act and, therefore, the Corporation is not a secured creditor.]

**Practice and Procedure** -A pure question of law can be raised even at the appellate stage before Supreme Court. (Para 17)

**Banking Practices - Security Agreement** - A security agreement may not be contained in a single document. Typically, it is a collection of agreements including loan, hypothecation, guarantee and mortgage agreements. All of these are aimed at securing the loan. When a business or project loan is granted, the borrower utilises the funds to create business property, which becomes the primary security. This can include assets like stock, plant and machinery, and raw materials. A separate agreement may be entered into, offering land or other property as collateral security. The key difference is that primary security involves creating a security interest, while collateral security involves transferring an interest in the property by the borrower to the lender.(Para 24)

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**Sanjay Kumar Upadhyay vs State of Jharkhand; 2025 INSC 1445 - Precedent - Bihar Reorganization Act -Service Law - Pay Scale Parity**

**Bihar Reorganization Act 2000-Section 34-** Judicial orders of the Patna High Court continue to bind the Successor State. (Para 31)

**Precedent** - . Once it is established that the factual matrix is identical and the legal issue involved is the same, the principle of judicial discipline demands that similar relief be granted to similarly situated persons. (Para 23) Similarly situated persons should be extended the benefit of judicial declarations without approaching the court individually - To hold otherwise would be to encourage multiplicity of litigation and deny the beneficial effect of judicial pronouncements to those who are entitled to it. (Para 28) When a decision of a coordinate Bench of the same High Court is brought to the notice of the Bench, it is to be respected and is binding subject to right of the Bench of such co-equal quorum to take a different view and refer the question to a larger Bench. It is the only course of action open to a Bench of co-equal strength, when faced with the previous decision taken by a Bench with same strength. (Para 22)

**State - Model Employer-** Financial implications and administrative convenience cannot override constitutional guarantees against arbitrary discrimination. The State, being the model employer, cannot plead its own inefficiency or negligence to deny legitimate rights to its employees. (Para 32)

**Service Law** - In matters involving pay scale parity based on removal of anomalies, the cause of action continues from month to month as long as the anomaly persists. Every month when the employee receives lesser pay than his similarly situated counterparts constitutes a fresh cause of action. (Para 24)

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**Cement Corporation of India v. ICICI Lombard General Insurance Co. Ltd.; 2025 INSC 1444 - Fire insurance policy**

**Fire insurance policy** - A fire insurance policy is essentially a contract entered between the insurer and the insured for indemnification of the loss caused to the insured goods by fire - If there was a fire and something was on fire which ought not to be on fire and such a fire was

not caused by the wilful act of the insured, then any loss attributable to fire would be covered under the policy -If the damage is caused by fire, then the reason by which the fire took place becomes irrelevant. (Para 23-25)

**Insurance Contracts** - In case of insurance contracts, the exclusion clause must be construed strictly and wherever there is any ambiguity between two or more clauses in the contract, it must be interpreted in favour of the insured. (Para 26)

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### **Jayantibhai Chaturbhai Patel v. State of Gujarat; 2025 INSC 1443 - Rape Victim Turned Hostile**

**Indian Penal Code 1860 - Section 376- Criminal Trial** - Setting aside a concurrent conviction of rape accused, Supreme Court held: When the main witness of the prosecution, i.e. the victim herself, has not supported the case of the prosecution, it is not open for the Court to presume that she did not support the case of the prosecution because the accused has won over the said witness - Merely because the victim has levelled allegations against the accused in the FIR and the investigating officer has deposed before the Court with regard to the contents of the said FIR, it cannot be presumed that the allegations levelled in the FIR are true and correct unless the same is proved during the course of trial by leading cogent evidence. (Para 18-19)

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### **Raj Pal Singh v. Rajveer 2025 INSC 1442 - Criminal Trial - Appeal Against Acquittal**

**Code of Criminal Procedure 1973 - Section 378,386-** There must exist “substantial and compelling reasons” to upset the acquittal. Once the court acquits the accused, the presumption of innocence is reinforced. Thereafter, the interference by the appellate court would be minimal and has to be guided by strong and cogent reasons. Reversal of acquittal should not be a matter of course just because the other view is considered to be possible by the appellate court. Even when the appellate

court re-appreciates the evidence while dealing with the judgment and order of acquittal, the innocence attributed to the accused acquitted from the charges of offences would be a weighty rebuttable factor.(Para 9.2)

**Criminal Trial** - The guilt of the accused and the commission of the offence by the accused have to be established beyond reasonable doubt. The circumstances should suggest “must or should” and not “may be”. (Para 9)

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## **R. Ashoka v. State of Karnataka 2025 INSC 1441 - CrPC - Sanction - Land Allotment - Lokayuktha**

**Code of Criminal Procedure - Section 197 ; Prevention Of Corruption Act - Section 19- Sanction** - In criminal law, the requirement of obtaining sanction prior to the prosecution of a public official has been envisaged as a procedural safeguard that operates in the interest of discharging functions in furtherance of responsibility entrusted to them. It is a requirement of law, therefore, that when the allegedly improper act has been done with a reasonable nexus to such official duties, action can be initiated against such person only after a sanction has been obtained. It does not however, cover within its ambit acts which are manifestly illegal or wholly outside the public duty that is to be carried out by such person. The most prominent illustrations of such requirement are under Section 19 of PC Act and Section 197 of CrPC. (Para 16)

**Land Allotment** - When the State undertakes the allotment of land in favour of persons who are economically disadvantaged, such action is not an exercise in charity, but a discharge of the constitutional obligation cast upon a Welfare State. The scheme of the Constitution, particularly the Directive Principles of State Policy, envisages that the State shall strive to promote social and economic justice and secure a social order in which the material resources of the community are so distributed as to best subserve the common good. Articles 38 and 39(b) are of particular relevance in this regard. These provisions, serve as guiding beacons for all State action and inform the content of reasonableness under Part III- Accordingly, any decision relating to the allotment of land must

withstand the scrutiny of Article 14 - when the Government allots land to those who are economically unfortunate, it acts within the domain of its welfare responsibilities. However, such power is circumscribed by constitutional limitations. The State must function as the guardian of the lands vested in it, ensuring that allotments serve the common good, comply with equality norms, and reflect a judicious exercise of public power. Any deviation from these principles would not only undermine the constitutional vision of distributive justice but also expose the impugned action to invalidation on the ground of arbitrariness. (Para 11)

**Public trust doctrine** - This doctrine imposes a fiduciary duty upon the State to manage and distribute resources in a manner consistent with the public interest and with due regard to intergenerational equity.(Para 11)

**Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS]** - Principles of Quashing Discussed -(Para 12)

**Lokayukta** - Origins, Powers and Scope of Operation discussed. (Para 12)

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**Kapil Wadhawan v. Central Bureau of Investigation; 2025 INSC 1440 - S.436A CrPC - S.479 BNSS**

**Bharatiya Nagarik Suraksha Sanhita 2023- Section 479 [Section 436A CrPC]** - The provision cannot be interpreted to suggest that it's a mandate under law to not release under-trial prisoners unless they complete one-half or one-third of sentence as the case may be - An accused charged with offences having maximum punishment of life imprisonment, cannot claim benefit under Section 479 of BNSS, however on the other hand it cannot be construed as a positive mandate to keep them incarcerated till the completion of trial. Hence, granting them, bail has to be tested on the well devised standards of granting bail as provided under the Code, coupled with personal liberty of the citizens. (Para 22-23)

**Constitution of India - Article 21** -Right to speedy trial is an inseparable facet of Article 21 of the Constitution. Where delay in investigation or trial is such that incarceration becomes unduly prolonged, the constitutional guarantee of fairness is irreparably compromised. Prolonged incarceration of an undertrial, particularly where custody is no longer necessary for investigation, has an inherently punitive in character and amounts to a violation of Article 21 of the Constitution- Bail - Under Indian law “bail is the rule and jail is an exception” is etched in the ethos of criminal jurisprudence- Criminal law presumes a person to be innocent unless proven otherwise- Generally an under-trial prisoner ought not be placed behind bars indefinitely unless there is clear threat to society, influencing witnesses/inquiry or he is a flight risk etc. This rule also ensures that process is also not made punishment, wherein a person is jailed for very many years pending trial. Bail under the Code is a qualified right of an accused before conviction, wherein the accused is not guaranteed bail, rather it puts onus on the prosecution to establish as to why the under-trial prisoner should not be enlarged on bail. Any deviation in the above proposition is constitutionally circumspect -Pre-trial incarceration cannot be allowed to degenerate into punishment without adjudication, and courts are constitutionally obliged to intervene where long custody becomes disproportionate, arbitrary, or excessive - If the State lacks the wherewithal to ensure a speedy trial, it cannot oppose bail on the ground of seriousness of the offence, thereby clarifying that Article 21 applies irrespective of the nature of crime - seriousness of the charge is a relevant consideration, it is not the sole determinant to deny bail.

**NDPS Act - Section 37 ; PMLA - Section 45 ; UAPA - Section 37**  
-These provisions cannot be used as tools to incarcerate an undertrial for an unreasonably long period without conclusion of trial. (Para 11-19)

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**Tamil Nadu Generation and Distribution Corporation Ltd. v. Penna Electricity Limited; 2025 INSC 1439 - Electricity Act -Power Purchase Agreement**

**Electricity Act -Power Purchase Agreement (PPA) -** Terms and conditions of a PPA are not unregulated and are subject to approval by the Commission - even existing PPAs had to be modified and aligned with the regulations made by the Regulatory Commission.

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**Maneeta Singh & Ors. v. Virendra Pratap Singh 2025 INSC 1438- Motor Accident Compensation - Coolie**

**Motor Accident Compensation -** While enhancing compensation, SC observed: an enhancement of Rs.500/- per year is reasonable even in the case of a Coolie which will take the income of a Coolie in the year 2008 in which the accident occurred to Rs.6,500/-. In the above circumstances, this Court finds it reasonable to adopt the income claimed by the appellants at Rs.7,000. (Para 4)

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**V. P. Patel and Brothers v. Laxmi Complex Commercial Premises Coop. Society Ltd. 2025 INSC 1437 - Art. 227 Constitution**

**Constitution of India - Article 227 -** High Court refused to interfere with the order of 'unilateral deemed conveyance' issued by the Competent Authority under the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act - Dismissing SLP, SC observed: once the procedure is found proper there cannot be a judicial review on the merits, which also has not been effectively pleaded. (Para 7)

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**Nayan Bhowmick v. Aparna Chakraborty; 2025 INSC 1436 - Matrimonial - Irretrievable Breakdown Of Marriage**

**Matrimonial -** Spouses have strongly held views with regard to the approach towards matrimonial life and they have refused to accommodate each other for a long period of time - Supreme Court held: Consequently, their conduct amounts to cruelty to each other. This Court

is of the view that in matrimonial matters involving two individuals, it is not for the society or for the Court to sit in judgment over which spouses' approach is correct or not. It is their strongly held views and their refusal to accommodate each other that amounts to cruelty to one another.

**Matrimonial Matters - Divorce Cases** - The approach of the Courts should be to preserve the sanctity of marriage and the Court should be reluctant to dissolve the marriage at the mere asking of one of the parties. But, when the parties have lived separately for far too long a period of time and there is no sanctity left in the marriage- The pendency of matrimonial litigation for a long duration only leads to perpetuity of marriage on paper. It is in the best interest of parties and the society if ties are severed between parties in cases where litigation has been pending for a considerably long period of time. (Para 33-34)

**Constitution of India - Article 142 - Matrimonial Matters**- The power to do 'complete justice' is not fettered by the doctrine of fault and blame, applicable to petitions for divorce under Section 13(1)(i-a) of the Hindu Marriage Act - on-availability of grounds for dissolution of Hindu marriage is not a bar for this Court to exercise its powers under Article 142 of the Constitution especially when the Court is satisfied that it is a case of irretrievable breakdown of marriage. (Para 28-32)

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### **State of U.P. v. Ajmal Beg 2025 INSC 1435 - Dowry Prohibition Act**

**Dowry Prohibition Act 1961**-The Act does not distinguish between demand made prior to or after marriage- Any property or valuable security given by either party to a marriage to the other, or by any other person to the party to marriage, or to any other person, on the day of marriage, before or at any time after marriage, shall be considered to be dowry. (Para 23)

**Dowry** - Dowry is not a feature only amongst the Hindus, but it can also be found in other communities professing different faiths and religions. (Para 4) Although the law sought to prohibit the practice, dowry has persisted in society, slipping through the statutory definition, cloaked as



“gifts” and social expectations. This practice is, at the most basic level, at odds with the values enshrined in the Constitution, i.e., the constitutional ethos of justice, liberty, and fraternity, and more particularly, Article 14, which guarantees equality before the law and equal protection of the laws, a principle directly undermined by a system that treats women as a source of financial extraction and reinforces structural discrimination. (Para 7) Eliminating dowry is not only a matter of enforcing the DPA 1961 but a constitutional imperative. It fulfills the Republic’s promise that every woman should enter marriage as an equal citizen and not as the bearer of an unjust financial burden. (Para 9) Directions issued. (Para 26)

**Mehr** - In Islam, dowry, *stricto sensu*, is prohibited. What is prescribed is, in fact, the reverse. ‘mehr’ is a compulsory gift that the groom is required to give to the bride at the time of marriage. It is an essential part of the nikah (marriage contract), without which the contract is considered incomplete. The mehr can take many forms - money, jewellery, property, or any valuable as agreed upon by the couple - but what defines it is that it belongs solely to the bride and cannot be taken back by the husband or his family. The purpose of mehr is both symbolic and practical: it signifies respect for the woman and ensures her financial security in the marriage. (Para 4) In many Muslim marriages in India, mehr continues to be stipulated, but often only in nominal terms. The real financial transfers flow from the bride’s family to the groom, effectively hollowing out the protective function of mehr. (Para 6)

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### **Danesh Singh v. Har Pyari (D) 2025 INSC 1434 - Order XI CPC - Transfer Of Property Act**

**Transfer of Property Act -Section 52-** Section 52 embodying the doctrine of *lis pendens* would apply to suits where any right to the property in question is directly and specifically in issue. Whether any right in the property was directly and specifically in question in the suit would depend on the facts and circumstances of each case. The doctrine cannot blindly be made inapplicable to suits in which the plaint contains a specific averment that the mortgaged property be attached and sold in

lieu of the decree or a charge be created on the property. If interpreted so, any judgment-debtor can render the decree incapable of execution by transferring his interest in the property during the pendency of such a suit. (Para 256)

**Code of Civil Procedure 1908 -Order XXI Rule 89** - Rule 89 of Order XXI CPC provides an opportunity to any person claiming an interest in the property sold or a person acting for or on behalf of the persons having such interest, another opportunity to save the property from the clutches of the sale. A sine qua non for setting aside the sale under this rule would be the payment of the deposit as prescribed therein within a period of sixty days from the date of the sale. For the purposes of this rule, a pendente lite transferee of the judgment-debtor would also fall under the ambit of the phrase “person claiming an interest in the property sold”. (Para 256)

**Code of Civil Procedure 1908 -Order XXI Rule 90** - Rule 90 of Order XXI CPC provides that the sale shall be set aside if there exists any material irregularity or fraud in publishing or conducting the sale. Furthermore, such material irregularity or fraud must cause a substantial injury to the applicant under Rule 90. In other words, there must be a direct nexus between the material irregularity or fraud and the substantial injury caused to the applicant.- The words “material irregularity in publishing or conducting it” in Rule 90 would include any material irregularity or fraud occurring at a stage prior to the proclamation of sale as well, provided that the applicant did not have an opportunity to raise or could not have raised such a grievance at the appropriate time. Furthermore, the mere absence of or any defect in the attachment, by itself, cannot be a ground for setting aside the sale under Rule 90, unless substantial injury is proved. The applicant must make specific averments as regards the alleged irregularities or fraud, and convince the executing court that a substantial injury has been caused to him as a consequence. (Para 256)

**Code of Civil Procedure 1908 -Order XXI Rule 90,58** - The absence of a saleable interest on the part of the judgment-debtor to the suit property cannot be brought in as a ground under Rule 90 of Order

XXI CPC. Such a ground would squarely fall within the ambit of Rule 58 of Order XXI CPC, if the sale is yet to be confirmed. (Para 256)

**Code of Civil Procedure 1908 -Order XXI Rule 92** - Rule 92(3) of Order XXI CPC states that no person against whom an order under Rule 92 is made (either confirming the sale under Rule 92(1) or setting it aside under Rule 92(2)) can institute a separate suit in that regard. However, there is a very narrow scope for a person to file a separate suit despite the bar under Rule 92(3). The reason for such a separate suit must be that the execution proceedings and the sale was without jurisdiction and therefore, a nullity and not binding on the plaintiff who has instituted a separate suit. - before holding such a separate suit instituted by a plaintiff alleging that the entire execution proceedings was without jurisdiction and therefore, the sale was a nullity, maintainable, courts must be vigilant in ensuring that the plaintiff was not a party to the original decree or a representative of a party to the original decree, as stated in Section 47 CPC. If so, instead of filing a separate suit, such persons must prefer an application under Section 47 CPC. Upon any failure to do so, their separate suit would be hit by the bar contained in Section 47 CPC which specifically uses the words “and not by a separate suit”. The term “third party” under Rule 92(4) would mean a party other than the judgment-debtor, decree-holder or the auction-purchaser and would refer to a party who has not had his right, title or interest vis-à-vis the property in question adjudicated under Rule 58, Rule 97 or Rule 99 of Order XXI CPC respectively. To put it very simply, the term “third party” under Rule 92(4) would refer to a party who is extraneous to the original suit proceedings and the proceedings under Order XXI CPC, and who either has not had his right, title or interest adjudicated or having the opportunity to have his right, title or interest adjudicated, has not availed such a remedy within the required time. Such a “third party” would also be someone who falls outside the scope of Section 47 CPC-Rule 92(4) is not a provision which confers any right to the third party to institute a suit for challenging the title of the judgment-debtor to the property which is subject to the execution proceedings. It is merely a procedural provision which states that such a suit must be instituted against the auction-purchaser, where the

decree-holder and judgment-debtor would be necessary parties. (Para 256)

**Code of Civil Procedure 1908 -Order XXI Rules 99-102** - When a party other than the judgment-debtor, including a third party, is dispossessed during the course of execution of a decree, the only remedy for such a dispossessed party would lie in filing an application under Rule 99 complaining of its dispossession. In such an application, all questions including that of the right, title and interest of the parties in the proceeding, to the property, would be examined by the executing court. The words “may” used in Rule 99 along with the words “and not by a separate suit” used in Rule 101, must not be read to mean that a party who has been dispossessed has two options i.e., to either prefer an application under Rule 99 or to file a separate suit, the moment they are dispossessed. This would defeat the underlying object of the amendment made to the scheme of Rules 99 to 104 respectively wherein the executing court has been specifically empowered to look into the questions relating to the right, title and interest of the parties, quite akin to that which would have been done by way of a separate suit. Once the period of limitation for preferring an application under Rule 99 lapses, the person who has been dispossessed in the course of the execution of the decree, including a third party, cannot file a separate suit to circumvent or by-pass the said prescribed period of limitation.- Rule 102 prevents the executing court from passing any order under Rule 100 if it is found that the applicant under Rule 99 is a transferee pendente lite of the judgment-debtor. This again, cannot be construed as giving leeway to such a person to institute a separate suit. We say so for the simple reason that, even in the separate suit, the law would not look favorably upon a pendente lite transferee, and no relief of declaration of title and/or possession would be granted to him. His fate would be the same as under an application under Rule 99. (Para 256)

**Transfer of Property Act -Section 52-** Pendente lite transferee would be bound by the result of the proceedings irrespective of whether they had notice of the pending suit or not- The lack of knowledge of the proceedings would not be a valid defence against the application of the doctrine of lis pendens. (Para 52) even where the suit is not solely one relating to the same right in the immovable property, if any right, title or

interest as regards such immovable property is directly and specifically forming part of the subject-matter of the suit, Section 52 and the doctrine of lis pendens would stand attracted. (Para 58)

**Mortgage** - In a simple mortgage, the property is encumbered with the mortgagee's interest in it, which means that any purchaser of the property would receive an interest in the property subject to the mortgagee's rights, irrespective of whether the transfer is with or without notice of the mortgage, unless there is anything to the contrary to this effect in the mortgage agreement. A transferee of a mortgaged property will have only such interest which the mortgagor himself had at the time of transferring the property. (Para 64)

**Code of Civil Procedure 1908 - Section 47-** the recourse under Section 47 CPC could be availed in a situation where the execution proceedings were itself without jurisdiction and a nullity.

**Code of Civil Procedure 1908 - Section 47-** the recourse under Section 47 CPC could be availed in a situation where the execution proceedings were itself without jurisdiction and a nullity - In a case, where a judgment-debtor has already paid the decretal amount but his property is nevertheless sold in the auction sale and the auction sale is also confirmed – he would not be able to file a separate suit owing to him being a person against whom the order confirming the sale was passed under Rule 92(1) and thereby, he would fall under the bar specified in Rule 92(3). However, he would be able to prefer an application under Section 47 CPC on the ground that the entire sale was a nullity. In such a situation, both the bars to a suit i.e., the bar under Rule 92(3) and the bar under Section 47 CPC, would interact and prevent the filing of a separate suit while making the option of preferring a simpliciter application under Section 47 CPC available to him. In such cases, the appropriate course of action would be to prefer an application under Section 47 and not institute a separate suit. (Para 143)

**Code of Civil Procedure 1908 - Section 47-** When the executing court is of the opinion that the application under Section 47 CPC directly relates to a specific rule i.e., either Rules 89, 90 or 91 respectively, then the section 47 application would be treated as an application under Rules

89, 90 or 91 respectively as the case may be, and it will be decided according to the law settled under those rules. (Para 144) one cannot overcome the limitation period prescribed under Rules 89, 90 or 91 respectively by filing a simpliciter application under Section 47 and demanding that the same be allowed. Only in situations wherein a party to the original suit or their representative wants to assail the auction sale for the reason that the entire auction sale was without jurisdiction and a nullity, can a simpliciter application under Section 47 be allowed after the order of confirmation of sale has been passed under Rule 92. (Para 145)

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### **Manojbhai Jethabhai Parmar (Rohit) v. State of Gujarat; 2025 INSC 1433 - Criminal - Practice - Incorporation Of Tabular Charts**

**Practice and Procedure-** All trial Courts dealing with criminal matters shall, at the conclusion of the judgment, incorporate tabulated charts summarizing: a. Witnesses examined, b. Documents exhibited, and c. Material objects (muddamal) produced and exhibited- These charts shall form an appendix or concluding segment of the judgment and shall be prepared in a clear, structured and easily comprehensible format. (Para 82)

**Criminal Trial** -The effect of a vital omission in the first information report discussed. (Para 35) principles governing a case based purely on circumstantial evidence discussed. (Para 22)

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### **Director of Income Tax (IT)-I, Mumbai v. American Express Bank Ltd.; 2025 INSC 1431 -S.44C Income Tax Act - Head Office Expenditure - Interpretation Of Taxation Statutes**

**Income Tax Act - Section 44C** - Section 44C applies to 'head office expenditure' regardless of whether it is common expenditure or expenditure incurred exclusively for the Indian branches (Para 88)- a) Section 44C is a special provision that exclusively governs the quantum

of allowable deduction for any expenditure incurred by a non-resident assessee that qualifies as 'head office expenditure'. b) For an expenditure to be brought within the ambit of Section 44C, two broad conditions must be satisfied: (i) The assessee claiming the deduction must be a non-resident; and (ii) The expenditure in question must strictly fall within the definition of 'head office expenditure' as provided in the Explanation to the Section. c) The Explanation prescribes a tripartite test to determine if an expense qualifies as 'head office expenditure' - (i) The expenditure was incurred outside India; (ii) The expenditure is in the nature of 'executive and general administration' expenses; and (iii) The said executive and general administration expenditure is of the specific kind enumerated in clauses (a), (b), or (c) respectively of the Explanation, or is of the kind prescribed under clause (d). d) Once the conditions in (b) referred to above are met, the operative part of Section 44C gets triggered. Consequently, the allowable deduction is restricted to the least of the following two amounts: (i) an amount equal to 5% of the adjusted total income; or (ii) the amount of head office expenditure specifically attributable to the business or profession of the assessee in India.

**Interpretation of Statutes -Taxation Statutes** - a) Taxation statutes require strict interpretation. b) Where the words are plain and unambiguous, the court is bound to give effect to their plain meaning. c) The determination of whether language is 'plain and unambiguous' is not a mechanical exercise, and it necessitates interpreting words within their specific context rather than in isolation. d) The legislative intent is primarily to be gathered from the specific words used by the legislature. Reference to the object and purpose becomes crucial in those situations where the language is ambiguous and capable of multiple constructions. e) Under ordinary circumstances, it is impermissible for the Court to add or read words into the statute, especially when the language is plain and unambiguous, on the notion that such words would appear to better serve the legislative object or purpose. (Para 40)

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## **National Insurance Co. Ltd. v. Neeru Devi 2025 INSC 1430-Motor Accident Compensation**

**Motor Accident Compensation** - The legal representatives of the deceased in a motor vehicle accident cannot expect a windfall from a tragedy, nor can the amounts granted be a mere pittance, an apology for compensation. (Para 8) Not only the wife, the children are also entitled to loss of filial consortium. (Para 9)

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## **Devendra Kumar Tripathi vs Oriental Insurance Company Ltd. 2025 INSC 1429 - Motor Accident Compensation - Parents As Claimants**

**Motor Accident Compensation** - The claim of compensation by the parents of a deceased child would definitely stand on a different footing from that of a claim filed by a disabled child, destined to live the rest of his/her life with a debilitating condition of mental retardation and severe incontinence. [**Context:** Supreme Court held that multiplier of 15 has to be adopted and not 18- monthly notional income can be adopted as per the Minimum Wages Act, 1948, for a Class B city is at Rs.5400/- per month]

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## **Moideenkutty v. Abraham George; 2025 INSC 1428 - Civil Suit Decreed**

**Civil Suit** - Supreme Court restored the Trial Court decree and observed: There was nothing unnatural in the explanation offered by the plaintiff-appellant that he relied on the assurance of the defendant-respondent that the original title deeds would be handed over at the time of execution of the sale deed. It may be noted that the advance amount paid by the plaintiff-appellant was around 10% of the total sale consideration and thus, it cannot be said, unexceptionally, that the plaintiff-appellant would not have entered into the agreement without having a look at the original title deeds. It is a common practice for landowners to keep original title deeds in the bank lockers for



security purposes. Hence, the explanation offered by the plaintiff-appellant for not insisting on the inspection of the original title deeds, at the time of entering into the agreement, was reasonable and justified.

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**State of Uttar Pradesh v. Milkiyat Singh 2025 INSC 1427  
-Multi-State Cooperative Societies Act**

**Multi-State Cooperative Societies Act, 2002 - Section 5,103 - A.** Section 103 of the Multi-State Cooperative Societies Act, 2002 does not, by itself, confer an automatic or deemed status of a multi-State cooperative society upon every society registered under a State Cooperative Societies Act merely because the parent State has undergone reorganisation. B. The applicability of Section 103 requires a factual enquiry in each case as to whether the objects of the society extend to more than one State. If the objects are found to span more than one State, the deeming fiction under Section 103 will operate and the society would be treated as a multi-State cooperative society. If the objects remain confined to only one State, the status of the society will remain unchanged. C. It would be erroneous to undertake an enquiry into the area of operation of a society for the purposes of Section 103, when the provision itself mandates an examination only of the objects of the society. Read with Section 5, it becomes evident that Section 103 is attracted only where the objects of the society extend to more than one State. It is only in such situation that the society would, by operation of law, be treated as a multi-State cooperative society. D. The residence or domicile of the members of the cooperative society has no bearing on determining whether the society is a multi-State cooperative society. E. Section 5 of the Multi-State Cooperative Societies Act, 2002 mandates that a society may be registered as a multiState cooperative society only when its principal objects, as reflected in its bye-laws, serve the interests of members in more than one State. It is, therefore, a pre-condition that the objects span more than one State. (Para 15)

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**Jai Narain Vyas University, Jodhpur vs. Bhanwar Singh; 2025 INSC 1426 - S.17B Industrial Disputes Act**

**Industrial Disputes Act 1947 - Section 17B-** Section 17B of the ID Act provides for payment of full wages to workmen, pending proceedings in higher courts, against orders of reinstatement issued by Courts under the ID Act. This absolves the employer from complying with the order of reinstatement and Section 17B of the ID Act can be invoked only on condition of the workman having not been employed during the period and an affidavit to that effect being filed before the higher court. [Context: The Supreme Court held Section 17B was misapplied by the University's Syndicate, clarified that the respondent's continuation was not "litigious employment"]

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**Sithara N.S. vs Sai Ram General Insurance Company Ltd.; 2025 INSC 1425 - Motor Accident Compensation - Absence Of Vehicle Registration Number**

**Motor Accident Compensation** - In cases of motor vehicle accidents, the standard of proof required is that of preponderance of probabilities- The absence of vehicle registration number in the FIR or complaint lodged immediately after the accident is not, by itself, fatal to the claim. An FIR is not an encyclopedia and omissions at the initial stage may not be determinative. However, the claimants must establish the specific identity of the vehicle/driver, with the caveat that the connection of the accident with the said vehicle must be established through cogent and reliable evidence. (Para 16) [Context: In this case, Supreme Court dismissed Claimant's appeal and observed: the omission of the vehicle registration number in the complaint cannot be viewed in isolation, but in conjunction with other infirmities in the evidence. The complaint merely states that a vehicular accident occurred without identifying the offending vehicle. The spot mahazar was admittedly prepared several days after the accident. In absence of any eyewitness to the accident,

there is nothing to indicate the basis upon which it was drawn up or whose statement formed its foundation - the principles of law cannot be set aside on the grounds of sympathy alone. Liability under the Motor Vehicles Act must be established through credible evidence.]

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**Radha Thevannoor v. National Insurance Co. Ltd., 2025 INSC 1424**

**Motor Accident Compensation** - High Court found contributory negligence of 50% on the deceased-driver of the car - Allowing appeal, Supreme Court observed: We find absolutely no reason for the High Court to have found contributory negligence on mere surmises and conjectures.

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**Director of Town Panchayat v. M. Jayabal 2025 INSC 1423 - Compassionate Appointment - Negative Discrimination - Delay**

**Compassionate Appointment** - The dependent of a deceased employee, though eligible, is not entitled to appointment at any position on compassionate basis as a matter of right. Such appointments, made on purely humanitarian grounds, have to be viewed as exceptions to the general rules of appointment. It is important to note that mere eligibility of the applicant cannot be reason enough to materialise his/her claim for appointment on a higher post. Once a family member of the deceased employee is offered appointment on compassionate basis, the purpose stands well served. (Para 7.3) once the right of an applicant to be considered for appointment on compassionate grounds has been consummated, no further consideration is warranted. Once dependent of a deceased employee is offered employment on compassionate basis, his right stood exercised. Thereafter, no question arises for seeking appointment on a higher post. (Para 10) compassionate appointment is a relief against immense financial hardship caused by the sudden and unforeseen loss of the earning member of a family. In such event, when a dependant family member of the deceased employee is provided appointment on compassionate basis, it is done in order to ensure that

the family members are not subjected to impoverishment. Therefore, such appointment which is arising out of exceptional circumstances, cannot be used as a ladder to climb up in seniority by claiming a higher post merely on the basis that he/she is eligible for such post. (Para 12) For consideration of an application for appointment on compassionate basis, financial status of the family is also a relevant factor. It is not a matter of selection or choice of an applicant for such a post, rather for the employer to consider various factors. (Para 21)

**Constitution of India - Article 226** - Delay in filing of writ petition before the High Court is fatal for grant of relief to the party. This principle is more applicable in the cases of compassionate appointments. The idea behind compassionate appointment is to take care of immediate financial crisis in the family of the deceased employee. In such case, the delay would mean that the family could survive even after death of the employee, as they may be having another source of income. In such circumstances, the party approaching the court with a significant delay can be denied the relief. (Para 15)

**Constitution of India - Article 14**- No one can approach the court and base his claim on negative discrimination merely because some relief has been granted to a person who may not be entitled to the same - the foundation of any claim based on equity has to be devoid of the element of negative discrimination. An illegality committed by an authority cannot be validated and further perpetuated by its extension to other similarly placed persons -Illegal orders, passed in case of similarly situated person, will not confer any right upon the other person to come to the court and enforce the same claiming discrimination. Such plea cannot be accepted as the authorities cannot be directed to perpetuate the wrong committed by them. The party in such cases may have different remedies. (Para 16-19)

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### **Jeyasingh v. State 2025 INSC 1422 - S.304 IPC**

**Indian Penal Code 1860 - Sections 304** - It applies only when there is commission of culpable homicide not amounting to murder and when the said Act is done with the knowledge that it is likely to cause death but

without any intention to cause death or to cause such bodily injury as is likely to cause death. [**Context:** In this case, allowing appeal, Supreme Court observed: The death occurred owing to a forest fire which is in the nature of a vis majeure, therefore, the said Section does not apply to the facts of the case]

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**Rajjan Lal @ Rajanu v. State of Uttar Pradesh -2025 INSC 1421 - S.319 CrPC**

**Code of Criminal Procedure 1973 - Section 319** - Section 319 of the Cr.P.C. is a suo motu power conferred on the Court, which though could be invoked by the complainant, it would depend upon the satisfaction of the Court based on the evidence led at the time of trial - It cannot be lightly invoked on the mere accusation made by the complainant. (Para 7)

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**Pradeep Arora vs Director, Health Department, Govt. Of Maharashtra 2025 INSC 1420 - PMGKY-Package -Requisition Doctors**

**PMGKY-Package - Covid 19-** There is a requisition of services of doctors, and this is evident from the conjoint reading of provisions of the Act, the Maharashtra Prevention and Containment of Covid-19 Regulations 2020, the NMMC Order dated 31.03.2020, PMGKY-Package Scheme, explanatory communication to the PMGKY policy, and the FAQs released- Individual claims for insurance made as per the PMGKY-Package will be considered and decided in accordance with the law and on the basis of the evidence. The onus to prove that a deceased lost his life while performing a COVID-19-related duty is on the claimant, and the same needs to be established on the basis of credible evidence.

**Covid Pandemic** - The onset of COVID-19 pandemic at the dawn of 2020 was unprecedented in its global sweep and consequence. Not since

the 1918 influenza pandemic, an event coeval with the first world war, had a single infectious disease inflicted such widespread crisis on human civilisation. The global death toll rising to millions, as revealed in the World Health Organisation's data, presents a tragic picture of this disruption. While COVID-19 pandemic exposed an acute systemic fragility within the global healthcare sector, highlighted lack of preparedness and strained the capacity of health professionals, our doctors and health professionals rose as unwavering heroes, turning challenges into courage. Indian Medical Association's COVID-19 registry records 748 doctors' deaths in the first wave and hundreds more in subsequent waves; one estimate noted around 798 doctors lost during the second wave alone.(Para 1) -The country has not forgotten the situation that prevailed at the onset of Covid-19, when every citizen contributed in some measure, despite fear of infection or imminent death. That is also a moment of pride and recognition of the strength of character and discipline that our people demonstrated when circumstances demanded it - The courage and sacrifice of by our doctors remain indelible, as five years following the pandemic that spared us, we are now called upon to interpret the laws and regulations enacted for urgent requisition of doctors and health professionals to safeguard public from the seemingly overwhelming onslaught of Covid 2019. (Para 27-28)

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**Life Insurance Corporation of India v. Vita; 2025 INSC 1419 - Public Premises (Eviction of Unauthorised Occupants) Act vs Rent Control Acts**

**Public Premises (Eviction of Unauthorised Occupants) Act, 1971** - The provisions of the PP Act 1971 shall override the provisions in the Rent Control Legislations - The provisions of PP Act 1971, to the extent they cover the premises falling within the ambit of Rent Control Act, override the provisions of the Rent Control Act- A person in unauthorised occupation of 'Public Premises' under Section 2(e) of the Act cannot invoke the protection of the Rent Control Act-In cases where

the tenanted premises are claimed to be governed by the State Rent Control Act and the same have also become 'Public Premises' within the meaning in Section 2(e) of the PP Act 1971, for their unauthorised occupation, the PP Act 1971 will have the application. (Para 13)

**Public Premises (Eviction of Unauthorised Occupants) Act, 1971** - The statutory machinery envisaged under the PP Act 1971, could be activated for recovery of possession of public premises by any Government or public entity mentioned in the definition-The PP Act 1971 will apply to the tenancies which may have been created and in existence either before coming into force of the Act or which may have been created subsequent to coming into the force of the Act-Two conditions must be satisfied for the applicability as above. Firstly, the tenanted premises must fall within the purview of definition under Section 2(e) of the PP Act 1971. Secondly, the premises should have been in unauthorised occupation-Termination of tenancy of 'Public Premises' by issuing notice under Section 106 of the Transfer of Property Act, 1882 is one of the modes which would render the occupation of the tenant unauthorised, post the date specified in such notice. This would hold true in respect of tenancies created before or after coming into force of the PP Act 1971-Invocation and applicability of the provisions of the PP Act 1971 is not dependent upon the aspect of possession. What is material is the occupation of the premises which has become unauthorised occupation. The occupation is a continuous concept. (Para 13)

**Precedent** -The precedential value is determined by virtue of the hierarchical position or the number of Judges delivering the judgment (Para 10.1). The ratio decidendi by the Bench of larger strength is binding on the Bench of the smaller strength, irrespective of the fact whether the judgment by the Bench of the larger strength is a priori or posterior, in point of time - A Bench of the smaller strength cannot mark a departure from the decision of the Bench of larger strength, so as to vary the ratio of the Bench of larger strength, in guise of explaining the decision of the larger Bench. (Para 12) Not following the law laid down by larger Bench under the cloak of a purported exercise of clarification, cannot be countenanced (Para 8.2)- Doctrine of Stare Decisis- The doctrine of stare decisis embodies the foundational principle that

precedents must be observed with institutional fidelity, not merely by the High Courts or subordinate courts, but by this Court as well. It enjoins that a Bench of lesser or coequal strength must follow the law declared by a larger Bench, in recognition of the binding authority of such pronouncements. This adherence to precedent is not a matter of mere formality, but of judicial discipline and constitutional propriety. The underlying purpose for respecting and following the decisions of the Bench consisting of greater number of Judges and even of the Bench of co-equal strength, is part of judicial discipline. It ensures certainty, predictability and dependability in the operation and application of law. (Para 10)

**Interpretation of Statutes** - When both statutes are special laws, Rule generalia specialibus non derogant will not apply- In order to determine as to which Act will apply in case of conflict, reference has to be made to the purpose and policy underlying the two enactments and the clear intendment conveyed by the language of the relevant provisions therein. (Para 13)

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**Central Bureau Of Investigation V. Dayamoy Mahato 2025 INSC 1418 - Article 21 - Bail - S.436A CrPC - Reverse Burden Of Proof - UAPA Cases**

**Constitution of India- Article 21 - Bail-** While Article 21 rights must always be protected, but however, in cases where the security or integrity of the nation is called into question, that cannot be the sole ground of consideration. The act of the accused persons must be looked at, on the whole, and all relevant factors must be given due consideration while granting or denying bail. Any Court seized of bail application(s) arising out of such offences must record, in their order the reasons and factors that weighed with them in the ultimate outcome. (Para 16)

**Code of Criminal Procedure 1973 - Section 436A -[Bharatiya Nagarik Suraksha Sanhita 2023 - Section 479]** - For this section to apply, the accused must necessarily be an undertrial, in judicial custody-Excluded from the application of this section are those offences in which death is one of the possible punishments prescribed-The



accused must have spent at least half of the maximum possible punishment for the offence for which he is being tried. When calculating the time spent in prison, any remission or set off granted to the accused, is excluded- The use of the word 'shall' indicates a right bestowed upon the accused - an entitlement to be set at liberty and an obligation on part of the State to comply therewith-This right, however is not unbridled, and the court may impose reasonable conditions such as a personal bond or sureties. At the same time, it is also permissible that this right or entitlement may be given a go-by, if the Court concerned after hearing the prosecutor, records reasons, for continued detention beyond the half of the prescribed period-This section also guarantees that in no circumstance can the detention of an undertrial exceed the maximum prescribed sentence for the offence for which he is being tried. (Para 9)

**Criminal Trial - Reverse Burden of Proof** - A reverse burden of proof essentially means that at the outset of trial, the prosecution is only required to establish certain foundational facts. Once these foundational facts are established, the presumption of guilt kicks in and the accused then is to dispel/rebut the presumption in order to establish innocence, as opposed to the ordinary standards where a prosecution is to establish its case beyond reasonable doubt and accused is only to poke sufficient holes therein, to bring in the possibility of him not having committed the act in question. (Para 17) A constitutional democracy does not legitimise burdens by simply declaring them; it must ensure that those burdened are meaningfully equipped to bear them, even those who are accused of the worst offences imaginable. If the State, in spite of all its might presumes guilt, then the same State must also, with the employment of all the resources at its command, create pathways through which the accused can reclaim their innocence. Needless to say, procedural formalities do not suffice. If it is only those, it falls grossly short of the grandeur of a constitutional democracy. It demands a justice system that is alive to human vulnerability, that recognises that liberty is not a privilege for the powerful but a right inherent in every individual. (Para 18) - The justice system must ensure that even under a reverse burden regime, the accused is not abandoned to the weight of presumptive guilt but supported in the pursuit of truth and justice.(Para 19) Directions issued. (Para 24)

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**Jothi @ Nagajothi v. The State, 2025 INSC 1417 - S.52A NDPS Act - Commercial Quantity - Minimum Mandatory Sentence**

**Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] - Section 52A** - Mere noncompliance or delayed compliance with Section 52-A is not fatal unless the irregularity creates discrepancies affecting the integrity of the seized substance or rendering the prosecution case doubtful. Equally, even where some procedural lapse is shown, if the remaining oral or documentary evidence inspires confidence regarding the seizure and conscious possession, the conviction may still be upheld (Para 23)- a slight difference in the weight of the sample is not so material as to undermine the prosecution case, and cannot by itself justify discarding otherwise reliable evidence. (Para 30)

**NDPS Act -Section 20(b)(ii)(C)** - NDPS Act prescribes minimum mandatory sentences for possession of commercial quantity -The Court has no discretion to reduce the sentence below the statutory minimum under Section 20(b)(ii)(C) of the NDPS Act. Humanitarian considerations, though relevant for executive remission, cannot override statutory minimum punishment mandated by the legislature. (Para 32)

**Criminal Trial** - Non-examination of independent witnesses is not, by itself, fatal to the prosecution, particularly in prosecutions under the NDPS Act where operations often take place under challenging circumstances - the testimony of official witnesses cannot be discarded solely on the ground of their official status and that their evidence must be assessed on its own merits like that of any other witness.(Para 21)

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**Kangra Central Cooperative Bank Limited v. Kangra Central Cooperative Bank Pensioners Welfare Association (Regd.), 2025 INSC 1416 - Review - SLP Dismissal**

**Practice and Procedure** - A party does not require any liberty to move in review before the High Court after dismissal simpliciter of an SLP by a non-speaking Order of this Court- However, if the High Court refuses to exercise review jurisdiction, it would not be just and proper to permit the same party to approach this Court again, in the absence of specific liberty having been granted by this Court. (Para 23)

**Precedents-** Mere reference to a larger Bench does not unsettle declared law. (Para 24)

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### **Dr. Sohail Malik v. Union of India 2025 INSC 1415 - S.11 POSH Act**

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - POSH Act - Section 11-** Internal Complaints Committee (ICC) constituted at the aggrieved woman's workplace can exercise jurisdiction over an employee of a different workplace.- Any person against whom a complaint is filed by the aggrieved woman before the ICC constituted at her workplace under Section 9, is a 'respondent' under the POSH Act and as per the scheme of Section 11(1), if the 'respondent' is an 'employee', his service rules shall apply and in the absence of service rules, inquiry shall be conducted as prescribed, but the 'respondent' need not necessarily be an employee of the same 'workplace'.(Para 49) The phrase 'where the respondent is an employee' as contained in Section 11 of the POSH Act, cannot be interpreted to mean that ICC proceedings against a 'respondent' may only be instituted before the ICC constituted at the workplace of the 'respondent'. (Para 72)

**POSH Act - Section 13,19-**Under Section 13 of the POSH Act, the recommendations and report of the ICC are to be sent to the 'employer' which shall then take a decision with respect to initiation of disciplinary action. In light of the OM dated 16.07.2025, the ICC has a dual-role – to conduct the preliminary / factfinding inquiry under the POSH Act and to act as the inquiry authority in the formal disciplinary proceedings under the CCS CCA Rules, 1965 as discussed, since nothing prevents the ICC constituted at the Department of the aggrieved woman from conducting

the preliminary / fact-finding inquiry and upon receiving the report of the said ICC, if the employer initiates disciplinary proceedings, the ICC constituted at the Department of the 'respondent' shall act as the inquiry authority in the disciplinary proceedings - In case the ICC constituted at the aggrieved woman's workplace is conducting a fact-finding inquiry under the POSH Act, the employer of the 'respondent', even if it is a different department, must abide its duties under Section 19(f) of the POSH Act to swiftly cooperate and make available information upon a request by the ICC of the aggrieved woman's workplace. (Para 72)

**POSH Act - Section 19(h)**- It is a duty of the employer to facilitate the initiation of action under the IPC if the aggrieved woman so desires, it is not in derogation or exclusion of the power to initiate proceedings under the POSH Act. Even where the 'respondent' is not an employee anywhere, criminal proceedings may be initiated and such initiation of criminal proceedings must be facilitated by the employer. (Para 50)

**Interpretation of Statutes** - Language employed in a statute is the best aid for statutory interpretation. The first and primary rule of construction is the intention of the Legislature and the same must be found in the words used by the Legislature itself - However, where there is doubt or ambiguity about the meaning of the words used, interpretation must be made keeping in mind the object and purpose of the statute. Therefore, both text and context of a statute have their own relevance while interpreting provisions of a statute. (Para 32) a part of a section cannot be read in isolation, the construction of the entire section must be made as a sum of its parts and no word or phrase thereof can be picked out in isolation to give a certain meaning to the section as a whole. (Para 35)

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### **National Cooperative Development Corporation vs Assistant Commissioner of Income Tax 2025 INSC 1414 - Income Tax Act - Long Term Finance Business**

**Income Tax Act, 1961 - Section 36**- Section 36(1)(viii) of the Act is not a general exemption granted to a statutory corporation for all its business activities, rather, it is a specific incentive attached strictly to the

profits arising from a defined activity namely, the provision of long-term finance - a vital judicial distinction exists between the general genus of “Business Income” and the specific species of “profits derived from the business of providing long-term finance.” (Para 32-34) Dividend income does not qualify as profits derived from business of providing long-term finance.(Para 23) Interest earned from bank deposits fails this test as it is, at best, attributable to the business, but certainly not derived from the activity of providing long-term finance.(Para 28) A fee received for agency services cannot be equated with “profits derived from the business of providing long-term finance,” which implies the deployment of the corporation’s own funds and the earning of interest thereon. (Para 31)

**Interpretation of Statutes** - A judgment based on the old, broader law cannot be used to interpret the new, stricter provision. (Para 27)

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**State of West Bengal vs Anil Kumar Dey, 2025 INSC 1413 -S.18A PC At - S.102 CrPC - Freezing Of Bank Account - Corruption Case**

**Code of Criminal Procedure 1973 - Section 102 [Bharatiya Nagarik Suraksha Sanhita 2023- Section 106] ; Prevention of Corruption Act 1988- Section 18A-** When proceedings initiated against a person are only under the provisions of the PC Act, would it be open for the investigating authorities (police) to freeze the accounts of the accused persons under Section 102 CrPC- **Held:** Section 102, Cr.P.C., being distinct from the powers and procedures as detailed under Section 18-A of the PC Act, would apply to the case under PC Act. (Para 16) The powers under Section 18A of the PC Act and Section 102, CrP.C. are not mutually exclusive - the power of seizure and attachment are separate and distinct, even if, to the naked eye it may so appear, that the effect is same/similar which is, that the property is taken into custody of, by the authority, either investigative or judicial. (Para 11)

**Code of Criminal Procedure 1973 - Section 102** - Under this Section, property that is alleged/suspected to be stolen; is the object of crime; has a direct link to the commission of the offence, can be seized-

The police have the power to seize passports and bank accounts under this Section-Orders of freezing issued under this Section, can only be in effect to aid investigation-Once the investigation is complete, that ipso facto, does not entitle the person whose bank however, be open to them to apply to the concerned authority for the same, and the authority shall consider the same in accordance with law. - The police do not have the power to seize any immovable property. It cannot dispossess someone who is in possession of the immovable property. - It is not an enabling provision under which the police may, to do justice, seize the property and hand it over to whom they believe to be the rightful owner thereof. (Para 9) In ordinary circumstances, information is to be sent to the Magistrate, in certain circumstances, if that is not done, even then the seizure will not be vitiated. This indicates the width of the power granted to the police with the sole aim of smooth facilitation of the investigation. (Para 11)

**Prevention of Corruption Act 1988- Section 18A -Attachment -** Attachment is a consequence which is given effect to after due application of mind and compliance with procedure. It is not a decision that can be taken on the spur of the moment. It is not a decision that can be taken by a single person. The situation prevalent on the ground and in response to the situation as it may be developing, has to be considered. Instead, the law provides detailed steps and procedures to be complied with before someone's property can be attached. (Para 11)

**Self Contained Code-** Essentials of a code being self-contained or complete in all respects: I. A Code should be comprehensive, dealing with all aspects arising directly out of or, ancillary to, the main issue addressed in the statute. II. It should lay down, clearly, when dealing with criminal laws, the offence, its punishment, and when dealing with civil laws, the rights and liabilities of the parties. III. Addressing the above, the procedure provided therein should be all-encompassing. This includes, for instance, adjudication of grievances, and appeals from findings recorded by authorities. In other words, the reliance of the statute upon general laws with reference to the offences/ punishments or, rights/liabilities should be limited as far as possible. (Para 13)

**Precedents - Ratio Decidendi-** Courts ought not to be expected to follow judgments and orders of this Court as binding precedents when, the facts, in light of which the conclusion arrived at, are not properly disclosed and discussed, for law is not always applicable as the black letter of the law and is instead applied to the facts of each case-In the absence of a detailed discussion in the judgment made of the scheme of the Act, its provisions and its interactions with other substantive or procedural laws, as far as they may be applicable, it cannot be stated that the conclusion arrived at therein constitutes ratio decidendi and, therefore, would be binding on all Courts as per the effect of Article 141 of the Constitution of India. (Para 14-15)

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**Surender Kumar v. State of Himachal Pradesh; 2025 INSC 1412 - S.300 IPC - Exception 2 & 4 - Fight**

**Indian Penal Code 1860 - Section 300 - Exception 4 - [Bharatiya Nyaya Sanhita 2023 - Section 101]:** An act of culpable homicide does not amount to murder if following ingredients are fulfilled (i) there is no pre-meditation; (ii) there is a sudden fight; (iii) the act is committed in the heat of passion; and (iv) the assailant has not taken any undue advantage or acted in a cruel manner. The term 'fight' implies mutual assault by use of criminal force and not mere verbal duel- 'Fight' postulates a bilateral transaction in which blows are exchanged -Exception 4 to Section 300 would not apply if there is sudden quarrel but no fight between the deceased and the accused. (Para 8-9)

**IPC- Section 300 - Exception 2- [BNS - Section 101]** The act in question would not fall under Exception 2 because, firstly, there is no evidence to show that the accused or his property was attacked by the deceased and it is not shown that the deceased was armed - where the accused is armed and the deceased is unarmed, Exception 2 can have no application.( Exception 7-9)

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**Shri Karshni Alloys Pvt. Ltd. v. Ramakrishnan Sadasivan; 2025 INSC 1411 - IBC -NCLT Rules- Forfeiture Condition**

**Insolvency and Bankruptcy Code 2016 [IBC]- National Company Law Tribunal Rules, 2016 - Rule 15 ; Indian Contract Act,1872 - Section 74** - The sale purely under the supervision of the Adjudicating Authority, i.e., the NCLT, and the forfeiture condition stipulated by the NCLT while granting extension of time cannot be equated with a forfeiture clause in a contract. (Para 19)

**IBC** - Time is a crucial facet of the scheme under the IBC and to allow such proceedings to lapse into indefinite delay would plainly defeat the very object of the statute. (Para 18)

**Saraswati Wire and Cable Industries v. Mohammad Moinuddin Khan 2025 INSC 1410 - S.7 IBC - Moonshine Defence**

**Insolvency and Bankruptcy Code 2016 - Section 7** - The adjudicating authority must advert to the contentions put forth on the application filed under Section 7 of the IBC, examine the material placed before it by the financial creditor and record satisfaction as to whether there is default or not and, while doing so, the contention put forth by the corporate debtor shall also be noted to determine as to whether there is substance in the defence and to arrive at the conclusion whether there is default- The process cannot be defeated by a corporate debtor by raising moonshine defence only to delay the process. (Para 18)  
[**Context:** In this case, Supreme Court found that that the defence of pre-existing disputes sought to be put forth by the CD was mere moonshine and had no credible basis or foundation. ]

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**Mohan Lal Fatehpuria v. Bharat Textiles 2025 INSC 1409 - S.29A Arbitration Act**

**Arbitration and Conciliation Act 1996 - Section 29A** - When mandate of arbitrator has expired, his continuation is impermissible. Section 29A(6) empowers and obligates the Court to substitute the Arbitrator- The substitution of a sole arbitrator is warranted, when his mandate ceases to exist, to effectuate the object of the Act, which mandates expeditious resolution of the dispute. [**Context:** In this case,



Supreme Court held that the High Court erred in granting an extension when the mandate of the sole arbitrator had ceased to exist. ]

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## **Vineeta Srinandan vs High Court Of Judicature At Bombay ; 2025 INSC 1408 - Contempt of Courts - Ratio Decidendi**

**Contempt of Courts Act, 1971 - Section 12** - While an act may amount to contempt, the proviso to Section 12 of the Contempt Act empowers the Court to discharge the contemnor or remit the punishment awarded. The only requirement for exercising such power is that the apology must be genuine and acceptable to the Court. The Explanation to Section 12 further clarifies that an apology shall not be rejected merely because it is qualified or conditional, if it is made bona fide- Once a contemnor expresses sincere remorse, even if the apology is not unqualified in form, the Court is competent to accept it and, where necessary, discharge the contemnor or remit the sentence imposed. (Para 9.5)

**Precedent - Ratio Decidendi** - The ratio decidendi of a judgment must be understood in the context of its facts and the issue decided therein. Only where the factual matrix is materially similar can the ratio in an earlier decision be applied- where a decision turns upon its own facts or is guided by the peculiarities of a particular case, it does not constitute the ratio of the judgment- It is neither profitable nor permissible to rely upon isolated lines from a judgment, for the binding element lies in the ratio decidendi and not in every observation contained therein. (Para 9-9.1)

**Contempt of Court** - The power to punish necessarily carries within it the concomitant power to forgive, where the individual before the Court demonstrates genuine remorse and repentance for the act that has brought him to this position. Therefore, in exercise of contempt jurisdiction, Courts must remain conscious that this power is not a personal armour for Judges, nor a sword to silence criticism. After all, it requires fortitude to acknowledge contrition for one's lapse, and an even greater virtue to extend forgiveness to the erring. Mercy, therefore, must remain an integral part of the judicial conscience, to be extended where

the contemnor sincerely acknowledges his lapse and seeks to atone for it.  
(Para 1)

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**Sivanmalai Subramaniaswamy Devasthanam vs S. Muthusamy Gounder (D) 2025 INSC 1407 - CPC- Second Appeal**

**Code of Civil Procedure 1908 - Section 100 - Second Appeal -** Allowing an appeal, Supreme Court observed: We find that the High Court was not right in raising the aforesaid substantial questions of law besides under the provisions of the Act. They were not on the basis of what would have emerged on a reading of the judgment of the Trial Court which was upheld by the First Appellate Court. In the circumstances, we find that the High Court was not right in raising the aforesaid substantial questions of law - Case remanded to High Court.  
(Para 10)

**Abhishek Gupta v. Dinesh Kumar 2025 INSC 1406 - Writ Jurisdiction - Principle Of Non-Joinder - Intra Court Appeal**

**Constitution of India - Article 226 -** The principle of non-joinder, though originating from the Code of Civil Procedure, 1908, applies with equal force to writ proceedings. An order passed in writ jurisdiction without impleading an affected or necessary party is liable to be invalidated on that ground alone. (Para 16) **Allahabad High Court Rules, 1952 - Chapter VIII Rule 5 -** Where an allegation of non-joinder of a necessary party is raised in an intra-court appeal, the High Court, if satisfied that such allegation has merit, should either remand the matter to the Single Judge or decide it on the merits. (Para 19)

**Legal Maxim- Ubi jus, ibi remedium -** A party suffering an adverse order in judicial proceedings where he is not noticed, because he was not a party, cannot be left without a remedy. (Para 18)

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## **Suvej Singh v. Ram Naresh ; 2025 INSC 1405 - Natural Justice - Remand**

**Natural Justice** - Earlier view was that in case there were violations of principles of natural justice, the matter was to be remanded for affording opportunity of hearing to the party concerned. However, with the passage of time, the view changed. The idea is to curtail the litigation and not generate it. Any unnecessary remand by a Higher Court generates fresh round of litigation, which should be avoided. (Para 17)

**Uttar Pradesh Revenue Code, 2006 - Section 30**- The Collector is duty bound to maintain, in the manner prescribed, a map and a field book for each village. Any changes made therein have to be recorded annually or after such longer intervals as may be prescribed. The second part of section provides that the Collector shall also cause to correct any errors or omissions which are detected from time to time in any such map or field book. Use of word 'also' clearly depicts that the second part is in addition to the first part. It is in continuation of the same. Even otherwise, first part deals with maintenance of records annually or at such intervals as may be prescribed and recording the changes therein. It may include change of ownership on account of sale or purchase of land or of inheritance. Exchange of land can be another mode. The process of consolidation may also have effect on the revenue record maintained under Section 30 of the Code. The second part talks about errors detected and for their correction. It may be at any time. (Para 13)

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## **Ashok Kumar Dabas (D) v. Delhi Transport Corporation; 2025 INSC 1404 - Service - Gratuity - Pension**

**Payment of Gratuity Act, 1972 - Section 4,5** - An employee who had rendered not less than five years of service will be entitled to payment of gratuity, regardless of the fact that he had retired or resigned from service - Once it could not be established that the 1972 Act is not applicable, the claim of the employee for release of gratuity cannot be denied even if he had resigned from service. (Para 10)

**Civil Service Pension Rules, 1972 - Rule 26** - On resignation, past service of an employee stands forfeited. (Para 9)

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**Mukut Das v. Assam Power Generation Corporation Ltd. 2025 INSC 1403 - Service Law**

**Assam State Electricity Board and its Successor Companies Revised Pay Rules, 2017 - Fundamental Rule 56(a)** - The FR does not provide for such extension to be merely for the purpose of pay and allowances nor can there be a deemed legal termination of employer-employee relationship be found on the date of attaining the age of 60 years. The rule of superannuation is clear and unambiguous that any person who attained the age of superannuation in a month will retire only on the last day of that month.

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**Amal Kumar v. State of Jharkhand 2025 INSC 1402 - SC-ST Act**

**Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3-** There is no offence as coming out under Section 3(1)(s) when there is no allegation that the casteist slur was made in a place within public view or that there was any member of the public present at the spot. (Para 10)

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**Hindustan Petroleum Corporation Ltd. v. BCL Secure Premises Pvt. Ltd.; 2025 INSC 1401 - S.11 Arbitration Act - Veritable Party**

**Arbitration and Conciliation Act 1996 - Section 11** -It should be demonstrated prima facie before the referral court that the non-signatory is a veritable party- The referral court under Section 11 is not deprived of its jurisdiction from examining whether the non-signatory is in the real sense a party to the arbitration agreement. The answer thereof will depend on the facts and circumstances of each case after examining the documents pertaining thereto. (Para 26) If

there is nothing even prima facie to show that there was any semblance of an intent to effect legal relationship between that party and the party originally granting the contract and/or to indicate that such a third party was a veritable party, such parties cannot be found to be veritable parties. (Para 36) Mere legal or commercial connection is not sufficient for a non-signatory to claim through or under a signatory party. (Para 37)

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### **Harshbir Singh Pannu v. Jaswinder Singh 2025 INSC 1400 -S.32 Arbitration Act - Termination**

**Arbitration and Conciliation Act 1996 - Section 25, 30, 38 & 32**  
- Section 32 is exhaustive and covers all cases of termination of arbitral proceedings under the Act - The power of the arbitral tribunal to pass an order to terminate the proceedings under the scheme of the Act, lies only in Section 32(2) - Sections 25, 30 and 38 respectively, only denote the circumstances in which the tribunal would be empowered to take recourse to Section 32(2) and thereby, terminate the proceedings. (Para 416)

**Arbitration and Conciliation Act - Section 32,34,14,15-** The arbitral tribunal possesses the inherent procedural power to recall an order terminating the proceedings as such power is merely to correct an error apparent on the face of the record or to address a material fact that was overlooked. Where an arbitral tribunal passes an order for terminating the proceedings under the Act, the appropriate remedy available to the parties would be to first file an application for recall of such order before the arbitral tribunal itself. The arbitral tribunal would then in turn be required to examine whether the order does or does not deserve to be recalled- If a favourable order is passed for recommencing arbitration proceedings, the only option available to a party aggrieved therefrom, would be to participate in the proceedings and thereafter, challenge the final award under Section 34- If, however, the recall application is dismissed, the party aggrieved therefrom, would be empowered to approach the court under Section 14(2) - The court would then in turn examine whether the mandate of the arbitrator stood legally

terminated or not. If it finds that the proceedings were not terminated in accordance with the law, it would be empowered to either set-aside the order of termination of proceedings and remand the matter to the arbitral tribunal, or, if the circumstances so require, proceed to appoint a substitute arbitrator in terms of Section 15 (Para 416) under no circumstances, can a party file a fresh application under Section 11 of the Act, 1996 and initiate a second round of arbitration. (Para 316)

**Arbitration and Conciliation Act - Section 38 -4th Schedule -**

When one or both parties, or the parties and the arbitral tribunal, as the case may be, are unable to reach a consensus on the fee matrix, it would be open to the arbitral tribunal to determine the same in accordance with the Fourth Schedule of the Act, 1996. The Fourth Schedule of the Act, 1996 is the model fee schedule that is binding on all. Thus, where the arbitral tribunal fixes the fee in terms of the Fourth Schedule, the parties would not be permitted to object to the same. (Para 337)

**Arbitration and Conciliation Act - Section 30-** The arbitral tribunal is required to terminate the proceedings, upon the settlement of the dispute by the parties. — Once the dispute between the parties stands settled, nothing remains for the arbitral tribunal to adjudicate upon. (Para 81)

**Arbitration and Conciliation Act 1996-** The power of review is available to an arbitral tribunal to the limited extent of curing a patent or procedural error. Thus, an arbitral tribunal has the power to entertain an application for recall of an order terminating the proceedings passed by it. (Para 311)

**Arbitration and Conciliation Act 1996 - Section 14-** The expression “the Court to decide on the termination of the mandate” should be given an expansive meaning to include any challenge to an order for termination of proceedings simpliciter- The termination of proceedings in essence results in the arbitrator being absolved of its duty to administer the arbitration. (Para 297)

**Arbitration and Conciliation Bill, 2024 -** Even the new Bill has taken no steps whatsoever to ameliorate the position of law as regards

the termination of proceedings by the arbitral tribunal- Suggestions Given (Para 394-414)

**Interpretation of Statues** - A provision cannot be read in an inconsistent manner. It must be read as a whole, every sub-section forming part thereof must be given a harmonious, consistent and purposeful interpretation, so as to give effect to the legislative intent underlying the enactment. It is impermissible to dismember a provision and ascribe to it multiple meanings divorced from its textual and contextual setting. (Para 229) Marginal note- In the absence of any inherent conflict or contradiction between the marginal note and the substantive parts of a particular provision, the marginal note may be used to aid in the interpretation of the provision. (Para 214)

**Factual Summary:** This case arose from a partnership dispute that was referred to a Sole Arbitrator in March 2020. The arbitrator's fees were set according to the Fourth Schedule of the Arbitration and Conciliation Act, 1996. When the respondent filed a counter-claim, the total fees were revised to Rs. 37.50 lakh based on the ceiling set in the Fourth Schedule. Following objections and the refusal of both the appellants and the respondent to pay their equal share of the revised fees, the Sole Arbitrator terminated the arbitral proceedings on March 28, 2022, under Section 38 of the Act. The appellants' attempt to get a new arbitrator appointed via a subsequent Section 11 petition was rejected by the High Court, leading to the appeal before the Supreme Court. The Supreme Court ultimately partially allowed the appeal, ordering the appointment of a substitute arbitrator based on the unique facts and the historical uncertainty surrounding the determination of fees and termination remedies at that time.

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**Govind Mandavi v. State of Chhattisgarh; 2025 INSC 1399 - FIR - Omission Of Accused Name**

**Criminal Trial** - In this case, SC held that the omission of the names of the accused in the FIR is fatal as it goes to the very root of the matter and

it completely impeaches the credibility of the prosecution's case. (Para 44-45)

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**Akola Municipal Corporation v. Zishan Hussain Azhar Hussain ; 2025 INSC 1398 - PIL -Economic/Fiscal Policy Reforms**

**Constitution of India - Article 226** - Judicial interference by way of public interest litigation is available only if there is injury to public because of dereliction of constitutional obligations on the part of the Government. The writ jurisdiction of the High Court cannot be exercised in public interest for questioning the economic/fiscal policy or reforms sought to be undertaken by the Government or its functionaries. (Para 21) Court cannot substitute its judgment for that of the legislature or its agents as to matters within the province of either. (Para 20) [Context: Supreme Court held that High Court was not justified to interfere in the economic policy decision taken by the Corporation to increase the rates of the property taxes and particularly when such revision was made after a considerable gap of about 16 years: The matters of tax revision fell squarely within the domain of the Corporation-Corporation, and the High Court ought not to have reassessed the merits of the policy decision as if it was sitting in appeal over the said decision. Trivial errors in the process of revision would not vitiate the entire regime of tax revision and collection. (Para 19) ]

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**Sohanvir @ Sohanvir Dhama v. State of U.P. 2025 INSC 1397 - SC-ST Act - House Of Complainant - Place Within Public View**

**Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 — Section 3(1)(s)**- When the alleged casteist abuses were stated to have been used by the accused inside the premises of the complainant, Supreme Court held: This circumstance, on its face, does not satisfy the statutory requirement that the abuses were made “in any place within public view,” which is an essential component of the



offence under Section 3(1)(s) of the SC/ST Act. The house of the complainant cannot be considered to be within public view. (Para 9-13)

**Code of Criminal Procedure 1973 - Section 386** -The appellate powers are to be invoked with due caution, and only in exceptional circumstances -The Court cannot delve into the truthfulness or credibility of the allegations contained in the FIR or complaint. The Appellate Court has to examine the contents of the complaint as they stand. (Para 15)

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### **Salil Mahajan v. Avinash Kumar 2025 INSC 1396- CrPC - Anticipatory Bail**

**Code of Criminal Procedure 1973 - Section 438** - The possibility of the accused to influence prosecution witnesses, threatening the family members of the deceased, fleeing from justice or creating other impediments in the fair investigation, ought not to be overlooked (Para 8) [**Context:** Supreme Court set aside Punjab & Haryana High Court's order granting anticipatory bail to accused: There is no reference as to why his alleged conduct of being on the run ought to be ignored. In our view, the Court erred by not taking this relevant status report into consideration. Such failure cannot be sustained ]

**Bail** - an appeal against the grant of bail and an application seeking cancellation of bail are on different footing. The grounds for testing the legality of an order granting bail discussed. (Para 7-8)

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### **Dadu @ Ankush v. State of Madhya Pradesh 2025 INSC 1395 - Hostile Witness Evidence**

**Criminal Trial - Hostile Witness** - The evidence of a hostile witness would not be totally rejected if spoken in favour of either the prosecution or the accused. It would rather have to be subjected to closer scrutiny and that portion of the evidence which is consistent with the case of the prosecution or defence may be accepted. [Context: Allowing appeal, Supreme Court set aside convictions under Sections 354, 323 IPC and

Section 3(1)(xi) SC/ST Act due to evidentiary inconsistencies, lack of independent witnesses, medical evidence indicating simple injuries possibly from a fall/drag, and incorrect High Court inference on caste-based motive.]

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**Ashraf v. State of Karnataka; 2025 INSC 1394- S.304A IPC**

**Indian Penal Code 1860 - Section 304A** - Partly allowing appeal, Supreme Court converted punishment to one of imprisonment till the rising of the Court with a total fine of Rs.1,31,000.

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**Rani @ Raj Kumari & Ors v. Kamlakat Gupta 2025 INSC 1393 -Motor Accident Compensation - Multiplier - Stone Crusher Employee**

**Motor Accident Compensation** - When the deceased was in the age group of 30 to 35 years,, it would be proper to apply multiplier of 16.(Para 5.3) it is normal to expect that a person employed in this stone crusher unit would earn Rs. 6.000/- every month. (Para 5.1)

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**R. Logeshkumar v. P. Balasubramaniam 2025 INSC 1392 - Motor Accident Compensation**

**Motor Accident Compensation** - There is no restriction on the Tribunal in awarding compensation exceeding the claimed amount under the Motor Vehicles Act, 1988, and the function of the Tribunal is to award just compensation which is reasonable based on the evidence produced on record - In a given case, the discretion to award compensation in excess of the amount claimed in the petition is based on the evidence on record and for reasons recorded for granting just and fair compensation - Referred to Nagappa v. Gurudayal Singh 2003 (2) SCC 271. (Para 11)

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## **Bolla Malathi vs B. Suguna, 2025 INSC 1391 - Nomination - General Provident Fund (Central Service) Rules**

**General Provident Fund (Central Service) Rules, 1960** - Rules do not provide for auto cancellation but it is also that they provide for the eventuality where the nomination duly filled by the subscriber do not subsist. Upon acquiring family the nomination will become invalid. That being the case, even in view of the fact that the deceased had not made changes to the nomination for GPF, the earlier nomination cannot be held to be valid. (Para 8) [**Context:** In this case, Supreme Court held that the deceased's GPF nomination in favor of his mother became invalid upon his marriage, triggering distribution under Rule 33 to eligible family members in equal shares. It set aside the High Court's order and restored the CAT's direction, confirming a 50-50 split of the GPF between the wife and mother, with the remaining half to be released to the mother.]

**Nomination** - Nomination would not lead to the nominee attaining absolute title over the subject property for which such nomination was made - The usual mode of succession is not to be impacted by such nomination. The legal heirs not excluded by virtue of nomination. [Quoted from Shakti Yezdani v. Jayanand Jayant Salgaonkar]

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## **Sonia Virk vs Rohit Vats; 2025 INSC 1390 - Irretrievable Breakdown Of Marriage - Permanent Alimony - Judicial Officer Husband**

**Matrimonial** - Supreme Court upheld Divorce Decree after it found the marriage irretrievably broken and observed: We see no purpose in perpetuating a legal bond that has long ceased to have any substance. Continuing the marital tie would serve neither the spouses nor their child; rather, it would only prolong hostility and impede their ability to

move forward with dignity- Husband is a serving judicial officer holding a responsible public position and is, therefore, under a heightened obligation to ensure fair, adequate, and dignified financial security for his wife and daughter - Permanent alimony to the wife was increased from Rs.30 lakhs to Rs.50 lakhs.

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## **Adarsh Sahkari Grih Nirman Swawlambi Society Ltd vs State of Jharkhand; 2025 INSC 1389 - Administrative Law**

**Jharkhand Self-Supporting Cooperative Societies Act, 1996 - Section 5** -Once a cooperative society is registered and a certificate is issued, Section 5(7) of the Act declares it to be a conclusive proof of its existence and continuation as a body corporate - Supreme Court held that when the certificate serves the purpose, the additional requirement is unnecessary - Supreme Court held that the Memo issued by the Principal Secretary, Department of Registration, mandating an additional recommendation of Assistant Registrar, Cooperative Society of the existence of a Cooperative Society, as a pre-condition for registration of a document under Section 9A of the Indian Stamp (Bihar Amendment) Act, 1988 as illegal. (Para 2.2)

**Administrative Law** - Executive actions that mandate certain unnecessary, excessive requirements, must equally be set aside as illegal- In administrative law, simplicity means laws, regulations, and procedures should be clear, straightforward, and easy to understand, allowing for effortless compliance. Administrative procedures should avoid complexity, redundant requirements, and unnecessary burdens, which waste time, expense, and disturb peace of mind. (Para 2-2.1) Judicial review of administrative action on the ground of illegality would then require consideration of provision of the statute, rules or regulations, or even a policy empowering exercise of such power or discretion. This process may seem to be a simple case of interpretation of the laws, however as judicial review is in the realm of public law, constitutional courts have the duty to ensure that the power or discretion is exercised in furtherance of the purpose and object of the statute, the rule or the regulation, or for that matter implementation of a policy. In

this process while accounting for relevant and irrelevant considerations that may influence the decision, the court also takes into account the broader principles of rule of law and good governance. Irrelevant consideration includes insistence or performance of acts or submission of documents, which neither have relevance nor are value additions to the purpose or object of law or policy in place. Instead, they are demonstrably superfluous and unnecessary, consuming limited time and human resource. This also has a direct bearing on efficiency and good governance. (Para 9)

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### **State of Jharkhand v. The Indian Builders Jamshedpur; 2025 INSC 1388 - Bharat Drilling - Referred To Larger Bench - Excepted Or Prohibitory Clauses**

**Arbitration and Conciliation Act** - Bharat Drilling & Foundation Treatment Pvt. Ltd. v. State of Jharkhand is not an authority for the proposition that an excepted clause or a prohibited claim in a contract applies only to the employer and not to the Arbitral Tribunal - Referred to larger bench - The approach adopted in Bharat Drilling (supra) is not in tune with the principles laid down by this Court in the recent decisions of Cox and Kings Ltd. v. SAP India Private Ltd. and In Re: Interplay Between Arbitration Agreements Under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899- Applicability of excepted or prohibitory clauses would primarily depend upon the agreement between the parties, which alone is the guiding principle for the Arbitral Tribunal - Contractual clauses that limit claims are founded on freedom to contract. They are agreements that crystalise informed choices of parties, explaining the incorporation of party autonomy in the statutory scheme of the Act.

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### **Golla Naraesh Kumar Yadav etc. v. Kotak Mahindra Bank 2025 INSC 1387 - CrPC - Transfer Of NI Act Cases**

**Code of Criminal Procedure 1973 - Section 406; Negotiable Instruments Act 1881 - Section 142** - Supreme Court doubts the

correctness of the Judgment in *Shri Sendhur Agro & Oil Industries vs. Kotak Mahindra Bank Ltd* which held that mere convenience or inconvenience of the parties may not by itself be sufficient enough to pray for transfer - Referred to Larger Bench - Prayers for transfer are not agnostic to inconvenience/hardship and ought to be tested on the scale of relative convenience/inconvenience of all stakeholders including witnesses. (Para 17) Relative convenience/inconvenience needs to be viewed from myriad angles. The Court needs to address the following questions :- a. Does the continuation of proceedings in a far-off court adversely affect the accused's fair trial rights and render an unjust advantage to the complainant? b. Does a shift of venue cause undue hardship to the complainant, denying him the right to prosecute the offender at a place which the law of the land prescribes? c. Does such transfer cause convenience/inconvenience to witnesses who may be called upon to depose in the case? Upon taking a holistic view of all these aspects, the Court would come to a conclusion whether the healing balm of transfer is necessary to ensure a level-playing field and eschew an unfair battle between the parties expedient for the ends of justice (Para 20) [Referred to *Nahar Singh Yadav v. Union of India*, (2011) 1 SCC 307]

**Negotiable Instruments Act 1881 - Section 142 ; Code of Criminal Procedure 1973 - Section 406** - By locating jurisdiction at the payee's bank where the cheque is deposited for clearance through the latter's account, the amended provision reflects a statutory inclination to facilitate the payee's convenience in prosecuting the complaint - The legislative intent of these amendments however was not to take away the jurisdiction of the High Court or Supreme Court to transfer a complaint under Section 138 of N.I. Act in the event such transfer was expedient to meet the ends of justice. (Para 11-12)

**Negotiable Instruments Act 1881 - Section 138** - Section 138 of the N.I. Act was incorporated in order to promote financial discipline and credibility of banking systems. Penal liability was introduced to ensure confidence in transactions through negotiable instruments. It is essentially an offence against an individual, compoundable at his option, and not against the State. The nature of the offence is quasi-criminal and does not fall within the species of grave crimes like murder, rape and

corruption etc. which may be termed as crimes against the society. (Para 19)

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**Neeraj Kumar @ Neeraj Yadav v. State of U.P. 2025 INSC 1386 - Evidence Act - Dying Declaration - S.319 CrPC**

**Indian Evidence Act 1872 - Section 32** - The law does not require that a declarant, at the time of making the statement, to be under the shadow of death or the expectation that death is imminent. What is pertinent is that the statement relates either to the cause of death or the circumstances leading to it. [**Context:** High Court held that statements cannot be treated as dying declaration(s) because the death of the deceased occurred after a substantial lapse of time from their recordings - In appeal, Supreme Court held: Here the time gap between the incident and the death is less than 2 months. In any event, Section 32 of the Evidence Act, contains no such limitation. ] (Para 16)

**Indian Evidence Act 1872 - Section 32 - ; Code of Criminal Procedure 1973 - Section 161**-A statement made by a deceased person, as to the cause of his death or to the circumstances of the transaction which resulted in his death, to a Police Officer and recorded under Section 161 CrPC, shall be relevant and admissible under Section 32(1) of the Evidence Act, notwithstanding the express bar provided in Section 162 CrPC. Such a statement, upon the death of the declarant, assumes the character of a dying declaration- A dying declaration need not necessarily be recorded in the presence of a Magistrate, and that the lack of a doctor's certification as to the fitness of the declarant's state of mind would not ipso facto render the dying declaration unacceptable. (Para 14)

**Code of Criminal Procedure 1973 - Section 319**- At the stage of deciding the application under Section 319 CrPC, the Court is not required to test the credibility or weigh the probative value of the evidence as would be done at the end of the trial for determining the conviction or otherwise of the accused. What the Court has to consider at this stage is whether the material on record reasonably indicates involvement of the proposed accused so as to exercise the extraordinary

power. **(Para 11)** - The provision is an enabling one, empowering the Court, during the course of an inquiry or trial, to proceed against any person not already arraigned as an accused, if, from the evidence adduced before it, such person appears to have committed an offence. Its object is to ensure that no guilty person escapes the process of law, thereby giving effect to the maxim *judex damnatur cum nocens absoluitur* (Judge is condemned when guilty is acquitted). It casts a duty upon the Court to ensure that the real offender does not go unpunished, for only then can the concept of fair and complete trial be realised -The power conferred under this Section is extraordinary and discretionary in nature, intended to be exercised sparingly and with due circumspection. While invoking it, the Court must be satisfied that the evidence appearing against the person sought to be summoned is such that it *prima facie* necessitates bringing such person to face trial. The degree of satisfaction required is higher than that warranted at the stage of framing of charge, yet short of the satisfaction necessary to record a conviction. Such satisfaction must rest on cogent and credible material brought on record during the trial, and not based on conjectures or speculations.

**Code of Criminal Procedure 1973 - Section 319,161-** While a statement recorded under Section 161 CrPC is not substantive evidence in itself, it may be used to corroborate the evidence recorded by the Court to invoke the power under Section 319 CrPC. (Para 12)

**Code of Criminal Procedure 1973 - Section 154** - FIR is not an encyclopaedia that must contain every minute detail of the incident, since its primary purpose is to set criminal law in motion -Therefore, at this stage, his deposition cannot be construed as an embellished or improved one simply because of the absence of certain particulars in the FIR, particularly when his testimony is consistent with the overall narrative.

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**Laxmikant Sharma vs State Of Madhya Pradesh 2025 INSC 1385 - Public Employment - Equivalence - Qualification**



### **Constitution of India - Article 14, 226 -Public Employment -**

The question whether a particular qualification is “equivalent” to the one prescribed is primarily for the employer or the expert body to decide and that the Court, in exercise of judicial review, does not ordinarily sit in appeal over such academic or policy determinations. (Para 33) Even where the State acts in its contractual capacity, it does not shed its constitutional character and remains bound by the obligations of fairness, non-arbitrariness and reasonableness under Article 14. (Para 41) where a contractual employee is terminated on the sole ground of ineligibility, the Court is entitled to examine whether that ground is factually correct and whether relevant material was properly considered. (Para 42)

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### **Rocky v. State of Telangana 2025 INSC 1384 - BNSS/CrPC - Quashing - Civil Nature**

**Code of Criminal Procedure 1973 - Section 482 : Bharatiya Nagarik Suraksha Sanhita 2023- Section 528** - Although courts must guard against giving criminal colour to civil disputes, the existence of civil remedies does not preclude criminal prosecution where the allegations disclose the essential ingredients of an offence. Civil and criminal proceedings may validly coexist if the factual matrix supports both.

**Code of Criminal Procedure 1973 - Section 482 : Bharatiya Nagarik Suraksha Sanhita 2023- Section 528** -Quoted from Pradeep Kumar Kesarwani v. State of Uttar Pradesh : Structured four-step test to assess claims for quashing under Section 482 of the CrPC. The material relied on by the accused must be (i) of sterling and impeccable quality, (ii) sufficient to completely negate the allegations, (iii) uncontested or incapable of legitimate contest by the prosecution, and (iv) such that continuing the trial would amount to abuse of process. Unless all four tests are satisfied, quashing is unwarranted. (Para 27) Quashing cannot be premised on disputed documents whose validity is itself a matter in issue - At this stage, the Court cannot embark upon an evaluation of the reliability or genuineness of the allegations or the

defence documents- Power under Section 482 of the CrPC is to be exercised sparingly, with circumspection and only in exceptional situations. Courts must avoid delving into disputed facts at the pre-trial stage. Interference is warranted only where the case clearly falls within the recognised parameters for quashing. (Para 26,30,32)

**Constitution of India - Article 136-** In appellate jurisdiction, Supreme Court does not ordinarily reappreciate evidence or revisit factual findings of the High Court unless the order suffers from manifest illegality, perversity or arbitrariness. (Para 33)

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**Venkatesh vs State 2025 INSC 1383 - IPC- TNPPDL Act- Conviction Upheld- Sentence Reduced**

**Indian Penal Code 1860 - Section 326; TNPPDL Act -Section 3-** The Supreme Court upheld the conviction of accused and another under Section 326 IPC and Section 3(1) of the but reduced their five-year sentence to the period already undergone, noting they had served about two years and three months.

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**Suresh Sahu vs State of Bihar (now Jharkhand), 2025 INSC 1382 - S.313 CrPC - Non-Examination Of Material Witness**

**Code of Criminal Procedure 1973 - Section 313 ; Bharatiya Nagarik Suraksha Sanhita 2023 - Section 351 -** The purpose of recording the statement of an accused under Section 313 CrPC (Section 351 BNSS) is to make the accused aware of the circumstances as appearing against him in the prosecution case and to seek his explanation for the same. For this purpose, the accused must be informed of each and every incriminating circumstance which the prosecution intends to rely upon for bringing home the guilt of the accused. Omission to put material circumstances to the accused in the statement under Section 313 CrPC (Section 351 BNSS) would cause grave prejudice and may, in a given case, even prove fatal to the case of the prosecution. Of course, the appellate Court can rectify this error by

requiring that a fresh statement under Section 313 CrPC (Section 351 BNSS) be recorded for removing the lacunae, if any, in this procedure. [**Context:** in this case, Supreme Court noted that these statements are almost a reproduction of the language of the charge and, in no manner, convey to the accused persons the incriminating circumstances/evidence produced by the prosecution so as to indict them for the crime. **Held:** This defect goes to the root of the matter.]

**Criminal Trial - Evidence-** Non-examination of a material witness would give rise to adverse inference and the benefit thereof would normally go to the defence unless of course a satisfactory explanation for the omission was offered. (Para 25) The testimony of a defence witness carries the same evidentiary value as that of a prosecution witness- evidence of a witness cannot be discarded merely on the ground that the witnesses were examined by the defence. (Para 48-49)

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**Deepankar Tikedar v. State of Chhattisgarh; 2025 INSC 1381 - IPC - POCSO**

**Indian Penal Code 1860 - Section 376 - POCSO Act- Section 6** -Conviction under IPC 376(3) and POCSO Section 6 upheld- Sentence modified to 25 years actual imprisonment without remission.

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**BPL Limited v. Morgan Securities and Credits Pvt. Ltd.; 2025 INSC 1380 - Arbitration Act - Interest - Party Autonomy - Commercial Contract**

**Arbitration and Conciliation Act 1996 - Section 31** - The discretion to grant interest would be available to the Arbitral Tribunal under clause (a) of sub section (7) of the Section 31 only when there is no agreement to the contrary between the parties. When the parties agree with regard to any of the aspects covered in clause (a) of sub section (7) of the Section 31 , the arbitral tribunal would seize to have any discretion with regard to the aspects mentioned in the said provision. Once there is

an agreement between the parties which provides that interest shall be at a particular rate, the arbitral tribunal thereafter is left with no discretion. In such circumstances, the arbitral tribunal would be bound by the terms of the agreement. - The express use of “Unless otherwise agreed by the Parties.....” as the opening words of Section 31(7) (a) of the Act, 1996 is a clear instance of “Party Autonomy” which forms the bedrock of the arbitral process and will prevail in all cases, except where the legal provision is strictly nonderogable in nature e.g. the bar of limitation. The principle of unconscionability is inapplicable to voluntary commercial agreements between parties of equal bargaining strength. (Para 140(iv-vii))

**Legal Maxim -“Verba chartarum fortius accipiuntur contra proferentem’** - It is a rule of interpretation that contracts are to be interpreted based on their plain meaning, as a whole and in accordance with the language used- In case of any ambiguity, a contract will have to be interpreted taking into consideration the surrounding facts and circumstances -This principle would not apply in case of commercial contracts for the simple reason that a clause in a commercial contract is bilateral and has mutually been agreed upon- Where there are ambiguities, especially in cases of insurance contracts, the principle of contra proferentem steps in to aid the interpretation- It means the words of deeds are to be taken most strongly against he who uses them- The rule of contra proferentem thus protects the insured from the vagaries of an unfavourable interpretation of an ambiguous term to which it did not agree. The rule assumes special significance in standard form insurance policies, called contract d’ adhesion or boilerplate contracts, in which the insured has little to no countervailing bargaining power. (Para 117-121) Contra proferentem is not a principle of universal application. Where the terms of the contract are clear, there will be no occasion to apply the contra proferentem rule-The contra proferentem principle does not merit applicability in case of commercial contracts, for the reason that a clause in a commercial contract is bilateral. The true construction of a commercial contract must depend upon the import of the words used and not upon what the parties choose to say afterwards. Nor does subsequent conduct of the parties in the performance of the contract affect the true effect of the clear and unambiguous words used in the

contract. The intention of the parties must be ascertained from the language they have used, considered in the light of the surrounding circumstances and the object of the contract. The nature and purpose of the contract is an important guide in ascertaining the intention of the parties.(Para 126-128)

**Principle Of Unconscionability** - Indian Contract Act 1870 - Section 74 -The principle of unconscionability is inapplicable to voluntary commercial agreements between parties of equal bargaining strength (Para 140(vii)) - Any question as to the unconscionableness of a stipulation contained in an agreement would probably arise for consideration only if it is shown that the relationship between the contracting parties was such that one of them was in a position to dominate the will of the other and that he had made use of such position to obtain an unfair advantage over the other. It is only in cases where both the conditions mentioned above are clearly established by the person who seeks to avoid the transaction and the court further finds that the bargain is in itself unconscionable that the impugned provision will be held to be unenforceable on the ground of unconscionableness. If people with their eyes open choose wilfully and knowingly to enter into a contractual transaction the court will not step in to relieve them of their obligations under such contract on the ground that the terms thereof are unconscionable. (Para 132) Where in a contract under which interest is payable it is agreed between the parties that if such interest be not paid punctually the defaulter shall be liable to pay interest at an enhanced rate, whether from the time of default or from the time when interest first became payable under the contract such agreement does not come within Section 74 of the Indian Contract Act, and is to be construed according to the intentions of the parties as expressed therein and not as a stipulation for a penalty. Such agreement is to be enforced according to its terms, unless it be found to have been when made unconscionable or fraudulent. (Para 136)

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**State of Karnataka & Anr. v. Taghar Vasudeva Ambrish 2025  
INSC 1380 - IGST - Exemption - Purposive Interpretation**

**Integrated Goods and Services Tax Act, 2017 -Notification No. 9/2017- Integrated Tax (Rate) dated 28.06.2017 -Entry No. 13 -**

Authority for Advance Ruling, Karnataka held that the services provided in the form of leasing of residential premises as hostel to students and working professionals does not fall within the ambit of Entry 13 - High Court set aside AAAR order- Dismissing appeal, Supreme Court observed: Unconditional exemption was provided to renting of a residential dwelling to any person when the same is used for residence- GST is payable in the case of renting of a residential dwelling to any person when the same is used for the commercial purpose - Any residential accommodation meant for long term stay can be referred to as “residential dwelling”- Entry 13 of the Exemption Notification does not mandate that the lessee must use the residential dwelling as its own residence -Exemption is extended to cases wherein residential dwelling is rented out and ultimately used as residence, irrespective of the person using it (Para 61). Even if the rent is paid by a registered person, the exemption will be available if it is used for the purpose of own residence and is rented in the personal capacity. Therefore, the intention from the beginning was to ensure that rental agreements for use of the property for residential purposes are granted exemption from GST. (Para 68)

**Interpretation of Statutes** -The principle of ‘purposive interpretation’ or ‘purposive construction’ is based on the understanding that the Court is supposed to attach that meaning to the provisions which serve the ‘purpose’ behind such a provision. The basic approach is to ascertain what is it designed to accomplish? To put it otherwise, by interpretative process the Court is supposed to realise the goal that the legal text is designed to realise- Of the aforesaid three components, namely, language, purpose and discretion ‘of the Court’, insofar as purposive component is concerned, this is the ratio juris, the purpose at the core of the text. This purpose is the values, goals, interests, policies and aims that the text is designed to actualize. It is the function that the text is designed to fulfil -The statutory interpretation of a provision is never static but is always dynamic. Though literal rule of interpretation, till some time ago, was treated as the ‘golden rule’, it is now the doctrine of ‘purposive interpretation’ which is predominant, particularly in those cases where literal interpretation may not serve the purpose or may lead

to absurdity. If it brings about an end which is at variance with the purpose of statute, that cannot be countenanced- This principle is now widely applied by the Courts not only in this country but in many other legal systems as well. (Para 59-60)

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### **Bhaskar Govind Gavate (D) v. State of Maharashtra 2025 INSC 1379 - Contempt of Court**

**Contempt of Court** - Allowing appeal, Supreme Court set aside the Bombay High Court's dismissal of a contempt petition, holding the High Court erred in finding the order ambiguous. It remanded Contempt Petition for fresh consideration.

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### **Bal Kumar Patel @ Raj Kumar vs State of U.P.; 2025 INSC 1378 -CrPC/BNSS - Withdrawal From Prosecution -Cases Against MPs & MLAs**

**Code of Criminal Procedure 1973 - Section 321** - Applications before High Court for permission of withdrawal of prosecution in cases concerning MPs or MLAs - Public Prosecutor who has a duty to assist the Court 'with a fairly considered view' on the case, in his application and in the interest of justice should disclose all reasons that weighed with them to put forward this application to the Court - This application disclosing the reasons for withdrawal of prosecution given by the Public Prosecutor as also the records of the case should be before the High Court which would exercise its judicial mind and give a reasoned order, granting or denying such permission. (Para 9)

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### **Mahesh Joshi v. Directorate of Enforcement; 2025 INSC 1377 - PMLA - Bail - Delay In Trial**

**Prevention of Money-Laundering Act, 2002 (PMLA) - Section 45 - Bail** - Where a trial cannot be reasonably concluded and incarceration becomes prolonged, constitutional courts must intervene

to safeguard the right to personal liberty under Article 21- Section 45(1)(ii) of the PMLA cannot be interpreted to justify indefinite detention in cases involving voluminous, document-heavy material where trial is unlikely to begin promptly. [Referred to V. Senthil Balaji vs Deputy Director, Directorate of Enforcement 2024 INSC 739 ] (Para 13)

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### **Mission Accessibility v. Union of India 2025 INSC 1376 - Disability Rights - Directions Issued To UPSC**

**Rights of Persons with Disabilities Act, 2016** - The Union Public Service Commission, being the premier constitutional body entrusted with upholding the values of merit and fairness in public recruitment, must ensure that its processes are accessible, transparent, and sensitive to the needs of every segment of society (Para 13)- Directions issued: UPSC to ensure that in every notification for the examinations conducted by it, a clear provision is incorporated permitting candidates eligible for a scribe to request a change of scribe up to at least seven days prior to the date of the examination, and such requests shall be objectively considered and disposed of by a reasoned order within three working days of receipt of the application - UPSC shall file a comprehensive compliance affidavit within a period of two months from the date of this order, clearly delineating the proposed plan of action, timeline, and modalities for the deployment and use of Screen Reader Software for visually impaired candidates in the examinations to be conducted by it. The affidavit shall also specify the steps proposed for testing, standardisation, and validation of the software and related infrastructure across all or designated examination centres, and shall further indicate the feasibility of ensuring that the said facility is made operational and available to all eligible candidates from the next cycle of examinations. - UPSC shall, in coordination with the Department of Empowerment of Persons with Disabilities (DEPwD) and the National Institute for the Empowerment of Persons with Visual Disabilities (NIEPVD), formulate uniform guidelines and protocols for the use of Screen Reader Software and other assistive technologies to ensure standardisation, accessibility,



and security of the examination process across all or identified examination centres, as deemed fit by it. (Para 11)

**Constitution of India - Article 14** - The measure of a just and inclusive society lies not merely in the freedoms it proclaims, but in the opportunities, it ensures for all its citizens to realize their fullest potential. Equality, in its truest sense, demands not uniformity but the removal of barriers that prevent individuals from standing on equal footing. The Constitution of India envisions a Republic where every person, regardless of physical or sensory limitation, can participate with dignity in the nation's collective journey. The law, as an instrument of justice, must therefore move beyond formal equality to ensure substantive inclusion, transforming rights from written promises into lived realities. (Para 1) True measure of inclusivity in governance lies not merely in the formulation of progressive policies but in their faithful and effective implementation. The rights guaranteed to persons with disabilities are not acts of benevolence, but expressions of the constitutional promise of equality, dignity, and non-discrimination enshrined in Articles 4, 19, and 21 of the Constitution of India. (Para 13)

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### **Rousanara Begum vs S.K. Salahuddin, 2025 INSC 1375- Muslim Women (Protection of Rights on Divorce) Act**

**Muslim Women (Protection of Rights on Divorce) Act, 1986** — The scope and object of 1986 Act is concerned with securing the dignity and financial protection of a Muslim woman post her divorce which aligns with the rights of a woman under Article 21 of the Constitution of India. The construction of this Act, therefore, must keep at the forefront equality, dignity and autonomy and must be done in the light of lived experiences of women where particularly in smaller towns and rural areas, inherent patriarchal discrimination is still the order of the day. (Para 9)

**Constitution of India** -The Constitution of India prescribes an aspiration for all, i.e. equality which is, obviously, yet to be achieved. Courts, in doing their bit to this end must ground their reasoning in social justice adjudication. (Para 9)

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**Commissioner of Customs, Central Excise & Service Tax, Rajkot vs Narsibhai Karamsibhai Gajera 2025 INSC 1374 - Central Excise Act - Manufacture**

**Central Excise Act, 1944** - Manufacture involve a series of distinct processes. It is the cumulative effect of the various processes to which the raw material is subjected after which the manufactured product emerges. The requirement is that the individual process should be integrally connected with each other leading to the ultimate final product. But for each individual process, the manufacture or processing of the goods would be impossible. A particular activity may be subordinate but related to the further process of manufacture. Manufacture thus is the end result of one or more processes through which the original commodity passes and then becomes the final product. (Para 11) [**Context:** The Supreme Court set aside the CESTAT's 2011 order and restored the Commissioner's 2006 Order-in-Original, holding that converting grey fabrics to cotton fabrics involved an integrated manufacturing process using power (including stentering), disqualifying exemption under Notification No. 5/98-CE, Entry 106 and observed: What is to be seen is whether the distinct processes undertaken by the two Units formed part of a continuous chain that culminated into the final product or not? If the various processes were so interlinked with each other that the end product in the form of cotton fabrics could not be brought about without undertaking each individual process to which the final product was subjected to, it would be clear that the entire activity of undertaking the various processes amounted to "manufacture" for the purposes of Section 2(f) of the Act of 1944]

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**Tuhin Kumar Biswas @ Bumba vs State of West Bengal; 2025 INSC 1373 - Civil Disputes - Criminal Cases**

**Code of Criminal Procedure 1973 - Section 227,228** - Principles to be kept in mind by the Court while deciding an application seeking discharge - At the stage of discharge, a strong suspicion suffices.

However, a strong suspicion must be found on some material which can be translated into evidence at the stage of trial. (Para 17) Where there is a pending civil dispute between the parties, the Police and the Criminal Courts must be circumspect in filing a chargesheet and framing charges respectively. In a society governed by rule of law, the decision to file a chargesheet should be based on the Investigating Officer's determination of whether the evidence collected provides a reasonable prospect of conviction. The Police at the stage of filing of chargesheet and the Criminal Court at the stage of framing of Charge must act as initial filters ensuring that only cases with a strong suspicion should proceed to the formal trial stage to maintain the efficiency and integrity of the judicial system. The tendency of filing chargesheets in matters where no strong suspicion is made out clogs the judicial system. It forces Judges, court staff, and prosecutors to spend time on trials that are likely to result in an acquittal. This diverts limited judicial resources from handling stronger, more serious cases, contributing to massive case backlogs. Undoubtedly, there can be no analysis at the charge framing stage as to whether the case would end in conviction or acquittal, but the fundamental principle is that the State should not prosecute citizens without a reasonable prospect of conviction, as it compromises the right to a fair process. (Para 28)

**Indian Penal Code 1860 - Section 341** -The ingredients essential to constitute an offence of wrongful restraint are that there should be an obstruction which prevents a person from proceeding in any direction in which the person has a right to proceed. The exception to the offence of wrongful restraint provides that no offence of wrongful restraint is committed if the person alleged of obstruction, in good faith, believes that he has a lawful right to obstruct. Therefore, the evidence required to establish the offence of wrongful restraint is that the person alleging obstruction has a right to proceed in such direction and the person obstructing has no lawful right to cause obstruction. (Para 24) **Section 506** -In order to constitute an offence of criminal intimidation punishable under Section 506 of IPC, it must be shown that the person charged, threatened another with injury to his person, reputation or property or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm. (Para 22) - **Section 354C**

-Voyeurism as an act of a man watching or capturing the image of a woman engaging in a 'private act' in circumstances where she would usually have the expectation of not being observed. 'Private act' has been defined in Explanation 1 as an act including "an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public." (Para 19)

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### **Jyoti Builders v. Chief Executive Officer ; 2025 INSC 1372 - Maharashtra Slum Act**

**Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971** - The power of the State Government under Section 14 read with Section 3D(c)(i) of the Slum Act is subject to preferential right, if any, of the owner. (Para 71)

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### **Chandan Pasi v. State of Bihar; 2025 INSC 1371 - Criminal Trial - S.313 CrPC - Public Prosecutor**

**Criminal Trial - Public Prosecutor** - The prosecutor is an officer of the Court and holds a solemn duty to act in the interest of justice. They cannot act as a defence lawyer, but for the State, with the sole aim of making the gauntlet of punishment fall on the accused. (Para 9)

**Criminal Trial** - One of the non-negotiable requirements of a fair trial is that the accused persons should have ample opportunity to dispel the case and claims of the prosecution against them. This ample opportunity can take many forms, whether it is adequate representation through counsel or the opportunity to call witnesses to present their side of the case or to have the occasion to answer each and every allegation against them, on their own, in their own words. The last one happens under Section 313 CrPC. (Para 6) A trial is a function of memory; it is this

memory that, when translated into spoken word testimony on oath, becomes evidence, and thus the same is susceptible to the vagaries of time. (Para 10)

**Code of Criminal Procedure 1973 - Section 313- Scope** - Referred to precedents, (Para 7)

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